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THE OPENING OF THE 2010/2011 SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND THE DELIVERY OF THE THRONE SPEECH, TUESDAY, APRIL 7, 2009

THURSDAY, March 25, 2010

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Finance and the Public Service.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry and Commerce.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Culture, Sports and Culture.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

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MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

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MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

MR. KERN O'MAR SPENCER, (PNP), St. Elizabeth, North Eastern.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PURSUANT to PROCLAMATION, the Honourable House of Representatives met with the Senate at George William Gordon House for the Delivery of the Throne Speech.

The President and Members of the Senate entered the Chamber and took their seats.

Announced by the Marshal, His Excellency entered the Chamber and proceeded to the Dais.

His Excellency then directed the Clerk to the Legislature to summon the Members of the House of Representatives to the place appointed for the meeting of the Senate.

The Clerk did as instructed and accordingly, the Speaker and Members of the House of Representatives entered and took their seats.

PRAYERS

REV. CARL JOHNSON, President of the Jamaica Council of Churches offered Prayers.

Let us pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of this Parliament now assembled, that all things may be ordered upon the best and surest foundations of the glory of Thy Name and for the safety, honour and welfare of the people of this land.

Bless our Sovereign Lady Queen Elizabeth, Philip Duke of Edinburgh, Charles Prince of Wales and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor-General of our island, the Prime Minister, the Leader of the Opposition, the Senators and Members of the House of Representatives that they may be enabled faithfully to perform the responsible duties of their high office.

All this we ask for Thy great Name's sake. Amen.

Our Father, which art in heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in heaven. Give us this day our daily bread: And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the Kingdom, the power, and the glory, for ever and ever. Amen.

The Lord bless us and keep us: the Lord make his face to shine upon us and be gracious unto us: the Lord lift up His countenance upon us and give us peace now and always. Amen.

A PROCLAMATION

By His Excellency the Most Honourable SIR PATRICK LINTON ALLEN, Member of the Order of the Nation, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Order of Distinction, Governor-General of Jamaica.

P.L. ALLEN,
Governor-General

Whereas it is provided by subsection (1) of section 63 of the Constitution of Jamaica that each Session of Parliament of Jamaica shall be held at such place and shall commence at such time as the Governor-General may by Proclamation appoint.

And Whereas it is expedient that a Session of the Parliament of Jamaica should be held at such place and commence at such time as shall hereinafter appear:

Now, Therefore, I Patrick Linton Allen, Member of the Order of the Nation, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Order of Distinction, Governor-General of Jamaica in exercise of the power conferred on me by subsection (1) of section 63 of the Constitution of Jamaica Do Hereby Proclaim and make Known that a session of the Parliament shall be held at George William Gordon House in the parish of Kingston commencing at 11:00 am. on the 25th day of March, 2010.

Given under my hand and the Broad Seal of Jamaica at King's House this 15th day of March in the Year of Our Lord Two Thousand and Ten and the Fifty-ninth Year of the Reign of Her Majesty Queen Elizabeth 11.

GOD SAVE THE QUEEN

The Deputy Clerk hands the Governor-General's speech to the President of the Senate who hands same to His Excellency.

The GOVERNOR-GENERAL: Mr. President and Members of the Senate, Mr. Speaker and Members of the House of Representatives, I present the 2010 Throne Speech under the theme: **Fixing our problems... Positioning for Growth.**

As we begin this new session of Parliament, we reflect on the legislative year just ended with cautious relief and renewed hope.

It was a year in which the global crisis continued to bear down heavily on the economy. As the economy contracted, revenues fell below what was required to meet essential government expenditure. Despite exerting tight restraint on expenditure, it became necessary to increase taxes. Painful though it was, the government had no choice. It was the only way to avoid a fiscal crisis.

The IMF Agreement

Against this background, the Government entered into negotiations with the International Monetary Fund for a Standby Agreement to secure the financial support needed to assist the country through this difficult period. We are one of many countries that found it necessary to do so.

The negotiations were protracted because of our acute economic circumstances - many years of accumulated fiscal deficits, spiralling

debt and anaemic growth. Thus, the economic programme which formed the basis of the IMF Agreement had to address not only our immediate needs but the underlying dysfunctionalities that, for so many years, have placed severe strain on the economy.

As a result of the IMF Agreement, we will receive substantial support from the multilateral agencies amounting to approximately US$2.2 Billion over the next Agreement comes a two years. With that requirement and obligation to put our house in order.

Need for fundamental change

Even if the global crisis had not occurred, we could not have continued in the ways of the past where government expenditure continuously outpaced government revenues, fiscal deficits persisted year after year and the national debt grew so large that the cost of servicing it exceeded our total revenues and consumed more than half of our total budget. The global crisis has given compelling urgency to the need for fundamental change.

The overeating objective of government is a return to growth - growth that is sufficient and sufficiently sustained to create new jobs, increase foreign exchange earnings, boost our revenues so that we can graduate from deficits to surpluses, begin paying down our debt and be able to invest more in developing our human resources, providing better infrastructure and improving the delivery of government services.

Creating the conditions for growth is the first goal of Government's Medium Term Economic Programme. This requires substantial improvement in our fiscal and monetary dynamics and the fiscal restraint which will be evident in this year's budget reflects the Government's firm commitment to that purpose.

Jamaica Debt Exchange

A significant component of the economic programme was the Jamaica Debt Exchange. The cost of servicing the domestic debt at interest rates that ranged as high as 28% was unsustainable. In the context of a new era of fiscal discipline supported by the strong resolve of the Government and under the oversight of the IMF, bondholders were invited and encouraged to surrender high cost debt in exchange for lower-yielding instruments. They responded magnificently. This exercise was unprecedented in Jamaica and its outcome - 99.2% participation - is unprecedented anywhere in the world. (Applause) We commend the financial institutions and the individual bondholders, large and small, for this significant investment and demonstration of confidence in Jamaica's future. (Applause)

The Debt Exchange programme was designed to reduce the cost of borrowing - not just to ease the burden on government which is the largest borrower, but to make it cheaper for businesses to borrow and invest.

The Transformation process

The transformation that is required cannot be completed in any one budget year. It is a process that must be pursued diligently and steadfastly so that as less of the country's resources are required to meet government expenditure, more will be available for real investment in the real economy. As interest

rates come down, these investments will offer more attractive returns than investing in government paper. As the fiscal deficit is reduced and ultimately eliminated, more of the national budget can be allocated to the capital investment that is needed to support growth and development.

The programme calls for understanding among all of our nation's stakeholders - communities whose need for better roads and water supply cannot all be satisfied immediately, public sector workers whose demand for improvements in wages must be tempered by an appreciation of the country's economic challenges and the general public, whose patience must be sought, as we work to improve government services within the limits of the resources that are available.

The Public Sector

Preliminary work toward the transformation of the public sector is well advanced and the rollout of the necessary restructuring will commence this year. The programme will involve the amalgamation of some government agencies and departments, winding up of some government entities, reallocation of resources, realignment of authority and responsibility, consolidation of some services and outsourcing of others and improved performance accountability. The objective is to achieve a less bureaucratic, more efficient and cost-effective public service.

Our approach in the development of the medium term programme has benefitted from collaboration among critical stakeholders from the private sector, trade unions and academia through the Partnership for Transformation. The participation of the Opposition has been encouraging.

Sound fiscal management is a necessary but not sufficient condition for growth to take place. Growth can only come from new investment in new and existing enterprises.

Investment-led growth

Within the current fiscal constraints, priority will be given in the allocation of government's scarce resources in advancing the Education Transformation Programme, undertaking critical road and water supply projects, improving public transportation and providing affordable housing solutions. As the economic climate improves, the government will be targeting strategic investments in critical areas such as tourism, information and communication technology and logistics which offer significant job-creating opportunities.

Discussions are being held with a view to having at least one of our alumina plants reopened this year. Details of these programmes and initiatives will be provided in the debate on the Estimates and The Sectoral debate that will follow.

It is, however, to the private sector that we must look for the investments that are to be made. We look to them to get the wheels of the economy turning, to generate new jobs and create opportunities for others to invest. Now that interest rates are on the decline, foreign exchange supply is secure, a rigorous economic programme is in place and the signs of recovery in the global economy are emerging, we look to the private sector to be the vanguard of our own recovery. The

Government reaffirms its commitment to do all it can to facilitate this new drive and to support businesses, large and small, to invest, produce and grow.

More support for the poor

In these harsh economic times, the poor are the least able to cope. They are the prime victims of a crisis they did nothing to cause and to the resolution of which they are least able to contribute. This year, the Government will be strengthening the social safety net, targeting additional resources to assist the most vulnerable in our society with special emphasis on the children of the poor. (Applause)

Good performance of tourism and agriculture.

Despite the difficulties we experienced last year, we are encouraged by the performance in tourism and agriculture. Stopover arrivals were increased by 3.6%, outperforming all other Caribbean destinations and being one of only three countries in the region to record improvement over the previous year. (Applause)

Agricultural production increased by 12% despite the drought we have been experiencing in recent months. (Applause) Our farmers have demonstrated that they are capable of producing and that they can grow more of what we eat. They are to be commended and supported. (Applause) We pray that the drought will break soon so that these gains are not eroded. (Applause) With improved Extension Services, and integration with the manufacturing sector, agriculture offers significant opportunity for investment and further growth.

Natural disasters

We are thankful that we were spared any natural disasters last year. Even as we give thanks, we grieve with the people of Haiti and Chile on the terrible loss of lives and destruction that resulted from the devastating earthquakes they suffered. Our hearts go out especially to the people of Haiti who, for so long, have borne much distress and now face the daunting task of rebuilding their lives and their country. Jamaica responded swiftly to the crisis in Haiti and we thank the Jamaica Defence Force our medical, fire service and disaster management personnel for their sterling efforts in rendering assistance in the wake of the tragedy. (Applause) They have made us exceedingly proud.

Foreign relations

Jamaica has remained actively engaged in foreign relations and has participated in several important initiatives, especially in forging greater unity among Caribbean and Latin American countries.

Last year, Jamaica was admitted to full membership in the Rio Group. Jamaica was also named a member of the troika that prepared the ground for the declaration in Cancun last month, establishing the Community of Latin American and the Caribbean States, tension embracing the legacy of the Rio Group and the Summit of Latin America and the Caribbean for Integration and Development.

In July, Jamaica will assume the

chairmanship of CARICOM at a time when the region will be confronted with several critical issues including the rebuilding of Haiti, free-trade negotiations with Canada, the review of trade .preferences by the United States and the unfinished agenda for implementation of the Caribbean Single Market and Economy.

Global warming

Jamaica is disappointed that the much-heralded conference on climate change held in Copenhagen in December delivered much less than was expected and failed to arrive at binding agreements on emissions reduction, caps on temperature rise and adequate funding for mitigation and adaptation. Global warming poses a real threat to the survival of small island states, the majority of whose population live in low-lying coastal areas. We will continue to work relentlessly with other concerned and committed nations to secure a legally binding international convention to save the planet from the danger of global warming.

Intensifying the fight against crime

Crime remains a major concern to the nation. While there is a correlation between the contraction in the economy and the increase in criminal activity, much of it stems from criminal gangs that have embedded themselves in communities across the island and established highly organized networks. They must be rooted out and the security forces will continue their efforts through improved surveillance, better use of intelligence, detection and investigation to bring the perpetrators to justice.

The security forces need the support and cooperation of the populace. The populace needs the respect and protection of the security forces and they both need strong action on the part of the Parliament.

The existing statutory provisions dealing with crime were not designed to repel the kind of organized assault that is being waged against law-abiding citizens.

The Government intends to introduce in Parliament this year tough anti-gang legislation to strengthen the powers of our law enforcement agencies to smash criminal gangs. The Government will also be reintroducing the anti-crime Bills which have languished for lack of consensus and will be asking Parliament to enact whistleblower legislation to encourage and protect those who can provide valuable information on criminals and wrongdoers. The Government will be giving priority to these measures and it is hoped that a united approach can be taken to enacting the necessary legislation to strengthen our law enforcement capabilities. We must send a clear signal not only that crime does not pay but that it is the criminals who must pay. (Applause)

Protecting citizens' rights

While we strengthen the fight against crime, we must be ever mindful that the rights of our citizens must be protected and that it is only in circumstances where it is so required in the national interest and, even so, in strict accordance with the provisions of law that those rights may be abridged.

Parliament recently passed landmark legislation to establish the Independent Commission of Investigations with

responsibility for investigating instances of possible and for alleged abuse of citizens' rights by agents of the State including members of the security forces.

Regrettably, the Charter of Rights Bill which was debated by the House of Representatives did not achieve passage before the prorogation of Parliament. The Government and the Opposition have agreed to act with dispatch to pass this Bill in this legislative session along with the appropriate measures to address the issue of capital punishment. The Charter of Rights which will strengthen and protect the rights of every citizen has been under deliberation for almost two decades. We owe it to our citizens to deliver on that promise this year. (Applause)

Strengthening the role of Parliament

Towards the end of the last session, the House of Representatives adopted the Report of the Standing Orders Committee which recommended a number of amendments desired to strengthen the role of Parliament and render governance more transparent and accountable. The House should move swiftly to amend the Standing Orders accordingly and it is hoped that the Senate will do likewise.

Better treatment for children in trouble.

The unsatisfactory treatment of children detained or remanded in custody or confined to Juvenile correctional Centres was highlighted during the past year.

The recommendations of the Commission of Enquiry into the tragedy at Armadale have been accepted and every effort will be made to implement these recommendations this year. New Juvenile Remand and Correctional centres will be established so that the practice of children being held in police lockups will cease and those ordered to correctional facilities will be properly accommodated and exposed to appropriate programmes to address behavioural challenges and development needs. (Applause)

Last year, Parliament enacted the Sexual Offences Act and the Child Pornography (Prevention) Act with stringent provisions and stiff penalties providing protection especially for children.

This year, the Government will be introducing a programme supported by the necessary legislation to enhance Child Justice, strengthening the responsibilities of both the State and parents in the care and welfare of our children.

Saluting our sporting heroes

Our sportsmen and sportswomen continue to do us proud. Following on our significant achievements at the Beijing Olympics in 2008, we performed even more spectacularly at the World Athletic Championship in Berlin last year, winning 13 medals - 7 Gold, 4 Silver and 2 Bronze - and placed 2nd behind the United States in the medal tally. (Applause) No praise is too high for the Hon. Usain Bolt, O.J., who again shattered the world record in the 100 and 200 meters. (Applause)

Conquering the high seas

We approach the new legislative year with renewed hope and cautious optimism. We have ridden the waves and although the sea billows rolled and buffeted our ship, we have weathered the storm. (Applause) We have not yet found calm waters but the worst has

passed. We must now mend our sails, set our compass and conquer the high seas.
(Applause)

Our strength and resilience as a people have been tested and we have not been found wanting. (Applause) The building of our nation, the creation of a strong economy that will support the needs of our people and the attainment of peace and prosperity for all is the task at hand. (Applause) Let us to that task repair. (Applause)

The Estimates of Expenditure will be laid before you this afternoon. May God's wisdom guide you in your deliberations and may His blessings continue to rest on the people of Jamaica.

Thank you. (Applause)

The Governor-General left the Chamber at 11:30 a.m., followed by the Members of Parliament.

THURSDAY, March 25, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.15 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Finance and the Public Service.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Sports and Culture.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the

Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western.

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

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.15 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

STATEMENTS BY MINISTERS

CONTRACTOR GENERAL – JAMVAC/AMERICAN AIRLINES AIR-LIFTS

The PRIME MINISTER: Mr. Speaker, I have carefully considered the Report of the Contractor General into the airlift agreements that were made between JAMVAC and American Airlines. I will be tabling today a Ministry Paper providing a detailed response to the findings and recommendations

contained in the Report. However, let me make the following comments:

The Minister of Tourism did not mislead the Cabinet as asserted by the Contractor General. While it was incorrect for the Cabinet submission to have referred to the arrangement as an unsolicited proposal, the origin and nature of the arrangements were fully explained to the Cabinet in the discussions that were held when the submission was considered.

It is true that other airlines were not canvassed to provide the seats that were needed from the targeted gateways. It was not considered practical to do so.

Opposition MEMBER: Why?

The PRIME MINISTER: With the impact of the global recession and the toll it was having on the airline industry, most airlines were drastically shedding routes and curtailing flights and it was considered unlikely that they would be willing to introduce new routes with the attendant risks and in the circumstances that then prevailed.

American Airlines was the logical option since it was already operating two of the targeted routes. It is the largest carrier serving the Caribbean. It has deep penetration in the United States market and provides the best connecting network through which travellers from critical tourist markets are able to make connection into Jamaica.

The principle of sole sourcing where a particular supplier is uniquely positioned to provide the required service is an established feature of Government's procurement policy.

The Agreements were in fact signed by the Chairman of JAMVAC without the approval of the Cabinet. This is a breach of Government policy and I have made it clear to the Minister, the CEO and the Chairman of JAMVAC that there must be no recurrence.

Mr. D. PEART: And he made no apology?

The PRIME MINISTER: There is no suggestion in the Report of any corruption in the execution of the Agreements. Indeed, the Contractor General has acknowledged that:

a. The guidance of the Attorney General's department was obtained prior to the signing of the Agreements.
b. JAMVAC sought received advice and approval for the agreements at varying levels.
c. The flights for which the guarantees were provided were carefully monitored.

Notwithstanding the breach I have already acknowledged, the Government is satisfied that the Agreements were undertaken in the best interest of the country. The Minister and his team have worked hard to maintain visitor arrival. (Applause) Notwithstanding the impact of the recession and they have done extremely well. (Applause)

We recorded a 3.6% increase in stopovers arrivals last year, better than any other destination in the Caribbean region. (Applause) Indeed, Mr. Speaker, we were one of only three Caribbean destinations to have recorded an increase in stopover arrivals and we recorded the highest arrivals of those three.

Adequate airlift was a critical part of that success. The flights guaranteed by the Agreement with American Airlines yielded 74,070 passengers, excluding Jamaican nationals. The Chicago route made a surplus of US$181,000.

Passenger loads on the Dallas and Miami routes fell below the minimal required,

incurring cost of US$1.8 Million and US$1.2 Million, respectively. Of the total guarantees of US$4.5 Million the net amount which will have to be paid is therefore US$2.9 Million.

The passengers who travelled on these flights would have paid a total of U5$744,000 in tourism enhancement fees apart from the average expenditure of US$115 per day or an estimated total of US$51Million in tourist earnings from which the Government would have derived significant revenue.

The passengers who came, Mr. Speaker, represent a total of almost 450,000 room nights that Jamaica benefitted from. (Applause) The provision of airlift financial support is an established policy of Government to support the tourist industry. This is a major part of the mandate of JAMVAC.

The Contractor General commented that marketing strategies were not put in place within the three specified gateways. It must be understood that passengers travelling through these gateways do not necessarily or even primarily come from these cities. They reside in various places across the United States and merely make connections to flight from these gateways. Marketing efforts were therefore spread across the US with concentration in those areas and in those media that would reach the target markets rather than the connecting hubs.

Details of expenditure on marketing were provided to the Contractor General the course of his enquiry.

The Contractor General is correct that the services of a legal firm were retained by JAMVAC 16 days before the approval of the Board was obtained and 17 days before the contract was actually signed. This is undesirable but not extraordinary.

In the normal operations of a corporate entity, management from time to time finds it necessary or may be allowed to take decisions that are subsequently submitted to the Board for approval or ratification. The Board has a duty to satisfy itself that the actions were justified.

The retention of legal services by statutory bodies is not unusual. Investigations conducted by the Contractor General can lead to litigation against public officials. Such officials cannot be denied legal representation, provided they were acting in the execution of their duties. However, legal representation must not be used in an effort to frustrate or impede the Contractor General in the lawful execution of his duties.

(MR. ROBERT PICKERSGILL, (PNP), North Western, St. Catherine, entered and took his seat.)

In this particular case JAMVAC, through its attorneys, although complying with the Contractor General's request, was less than forthcoming and cooperative with his office. This is contrary to the policy of the Government, and the Chairman of JAMVAC and the CEO have been so advised.

The Government has accepted several of the recommendations contained in the Contractor General's report and appropriate action is being taken. These are spelled out, Mr. Speaker, in the Ministry Paper which I will table momentarily.

(Applause)

The SPEAKER: Mr. Kellier.

Mr. KELLIER: Mr. Speaker, I would just like to ask the Prime Minister, the Contractor General's Report suggested that the Minister did mislead the Cabinet. The Prime

Minister is asserting here that the Minister of Tourism did not mislead the Cabinet, as asserted by the Contractor General. I would like the Prime Minister to tell us exactly, in a case like this, when the Contractor General makes these kinds of Statements and impinges the character of a Minister, so to speak, what is the recourse, in a case like this?

The PRIME MINISTER: The Contractor General came to that view, based on reading the submission that was made to Cabinet by the Minister. In that submission the Minister referred to the proposed arrangement as an unsolicited proposal. In the course of the discussions that took place at Cabinet to which the Contractor General would not have been privy, the Minister explained in full, how the proposal came about. The proposal came about following a decision taken by American Airlines that they were going to eliminate one of the routes, and they were going to cut back the number of flights and the frequency on the other route. They were asked to reconsider their decision. They indicated that they would only be able to do so if they were provided with risk guarantees.

Now, American Airlines may have been - cautious may be too mild a word, circuitous may be too strong a word, because under US law, they are not entitled, they are not permitted to solicit financial support. What American Airlines said was that, look, we can't fly these routes because we are losing money. If you want us to fly the routes then you are going to have to provide us with a guarantee that in the event that passenger loads fall below a certain level we will be able to call on that guarantee. It is arrangement that I know as a fact that they currently have with St. Lucia. And I believe there are two other Caribbean countries that have similar arrangements.

All of this was explained in Cabinet by the Minister. So, it cannot be - the charge that the Minister misled Cabinet, which is a charge based only on what was written in the submission, can't be sustained because in the Cabinet discussion, the Cabinet was fully apprised of the circumstances in which this proposal was developed.

Mr. KELLIER: Thank you Prime Minister.

So, having heard that clarification - and I am very happy for the clarification that you have given - would it then mean that the Contractor General has to revise his position and make it public, because it can't be kept just so. If he has made a mistake in alleging those things against the Minister, and you are saying that it was clear to the Cabinet as to what the position was, it means that for credibility to remain in the system, the Contractor General must now revise his position.

The PRIME MINISTER: The Contractor General, like any other person who is adjudicating, comes to a decision based on the facts that are put before him. The facts on which he relied in this particular matter, had to do with the Cabinet Submission as submitted. The Contractor General would not be privy, unless he specifically sought to information, and information concerning discussions in Cabinet are privileged discussions. Cabinet would have had to take a decision to make those discussions available to him. He did not seek it, but not being aware of that, he would not have known that when that Cabinet meeting adjourned there was no ambiguity in the minds of the Cabinet as to what the

position was with American Airlines.

American Airlines said, look, we are losing money on these routes. We are going to shut them down; we are going to cut them back. We said no, we would like you to stay. They said, if you want us to stay there is a standard arrangement that we have with countries who want us to fly routes, we have decided not to fly. If you are prepared to enter into an agreement with us then we are prepared to fly the routes, that's exactly how it came about.

And therefore - you know, the Contractor General is a creature of statute and a Commission of Parliament, who is subject to the direction of control of no one. I can't tell the Contractor General to revise his opinion. I can only bring to the attention of the House and the Contractor General that he was not seized of the facts of the discussions that took place in Cabinet.

ANNOUNCEMENTS

The SPEAKER: Minister Shaw.

Mr. SHAW: Mr. Speaker, l beg to lay on the Table of the House a copy of the Estimates of Expenditure for the year ending March 31, 2011. And, along with the Estimates of Expenditure, Mr. Speaker, which is the Central Government estimates, I also want to lay on the Table of the House, the Jamaica Public Bodies Estimates of Revenue and Expenditure for the year ending March, 2011, and the Public Sector Consolidated Estimates of Expenditure for the year ending March 31, 2011.

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

- **Ministry Paper 27**
  Contractor General's Report on American Airlines Air Lift Agreement
- **Ministry Paper Number 28**
  Cabinet Agenda issues for March 8, 2010
- **Ministry Paper 29**
  Government of Jamaica Guarantee of Loan from the Development Bank of Jamaica to the Jamaica Business Development Center, of $150 Million.
- Annual Report and audited financial statements of the Anti-Dumping and Subsidies Commission for the year ended March 31, 2007.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: House Leader.

AIR – JAMVAC/AMERICAN AIRLINES

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

> Be it Resolved, with reference to the Contractor General's Report of investigations into the airlift agreement between American Airlines and Jamaica Vacations Limited, that the processes for the evaluation and approval of commercial agreements by public bodies be referred to the Public Administration and Appropriations Committee for review and report to the Honourable House.

Mr. Speaker, at a later stage today, I will move for the suspension of Standing Orders to enable me to take the motion.

The SPEAKER: Mr. Mair.

FAMILY – FUNDAMENTAL GROUP UNIT OF SOCIETY ETC.

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

> Whereas the Universal Declaration of Human Rights states that the family is the natural and f'undamental group unit of society, and is entitled to protection by society and the State,
>
> And Whereas the Jamaican family is presently struggling in an unfriendly and aggressive environment that is consistently weakening its standards and values;
>
> Be it Resolved that this Honourable House urgently debate and agree on the reasons for the decay of our morals, values and family life, and further propose remedial action through legislation and/or institutional action, so as to reaffirm and consolidate the Jamaican family as a critical institution, and strengthen the same so as to ensure that our children live in an environment that is conducive to forming citizens of good character, empowered with knowledge and who are consequently able to play a critical role in nation building.

Rev. THWAITES: Mr. Speaker...

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, I wish to reintroduce all of the motions in my name that carry over from the last Parliament. Do you require me to read every one of them, or will you accept an omnibus motion?

The SPEAKER: No, Reverend Thwaites, I don't think you can just do it *en bloc*.

Rev. THWAITES: I have to regale all of them back to you sir?

The SPEAKER: I think you will have to resubmit each.

Rev. THWAITES: Each one of them. And the interest of a lively Parliament is enhanced by that function?

The SPEAKER: Until we change the Standing Orders, Reverend Thwaites, this is the present process.

Rev. THWAITES: And when will the Standing Orders be changed, Mr. Speaker?

The SPEAKER: Hopefully, as soon as we can put a meeting together.

Rev. THWAITES: Would you be kind enough as to indicate, even the vaguest parameter of the dates, Mr. Speaker, since in you lies the plenitude of power?

The SPEAKER: No, what will happen, Rev. Thwaites, is that since there is an agreement on the Report, we will just have to ask the draftsman to do the necessary drafting, submit it to the House and the House can approve it. Once that is done, then you will be relieved of this necessity of renewing your motions.

Rev. THWAITES: It is really the waste of time of the Parliament I am complaining about.

The SPEAKER: No, no, it doesn't take long to renew them, Reverend Thwaites.

Rev. THWAITES: Read all of them? (*Sotto voce* comments)

Rev. THWAITES: Very well.

The SPEAKER: Sorry, yes...

Mr. SHAW: Back to Motions, please.

The SPEAKER: Notices of Motions given Orally: Okay, Mr. Shaw.

ACT RE: FINANCIAL INVESTIGATION DIVISION

Mr. SHAW: Thank you, 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, AN ACT to provide for the establishment of a Department of Government to be known as the Financial Investigation Division, for the investigation of financial crimes and for connected matters.

Mr. Speaker, I further beg to give notice that a later stage today I will move for the suspension of the Standing Orders to enable me to take first and second reading of the Bill, and to take it through all its concluding stages.

(*Sotto voce* comments)

ESTIMATES OF EXPENDITURE – TO BE REFERRED TO STANDING FINANCE COMMITTEE

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

> Be it Resolved that the Estimates of Expenditure for the financial year ending March 31, 2011, which was laid on the Table of the House on the 25th day of March, 2010 be referred to the Standing Finance Committee of the whole House of Representatives for consideration and report.

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

GOVERNMENT GUARANTEE – DBJ/JBDC ONLENDING

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

> Be it Resolved that with reference to Ministry Paper Number 29, dated February 26, 2010, this Honourable House of Representatives approves the granting of a Government Guarantee under the Provisions of the Approved Organizations and Authorities Loan (Government Guarantee) Act, in respect of a loan in the amount of J$150 Million, from the Development Bank of Jamaica to the Jamaica Business Development Centre for onlending to the Micro and Small Enterprise sectors.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business today, the Minister of Finance will be taking the Financial Investigations Division Act.

You will recall, Mr. Speaker, that in the last legislative year we - this House took the legislation, but we did not complete the process, and we have to now bring it back this year, Mr. Speaker. There is general agreement that we will take the legislation through all its stages today, because there are some important timelines which - then, Mr. Speaker, I will be taking the motion, notice of which I gave earlier, and then the Minister of Finance will also take the - will refer the Estimates of Expenditure to the Standing Finance Committee. We will go in the order of the Minister of Finance referring the Estimates of Expenditure to the Standing Finance Committee first. I will then simply move the

resolution, notice of which I gave earlier, and then we move into the FID Act.

The SPEAKER: Just a second, Mr. Shaw.

The motion before the House is for the suspension of Standing Orders to allow the Minister to take the motions, notice of which was given earlier.

Put to the House and agreed to.

The SPEAKER: Minister Shaw.

ESTIMATES OF EXPENDITURE - TABLING OF ETC.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, in tabling - in referring the Estimates of Expenditure to the Standing Finance Committee - which I think the House Leader will discuss the arrangements for that - I want to indicate, Mr. Speaker, that in accordance with the new arrangements that have been established in line with the Letter of Intent with the International Monetary Fund, that the Honourable Members will now observe that we have tabled not just the regular Central Government budget, which is the big book. In the past we have tabled the Public Bodies book at the time of the Minister's presentation, on this occasion it is being tabled along with the Central Government... (Applause)

And, Mr. Speaker, to assist Members, we have also tabled a Public Sector Consolidated Estimate of Expenditure, which basically is a summary of the two documents - Central Government and Jamaica Public Bodies Estimates of Revenue and Expenditure. (Applause)

And so, Mr. Speaker, just for clarity, and which we will explain further at Standing Finance Committee, but to ensure that there is no confusion in the public arena, the traditional Budget, as we know it, the Central Government budget, is what is in this big book and is a total of - represents a total in the Estimates of J$499.4 Billion. The Public Bodies Estimates of Revenue and Expenditure for the Financial Year 10/11, Mr. Speaker, which is the Jamaica Public Bodies document here, the total revenue and expenditure for the Financial Year 10/11, is $359 Billion. And therefore, the total Public Sector Consolidated Estimates of Expenditure - because this is what we are doing now, we are putting the entire Consolidated Estimates of Expenditure for Central Government and all of the public bodies together - the total for that expenditure is $858.9 Billion.

So, Mr. Speaker, bearing in mind also that under the recent amendments to the Financial Administration and Audit Act, as well as the Public Bodies Management and Accountability Act, consistent with the establishment of a fiscal responsibility framework, I want to remind, Mr. Speaker, that the corporate plans of public bodies and any subsequent modifications of such corporate plans, are to be submitted to the Minister for endorsement, and are to be laid before both Houses of Parliament for approval. And that the Minister is to have prepared and approved by both Houses of Parliament before the end of each Financial Year, Estimates of Revenue and Expenditure in respect of all public bodies, including a summary of their corporate plans.

So, Mr. Speaker, the House Leader will no doubt provide the details on this work of the Standing Finance Committee, next week.

Mr. Speaker, the matter of the - I now

move for the suspension of the Standing Orders to enable me to take first and second reading of the Bill, the FID Bill, notice of which I gave earlier, and also for me to take it through all its concluding stages.

The SPEAKER: No. Mr. Shaw, I think - could you hold a second first.

Yes, Leader of Opposition Business.

Mr. KELLIER: Just a matter of clarification, Mr. Speaker. Is the Minister suggesting that we |11 be able to ask questions on these books as well, during the Finance Committee meeting?

Mr. SHAW: Yes.

Mr. KELLIER: On everything. Okay.

Mr. SHAW: That is the intention, Mr. Speaker.

The SPEAKER: And my understanding from the House Leader, he wanted to do the Ministry Paper before you go to...

Mr. SHAW: I beg that this matter be referred to the Standing Finance Committee.

Dr. DAVIES: Which matter?

Mr. SHAW: The matter of the Estimates, your Estimates.

The SPEAKER: Members, the motion before the House is for the Budget Estimate and the accompanying Jamaica Public Bodies Estimates of Revenue and Expenditure, that these two Estimates be referred to the Standing Finance Committee of the whole House.

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, with regard to the motion I moved earlier, Mr. Speaker, I beg to move for the suspension of Standing Orders to enable me to take the motion, notice of which l gave earlier.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Leader of the House to take the matter, notice of which was given earlier.

Put to the House and agreed to.

The SPEAKER: House Leader.

JAMVAC/AMERICAN AIRLINES - APPROVED

Mr. HOLNESS: Mr. Speaker, this is referring the Contractor General's Report on the Airlift Agreement to the Appropriations Committee.

Mr. Speaker, I beg to move that the motion, as outlined, be approved.

The SPEAKER: Members, the motion as presented by the House Leader for approval.

Put to the House and agreed to.

The SPEAKER: Very well. Minister Shaw, we will now return to the FID.

FINANCIAL INVESTIGATION DIVISION

Mr. SHAW: Thank you, Mr. Speaker. Mr. Speaker, you will recall that the FID Bill was before this House a few weeks ago, and it enjoyed a very good participation. And it was passed in this House with twenty - Mr. Speaker, it was passed in this House with twenty-eight (28) amendments, and it did not - it wasn't carried in the Senate, it wasn't taken in the Senate, in the old session of Parliament, so it now has to, in accordance with the rules, it has to be passed again by this Lower House in the now session of Parliament, and then it goes into the Senate to be debated and passed.

And there is a - this, Mr. Speaker, is a - I want to indicate, is a time-sensitive piece of legislation for many, many reasons, including our urgent need to get into line with international standards, in terms of FID, as well as to fulfill obligations that we

have with our multilateral partners.

And there is, Mr. Speaker - there is a minor amendment...

The SPEAKER: Mr. Shaw, just be reminded that you had not presented and asked for it to be read a first time. Could we just correct that. Just ask for the Bill to be read a first time. No, just hold a second, Mr. Shaw.

Mr. SHAW: Oh, yes. Yes, Mr. Speaker, I...

The SPEAKER: Just hold a short while, Mr. Shaw.

Bill entitled:

The Financial Investigations Division Act, 2010;

read a first time.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Yes, Mr. Speaker, I was indicating, Mr. Speaker, that this Bill, as I explained to you, will now have to be passed by us again.

I want to indicate that there is one minor amendment which is proposed, which we will take at Committee Stage. But on that basis, given the background, I beg to move for second reading of the Bill.

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

Put to the House and agreed to.

Bill entitled:

AN ACT to provide for the establishment of a department of Government be known as the Financial Investigations Division, for the investigation of financial crimes and for connected matters –

read a second time.

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

COMMITTEE STAGE

The CHAIRMAN: Mr. Shaw, would you like to just say the correct amendment?

Mr. SHAW: Yes. Mr. Chairman, this - there is an amendment to the new Clause 30 in the new amended Bill which has been tabled in the House. And just for information, it is the old Clause 28 from the previous one, but. ..

The CHAIRMAN: Well, the one we have before us today is Clause 30.

Mr. SHAW: It's the new one, it's the amended...

The SPEAKER: Clause 30.

Mr. SHAW: Yes. So we are amending this Clause 30 in this new one.

The amendment that is circulated is to substitute - we are to delete Clause 30, which is there now, and substitute therefor this new Clause 30, which reads:

> "Where, pursuant to any provision of this part, an authorized officer makes copies of any book, record, or other document, such copies shall, if certified by a Justice of the Peace as true copies, be –
>
> a) admissible in evidence as proof of the matter therein recorded in any case in which the original document would have been so admissible; and
>
> b) admissible as *prima facie* evidence of the matter therein recorded in any other case.

This is under the certification of copies of documents.

(DR. HON. KENNETH LEIGH O'NEILL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade, entered and took his seat.)

Dr. DAVIES: Mr. Chairman, could the Minister explain what is the deficiency in the original which is being addressed with (d) here?

Mr. SHAW: Basically, Mr. Chairman, as you can see from the amendment that it is - it tends to be more specific than the old 30, it is more detailed and more specific in its wording.

Dr. DAVIES: I don't know whether - some lawyers could help me, but I don't know what does it mean in (b), "in any other case."

Mr. SHAW: Mr. Chairman, Mr. Chairman…

(Members going through documents)

Mr. SHAW: Mr. Chairman, we . . .

Let me consult with the CPC, Mr. Chairman.

Rev. THWAITES: Chairman…

The CHAIRMAN: Yes, Reverend Thwaites.

Rev. THWAITES: Just thinking of general legal principle, sir. If a document is presented and it's certified, yes, it's a proof of authenticity of the document, which is what the old Section 30 says; "*to import that it's going to be prima facie evidence of the matter therein recorded*," which goes to the subject matter, "*yes, in any other case*," takes it much much further than ordinarily would stand in the law of evidence.

The SPEAKER: No, I disagree with you though.

Rev. THWAITES: You do?

The SPEAKER: I think it's a little less because in (a) it makes it evident.

Rev. THWAITES: On the matter therein recorded as to the contents, that's all.

Dr. DAVIES: I just don't know, I thought I understood.

Rev. THWAITES: All that says is that that is a true copy. The revision takes it much, much deeper than that which I don't think we could do.

Dr. DAVIES: What does the revision, Ronnie, what does the revision say, what is (b)?

Mr. KELLIER: Yes, I have it but I don't know.

The SPEAKER: You see, you have to bear in mind *'prima facie'* as against conclusive or just bear evidence.

(Inaudible comments by Mr. Pickersgill)

The SPEAKER: Well, this is the problem I have there, *'in any other case*,' I can't think of the other cases.

Rev. THWAITES: I am trying to think, what is the mind that would have wanted us to do this, there must be some reason. And unless we hear that reason, I would want us to be very cautious.

(Short break)

Mr. SHAW: Mr. Chairman, Mr. Chairman, apparently - basically, it's a remedy that was asked for from the very beginning and in the course of our amendments it had not been addressed, because actually it was listed in the Report under the use 28, in which I'll just read it here.

> *"It was pointed out that this provision appeared to be circumventing the requirements if the Evidence Act and other rules of evidence relating to the admissibility of documents, the provision as worded provides for admissibility to be mandatory provided that the document is certified by the Justice of the Peace".*

What they have sought to do here, Mr. Chairman, is to make a distinction between original documents that are admissible in

evidence. And the second category is:

> *"Documents that would be admissible as prima facie evidence of the matter therein recorded in any case….*

And there is a further suggested amendment to further clear up.

Dr. DAVIES: More confusion?

Mr. SHAW: No, it is being suggested here, where it says "*in any other case appeared to be a problem,*" the CPC is recommending that instead of saying *'in any other case,*' we should say *'in any case where the original document wouldn't have been so admissible*'. That is (b). That is (b).

Dr. DAVIES: "In any case…

Mr. SHAW: So that (b) would now read:

> "*Admissible as prima facie evidence of the matter therein recorded....*"

Mr. PICKERSGILL: Yes.

Dr. DAVIES: Yes.

Mr. SHAW:

> "*....in any case where the original document would not have been admissible".*

Dr. DAVIES: Let me see if I can understand this.

Rev. THWAITES: No, that's worrisome.

Dr. DAVIES: Let me understand this. What you are saying, therefore, is that a copy certified with the JP is stronger than the original?

The CHAIRMAN: No, no, in the first case - no, no, less, less!

Mr. SHAW: No, no.

The CHAIRMAN: If I understand it, Dr. Davies, in the first case, in the first case the certified copy is equivalent to the original document, in the first case, (a).

Dr. DAVIES: Right, right!

The CHAIRMAN: But in the second case where the original document would not have been admissible….

Dr. DAVIES: Yes.

The CHAIRMAN: ...this certified copy now makes it an evidence to be considered.

Dr. DAVIES: No, no, no! But can you help me.

Rev. THWAITES: That's dangerous.

Dr. DAVIES: What, what - in what instance would an original document not be admissible, but a certified copy be admissible?

Opposition MEMBERS: Makes no sense.

(*Sotto voce* comments by Opposition Members)

Rev. THWAITES: So Chairman, you are being investigated and your original documents can't be - aren't admissible but a copy thereof certified by a JP can be *prima facie* evidence against you? No! No!

The CHAIRMAN: Something, yes, something looks amiss.

(*Sotto voce* comments by Members)

The CHAIRMAN: The certified copy of the original document that is admissible could, but if the original document is not admissible, I don't see how a….

Dr. DAVIES: Is it admissible or available? (Laughter)

Mr. PEART: Mr. Chairman…

Dr. DAVIES: I suspect available.

Mr. M. PEART: ….I submit that we withdraw the amendment.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. D. PEART: There is no basis to accept this amendment.

Mr. SHAW: Mr. Chairman, Mr. Chairman…

The CHAIRMAN: Yes.

Mr. SHAW: We going to withdraw it.

The CHAIRMAN*:* Withdraw the...

Mr. SHAW: Yes, we are going to withdraw the amendment.

The CHAIRMAN: And leave it as it is?

Mr. SHAW: Leave it as it is. Leave 30 as it is.

Dr. DAVIES: With all due respect, Minister, there must - somehow, there must have been a reason why your advisers suggest this change.

The CHAIRMAN: (B) looked a bit…

Dr. DAVIES: Yes.

The CHAIRMAN: So we leave it as it is, leave it as it is then, Minister?

Mr. SHAW: Yes.

The CHAIRMAN: Yes, in other words, (b), I can't understand (b).

Dr. DAVIES: No, but then . . .

Mr. E. SMITH: Mr. Chairman, I think, you see, (b) really is redundant, you don't need (b) at all.

Mr. SHAW: Just delete (b).

Mr. E. SMITH: Yes.

Mr. SHAW: Mr. Chairman, it is….

The CHAIRMAN: We leave it as it is originally?

Mr. SHAW: No, it's being proposed, it is being proposed that you delete (b) completely and let (a) remain, except it's not listed as (a) anymore, it will run on from (b) admissible, so it would read: -

"Be admissible in evidence."

The CHAIRMAN: No, but could you just check on this please, Mr. Shaw because you would have to take out '*in any case'*, that phrase *'in any case'*.

Rev. THWAITES: But Chairman.

The CHAIRMAN: I would say, *'therein recorded in which the original document would have been so admissible*', so that phrase *'in any case'* would have to be removed.

Rev. THWAITES: But left by itself, what is the difference between that and the existing section 30?

The CHAIRMAN: No, what you would be putting there, Reverend Thwaites, you would just add for clarification as I would see it, in which the original document would have been so admissible, because it may be that the original document is not brought forth.

Rev. THWAITES: All right.

The CHAIRMAN: So it makes it clear that you are dealing with a copy of the original document.

The PRIME MINISTER: But that the original document would have to be admissible.

The CHAIRMAN: Yes, that is so Prime Minister.

Rev. THWAITES: Okay, sir.

The CHAIRMAN: It clarifies it, the addition of that phrase, but just remove that phrase *'in any case'*,

Mr. SHAW: Okay.

The CHAIRMAN: So, when we get to section 30 we add it. Can we do that when we get to section 30?

Mr. SHAW: Okay.

The CHAIRMAN: Members, may I make a suggestion to speak….

Dr. DAVIES: Mr. Chairman, Mr. Chairman, let me just indicate that I understand the, the pressures and the time constraints, but unless the legal advisers have been frivolous, I assume that there is something they were seeking to get at, I don't know what it is. But, l don't want us now to

make the amendment which we are proposing then it goes to the Senate and then we are told that there is some clarification and it comes back to us, we are looking untidy.

The PRIME MINISTER: What I understand from the latest modification of the amendment is that 30 as it is now, seeks to bring into evidential status something which could possibly, the original of which could possibly not be admissible in court. In other words, the way in which 30 is worded in the Bill, doesn't confine it to matters that would be admissible, because here we are talking about a copy. So what the revised amendment is seeking to do is to say that the copy is only relevant if the original would have been admissible.

Dr. DAVIES: Yes, but what - since we are venturing into speculation what do you think they were heading toward with (b)? What was the purpose of (a)? I follow (a), now what?

The PRIME MINISTER: (b) – my own interpretation. This is my own interpretation that what (b) was seeking to do was to allow for the copy of a document to be used to assist in the prosecution in the presentation of a case even in those instances where the original would not have been admissible, so that it would, have some value, some persuasive value. That's my interpretation of it.

The CHAIRMAN: And that is a little bit ahm... dangerous.

Dr. DAVIES: So, so (b), (a) and (b) in the suggested amendment would take us back to the original 30.

The CHAIRMAN: No, I think (b) was adding to a little bit more.

Dr. DAVIES: No. . . . Yes.

The PRIME MINISTER: Because what 30 now says, is that - I am going to the extremes even if the original is not admissible in evidence . . .

Dr. DAVIES: Right.

The PRIME MINISTER: ….a copy can be admitted.

Dr. DAVIES: Well, that's what (b) does.

The PRIME MINISTER: No, that's not my….

Dr. DAVIES: That's what (b) does.
We all agree on what (a) should be.

The PRIME MINISTER: I believe the emphasis there would be on the word *'prima facie*'. But what we are seeking to do is to take out (b) all together, but make it clear by the annexing of (a) that it is only copies of original.

Dr. DAVIES: Only if the original were admissible then a certified copy is.

The PRIME MINISTER: What I am reading here from the CPC, it was trying to give some evidential status to the copy, even if the original would not have been admissible, which is the same thing.

Dr. DAVIES: Well! (Laughter)

The PRIME MINISTER: And what I think we are agreed on is that we shouldn't go there.

Mr. PICKERSGILL: No, it can't go there!

Dr. DAVIES: It's not admissible or available. It must be available.

Mr. E. SMITH: Mr. Chairman that is exactly the point I want to make. It cannot be that the original is inadmissible and a copy is admissible. There is no authentication of a copy that can make it admissible where the original is inadmissible. What I believe that (b) - (b) might have in mind this, where the original is admissible but unavailable.

The CHAIRMAN: That's a different point.

Mr. E. SMITH: Yes. But it can't be, (b) is actually redundant. There is no need for (b) at all.

Mr. PICKERSGILL: How the JP going to certify something that is not available?

Mr. E. SMITH: No, available to be admitted in evidence.

The CHAIRMAN: Yes, but you see, Mr. Smith…

(*Sotto voce* remarks by some members)

The PRIME MINISTER: Mr. Chairman, unlike you and some others here I don't have any training in law, but it's not something without some antecedent.

My attention is being drawn to section 33 of the Evidence Act which has a provision which reads:

> "Subject to the provisions of this Part, a copy of any entry in a banker's book shall, in all legal proceedings, be received as *prima facie* evidence of such entry and of the matters, transactions and accounts therein recorded."

Dr. DAVIES: So if you bring the book….

The CHAIRMAN: No.

Mr. E. SMITH: If you bring the book itself it must be admissible.

The CHAIRMAN: That only covers (a) though, Prime Minister?

The PRIME MINISTER: What's that?

Dr. DAVIES: That covers (a).

The PRIME MINISTER: Yes. I would find some comfort in the modified. Leave out (b) and Annex (a) to the main provision.

The CHAIRMAN: That's right. Okay.

Mr. SHAW: Mr. Chairman, the modification will read as follows:

> "Where pursuant to any provision of this Part an authorized officer makes copies of any book, record or other document such copies shall, if certified by a Justice of the Peace as true copies, be admissible in evidence as proof of the matter therein recorded in which the original document would have been so admissible".

The CHAIRMAN: That's it. Can I go through?

Mr. HOLNESS: Mr. Chairman, may l suggest that we go through Clauses 1 to 29 and then we take 30 separate?

The CHAIRMAN: It is being suggested, Members, that we put Clauses 1 to 29.

Put to the Committee and agreed to.

Clauses 1 to 29 put and agreed to.

The CHAIRMAN: I now put the amendment to Clause 30. The amendment to the amendment to Clause 30.

Dr. GUY: Chairman.

The CHAIRMAN: Yes.

Dr. GUY: The Minister read what is supposed to be the new Clause 30. Could I invite him to read it again, became I am a bit unclear?

The CHAIRMAN: Yes. Sure. Go ahead again, Minister.

Mr. SHAW:

> "Where pursuant to any provision of this Part an authorized officer makes copies of any book, record or any other document such copies shall, if certified by a Justice of the Peace as true copies, be admissible in evidence as proof of the matter therein recorded in which the original document would have been so admissible."

Dr. GUY: Why I asked that, why is the

"in any case" removed? Because isn't this the case that is being dealt….

The CHAIRMAN: Because we are not adding (b) and in any case would mean there are other cases.

Mr. D. PEART: It's legal thing.

The CHAIRMAN: Is that okay, Dr. Guy?

Dr. GUY: No, I am not okay.

Mr. CHARLES: Doctor, leave that to the lawyers.

Dr. GUY: No, Pearnel, I won't.

The CHAIRMAN: No, it is superflous.

(*Sotto voce* remarks by some members)

The CHAIRMAN: Redundant, yes.

(*Sotto voce* remarks by some members)

The CHAIRMAN: I now put Clause 30 as - sorry.

The PRIME MINISTER: The language worries me a little bit. Once you take out "in any case" the word 'which' seems to hang precariously. Should it read, 'admissible in evidence as proof of the matter therein recorded where the original document would have been so admissible'? I am just trying to see how we fit which into that because we have taken out the case.

Dr. GUY: Or, Chairman – Prime Minister, or in the case in which the original document….

The CHAIRMAN: In fact, I am now being informed by the Chief Parliamentary Counsel that we should leave *'in any case'* in which for it to read properly. So what is being suggested, Minister Shaw, is that we return in any case in which for it to read properly.

Mr. SHAW: Okay.

The CHAIRMAN: So.

The PRIME MINISTER: Which means if there is a case where it would not be admissible.

The CHAIRMAN: That is correct. So for correct - it should read then - you would like to read….

Mr. SHAW:

> "Where pursuant to any provision of this Part an authorized officer makes copies of any book, record or other document, such copies shall, if certified by a Justice of the Peace as true copies, be admissible in evidence as proof of the matter therein recorded in any case in which the original document would have been so admissible".

The CHAIRMAN: So I now put the amendment to the amendment to Clause 30.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 30 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Can 1 now, Members, put Clause 31 to...

Dr. DAVIES: Chairman, can I just ask and this is not in regard to anything else, but how is 'document' defined.

The CHAIRMAN: You have to go to the Interpretation Act or document defined. It is defined at page 2, you know.

The PRIME MINISTER: That's section 31, page . . .

The CHAIRMAN: Right. It is defined on page 2.

Dr. DAVIES: Where it is not defined you just tell me something else.

The CHAIRMAN: No, you go to the Evidence Act.

Dr. DAVIES: Like a CD ROM is a document?

The CHAIRMAN: Yes.

Dr. DAVIES: It is? Under book, record or

other document, it's so defined.

The CHAIRMAN: I think so.

(*Sotto voce* remarks by some members)

The CHAIRMAN: Members, I now put Clauses 31 to 37.

Put to the Committee and agreed to.

The CHAIRMAN: I now put the Schedule.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Title and Enacting Clause.

Put to the Committee and agreed to.

The CHAIRMAN: The question is 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.

Minister.

Mr. SHAW: Mr. Speaker, I beg to 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 provide for the establishment of a department of Government to be known as the Financial Investigations Division for the investigation of financial crimes and for connected matters

read a third time and passed.

The SPEAKER: The Bill debated and passed. (Applause)

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. Before we move the motion for adjournment, Mr. Speaker, I want to update Members on the dates for consideration of the 2010/2011 Estimates of Expenditure by the Standing Finance Committee of the House. We will start on Tuesday, the 30th of March, at 10:00 am sharp.

Dr. DAVIES: It would be good if you are here at that time.

Mr. HOLNESS: I am always here. I just don't see you sometimes.

Dr. DAVIES: You will be here at 10.20.

Mr. HOLNESS: So we will continue on Wednesday, the 31st, and we are all going to strive to finish on Wednesday.

(*Sotto voce* remarks by Members)

Mr. HOLNESS: We will circulate. I will send it to your people. Mr. Speaker, the Budget Debate . . .

Opposition MEMBER: We are going until Friday?

Mr. HOLNESS: No, we are not going until Friday. Most definitely not.

Mr. KELLIER: Friday is Good Friday.

(*Sotto voce* remarks by Members)

Mr. HOLNESS: No, we can't go up 'til Friday.

(*Sotto voce* remarks by Members)

Mr. HOLNESS: If you want to stay… Mr. Speaker, we intend to commence the Budget Debate on April 8, 2010.

Dr. DAVIES: That's Tuesday.

Mr. HOLNESS: That's a Thursday. Thursday, the 8th of April, 2010, where the Minister of Finance will open the Budget Debate.

Mr. HOLNESS: Mr. Speaker, I now move that we do adjourn to the date announced, which will be the 8th of April, 2010.

The SPEAKER: Members, just remember next week Tuesday and Wednesday. Certainly we would like to start at 10.00 o'clock and l would hope that we don't go beyond the mid-night hour at least in the first two nights.

Mrs. SIMPSON MILLER: You cannot guarantee that . . .

Mr. KELLIER: Mr. Speaker, we now have a second book that has in the region of $4 Billion worth of expenditure.

Mr. SHAW: Four hundred?

Mr. KELLIER: Yes, $400 Billion worth of expenditure that we need to also look at and we are reducing from what is normally a three-day exercise to two. That sounds a little unrealistic and I think we should be cautious in going forward in not cutting Wednesday, we may need to go to Thursday.

The PRIME MINISTER: Thursday is Holy Thursday.

Mr. KELLIER: If you move up the CDF. (Laughter)

The SPEAKER: Derrick, consensus. Tell him consensus on that.

Dr. DAVIES: There is nothing else!

The SPEAKER: Okay. The motion before the House is that this Honourable House do adjourn until Thursday, April 8, at 2:00 p.m.

Put to the House and agreed to.

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

The House adjoined at approximately 3:28 p.m. to resume its sitting on Thursday, April 8, at 2:00 p.m.

SESSION 2010 – 2011

THURSDAY, April 8, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.18 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western.

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

DR. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

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

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.18 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: I would like to welcome the persons sitting in the Gallery, but also to remind you, please check on your cellphone. Make sure it is either off or on vibrate so that the sitting of Parliament will not be disturbed. But please enjoy the sitting this afternoon.

ANNOUNCEMENTS

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

- Contractor General's Special Report of Investigation conducted into the

award of contracts to Taylor & Associates for the supply of ammunition

- **Ministry Paper No. 30**
  Cabinet Agenda issues for March 15, 2010
- **Ministry Paper No. 31**
  Debt management strategy for the financial year 2010/2011
- Jamaica Memorandum on the Budget 2010/2011
- Financial Statements and Revenue Estimates 2010/2011
- Addenda to the Finance Committee Amendments in respect of the Jamaica Public Bodies, Estimates of Revenue and Expenditure and the Factories Corporation of Jamaica Limited which were tabled on March 25, 2010
- Economic and Social Survey of Jamaica 2009
- Bank of Jamaica
  Annual Report and Statement of Accounts for the year ending December 31, 2009
- The Companies (Amendment) (of Fifteenth Schedule) Order, 2010 under The Companies Act
- Statistics Reports - Demographic Statistics External Trade Bulletin January to December 2009
- Producer Price Index Bulletin
  Annual Report - Employment earnings and hours worked in large establishments 2007 to 2009
- Quarterly Gross Domestics Products October to December 2009, Volume 8 No. 4
- Consumer Price Index
  Annual Report 2009
- Jamaica Labour Force Report 2009
- Jamaica's Environment in Your Pocket, 2009.

(These are all contained in the CD which was circulated)

- Certified Appropriation Accounts for Bellevue Hospital, 2006 to 2007

(HON. ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning, Development and Defence, entered and took his seat.)

Rev. THWAITES: Mr. Speaker, I commend the House for compressing the various Reports onto the compact disc, but I do not believe that the Contractor General's Report or the instrument on debt management appear on that and I don't seem to be able to trace having them. Could you please clarify.

(HON. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investments entered and took his seat.)

The SPEAKER: Rev. Thwaites, the Contractor General's Report is available. Hard copies can be made available to those who would like a hard copy. But immediately, almost simultaneously as I speak it is being put on the website for persons who would like to look at the website and would like to download it from the website. But as I indicated some time ago, we are going to make available about 10 copies available so those who would like a hard copy can pick up one from the Clerk.

In relation to the Debt Management, the Minister of Finance will Table it when he speaks - or he will release it as soon as he speaks.

Rev. THWAITES: When the items are

being placed on the website rather than distributed, would the Clerk be able in the future just to indicate this.

(HON. DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing, entered and took his seat.)

(HON. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security, entered and took his seat.)

(HON. OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Sports and Culture, entered and took her seat.)

The SPEAKER: We will - you recall I said some time ago that the Contractor General's Report we would have a limited number of hard copies but immediately that it is tabled we would put it on the website.

Rev. THWAITES: No objection, sir. I am only asking that rather this just a broad announcement as is given now, so that Members may be directed, whenever something is being tabled but not in hard copy form we should be advised that it is on the website, otherwise the announcement has no point.

The SPEAKER: It's a process, Rev. Thwaites. We cannot put it on the website until it is tabled.

Rev. THWAITES: Even to announce that it is going to be tabled hereafter.

The SPEAKER: That's what I am doing.

Rev. THWAITES: On the basis of my query. This should be a normative thing.

The SPEAKER: Very well, Rev. Thwaites.

(MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

Mr. HOLNESS: In relation to that matter, Mr. Speaker, it would be useful to say to the Members exactly which website it would be placed on.

The SPEAKER: It's the Parliamentary website.

REPORTS FROM COMMITTEES

The SPEAKER: Minister Shaw.

Mr. SHAW: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Standing Finance Committee of the whole House of Representatives consisting of all Members of the House on the Estimates of Expenditure over the financial year ending March 31, 2011.

(MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western, entered and took his seat.)

The SPEAKER: Thanks, Minister Shaw.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Minister Shaw.

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

> Be it Resolved that the Report of the Standing Finance Committee of the whole House of Representatives consisting of all Members of the House on the Estimates of Expenditure for the financial year ending March 31, 2011, which was laid on the Table of the House on the 8th day of April, 2010 be adopted.

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.

And, Mr. Speaker, I also beg to give notice that at the next meeting of the House I will move to introduce and have read a first time a Bill entitled, "**AN ACT to apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 2011 and to appropriate the sums granted in this session of Parliament".**

And, 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 first reading and to commence debate on second reading of this Bill.

The SPEAKER: Thanks, Minister Shaw. Rev. Thwaites.

UNUSED LANDS/ENCOURAGING PRODUCTION

Rev. THWAITES: Mr. Speaker, I beg to give notice of the following motions and to state that these are restoring matters that were on the previous Order Paper but were not taken:

Be it Resolved that this Honourable House review the implementation of the education transformation plan and determine the financing needed to advance its objectives.

Be it Resolved that this Honourable House debate the desirability and modalities of an extension of the National Insurance Scheme to provide a National Health Insurance Scheme.

Whereas there are thousands of workers losing their jobs in Jamaica adding to the already high levels of under-employed and unemployed;

And Whereas given the fragility of traditional sources of foreign exchange earnings due largely to external conditions.

And Whereas the stimulation of local production for import substitution, local consumption and also export are essential to stimulate the Jamaican economy from recession to growth so as to employment to many;

And Whereas the productive use of land is the most practical and economical resource available to the nation;

And Whereas government has indicated that an inventory of publicly-owned land is being prepared;

And Whereas there are large tracts of unused arable lands in private hands;

And Whereas rapid agricultural development, especially of food supplies will ease the urban and inner city crises:

Be it Resolved that this Honourable House urgently debate strategies for:

1. Making unused land available to redundant workers;
2. encouraging the return to productive use of all idle lands;
3. setting production targets for all agricultural commodities and developing plans for inputs a of technology, infrastructure and credit to support these targets; and
4. using all available channels to persuade Jamaicans that it is by the productive use of land and labour that our nation will prosper

and the social fabric be restored.

(MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition, entered and took her seat.)

ENVIRONMENTAL LEVY ETC.

Mr. Speaker, I beg to move that:

Whereas the environmental levy was intended for specific programmatic alleviation of the scourge of non- biodegradable materials;

And Whereas the environmental levy has been used as a subsidy for solid waste disposal:

Be it Resolved by this Honourable House that the subsidy obtained from the environmental levy be allocated solely for the original purpose, namely, for programmes which will reduce non-biodegradable material;

And be it further Resolved that adequate separate budgetary allocations be made for solid waste disposal.

And, Mr. Speaker, finally:

Be it Resolved that as a matter of urgency this Honourable House debate the recommendations of the Strategic Review study of the Jamaica Constabulary Force and consider the implementation of its conclusions.

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

The SPEAKER: Mr. Samuda.

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

Be it Resolved that the Companies (Amendment) (Fifteenth Schedule) Order, 2010 under The Companies Act which was laid on the Table of the House on the 8th day of April, 2010 be referred to the Regulations Committee of the House of Representatives for consideration and Report.

And, 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.

(HON. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works, entered and took his seat.)

Dr. DAVIES: No, this is Audley's day. That's not right.

QUESTIONS AND ANSWERS TO QUESTIONS

CHINA HARBOUR COMPANY/ROADS ETC.

The SPEAKER: Rev Thwaites.

Rev. THWAITES: Mr. Speaker, at the expiry of 21 days I beg to ask the following questions of the Minister of Transport and or Works:

1. Will the Minister please give full details of the contract signed with the China Harbour Company for a loan to repair roads?
2. Will the Minister please indicate the effects on proceeds of the Road Maintenance Fund being pledged to repay this?
3. Will the Minister please state in detail the administrative and governance

arrangements contemplated for the expenditure under this programme?

USE OF PRIVATE COUNSEL

At the expiry of 21 days I beg to ask the Prime Minister the following questions:

1. Since the Government took office, will the Prime Minister please itemize the use of private attorneys to represent the State?
2. Will the Prime Minister please name the firms/individuals and the reasons for them to be employed other than the State attorneys in each instance as well as the fees incurred and projected?
3. Will the Prime Minister please set out the principles which are applied in respect of the use of private counsel by the Government?

ARREARS/FISCAL DEFICIT

At the expiry of 21 days l beg to ask the Minister of Finance and the Public Service the following questions:

1. What are the levels of arrears owed to creditors by government-owned or controlled entities at the time?
2. What are the consequences of such arrears to the country's fiscal deficit?
3. What is the plan to pay off these arrears and prevent recurrence?
4. How do these arrears impact on the Government's capacity to provide basic social services?

PUBLIC BUSINESS

The SPEAKER: House Leader?

Mr. HOLNESS: Mr. Speaker, at Public Business today the main business will be the presentation by the Minister of Finance and the Public Service, but there is a small matter to be dealt with by the Minister of Industry and Commerce.

The SPEAKER: Minister Samuda.

Mr. SAMUDA: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take the motion, notice of which I gave earlier.

The SPEAKER: Members, the motion before the House is for 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 Samuda.

Dr. DAVIES: Stealing the man's thunder.

The SPEAKER: Members, the motion before you is for the approval of the motion.

Put to the House and agreed to.

The SPEAKER: Thanks, Mr. Samuda.

The SPEAKER: Minister Shaw.

Mr. SHAW: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take the motion regarding the Report of the Standing Finance Committee, notice of which I gave earlier.

The SPEAKER: Members, the motion before the House is for the suspension of the Standing Orders to allow the Minister to take the motion, notice of which was given earlier.

APPROPRIATIONS BILL/ADOPTION OF REPORT

The SPEAKER: Minister Shaw.

BUDGET DEBATE BEGINS

Mr. SHAW: Mr. Speaker, as we all know the debate is on the Appropriation Bill but we must first move for the Report of the Standing

Finance Committee on its deliberations on the Estimates of Expenditure for the financial year ending March 31, 2011 to be adopted. I so now move, Mr. Speaker. I move:

> Be it Resolved that the Report of the Standing Finance Committee of the whole House of Representatives consisting of all Members of the House on the Estimates of Expenditure for the financial year ending March 31, 2011, which was laid on the Table of the House on the 8th day of April, 2010, be adopted.

The SPEAKER: Members, the motion before you is for the adoption of the Report of the Standing Finance Committee which was laid in the House today, the 8th of April.

Motion put to the House and agreed to.

The SPEAKER: Report adopted.

Mr. SHAW: Mr. Speaker, l now move for the suspension of the Standing Orders to enable me to move to introduce and have read a first time, A Bill shortly entitled "The Appropriation Act, 2010" and also for me to commence debate on second reading of the Bill.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the Minister to take the matters, notices of which he gave earlier.

Motion put to the House and agreed to.

Mr. SHAW: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled the Appropriation Act, 2010.

A Bill shortly entitled:

"The Appropriation Act, 2010"

read a first time.

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

The SPEAKER: Minister Shaw.

(Applause)

Mr. SHAW: Mr. Speaker, the first quarter of this year has been a very busy period for the Ministry of Finance and the Public Service and all the economic agencies under its umbrella. We entered the year navigating uncharted waters as we set about completing negotiations with the International Monetary Fund while at the same time designing a Debt Exchange programme that would not rock financial systems stability. The hours have been long and tedious but we have pulled through and have now laid a solid foundation on which to build economic growth and prosperity.

(Applause)

It would, Mr. Speaker, be remiss of me not to acknowledge the work, the very hard work of the technical staff from the Bank of Jamaica, the Financial Services Commission, the Planning Institute of Jamaica and my own Ministry who have worked tirelessly throughout the last three (3) months. Mr. Speaker, within eight (8) days of the new financial year all have managed to resent to the House the preliminary macroeconomic outturn for the fiscal year 2009/2010 and projections for 2010/2011.

Mr. Speaker, permit me also to briefly acknowledge the support that I continue to receive from my constituents, although sometimes they are unable to see me quite as often as they would like to. I would like to thank my Councillors for the very hard work that they do in helping to keep the business of political representation in my constituency. (Applause)

And on this occasion, in this House, Mr. Speaker, l would very much like to crave your indulgence and seek your permission to

acknowledge the presence of my dear wife, Susan. (Applause)

Members will note that she has taken up a new strategic position. (Laughter) And of course, we do have an addition to the family, but Christiana Isabel is still a bit too young to be in the House with us so. . . I'm sure that she is watching her dad on television. (Laughter)

Mr. Speaker, in terms of the structure of the presentation the approach will be as follows:

- I will provide an overview of the macroeconomic performance of the country for fiscal year 2009/2010 against the backdrop of the global economy.
- I will then look at the fiscal outlining for 2009/2010 and projections 2010/2011.
- Then we will look at the medium term economic programme from 2010, this fiscal year, through to 2013/2014 in the context of the Stand-by Agreement with the International Monetary Fund which will be reviewed.
- I will then look briefly at some of the highlights of the Expenditure Budget for this fiscal year, 2010/2011.
- We will look briefly at financing the Budget for 2010/2011.
- I will speak on specific measures on tax administration and tax compliance and laying the foundation for growth;
- And I will close with a discussion on building that foundation for prosperity.

Mr. Speaker, at the outset of this presentation, let me take the opportunity of saying to the people of Jamaica that we understand the many difficulties that we altogether face. From the problem of bad roads to inadequate water supply systems, to increased joblessness in part as a result of world conditions, to the acknowledged reduced purchasing power that exists. But against that background we also have to acknowledge some truths, Mr. Speaker; we must, if we are to be true to ourselves, must acknowledge some basic truths.

For too long, we have created generations of people who are used to spending but have no idea of creating wealth. We have entertained the view that wage increases have no bearing on productivity increases. We have laboured under the mistaken belief that real wealth can be created as we continue to borrow more while recording rental declines in productivity growth. We have falsely assumed that we can continue to have annual growth in our budget without seeing a commensurate growth in our output as a country, our GDP. We have ignored tax cheats, tax evaders and instead borrowed more and more money to finance the National Budget.

The result of all this has been disastrous for our economy. While other Caribbean countries have *per capita* incomes at between US$8,000 and US$16,000, not more than 20/25 years ago we were all at the same level, Jamaica is still hobbling along at less than US$5,000 in terms of *per capita* income. While their economies have grown at between four to 12 per cent annually we have barely grown at one per cent *per annum* for the past 15 years.

Mr. Speaker, this is the background against which I speak today. It is the background against which the Government has

had to make serious and fundamental changes to policy that over time, will put the economy on a path of growth and wealth creation. Mr. Speaker, it is now crunch time. For too long we have talked but not acted on the fact that we can no longer afford to live beyond our means, and yet we have the capacity to so organize ourselves that in due course we can build the foundation for a better life.

Mr. Speaker, in 2009/2010 it was a difficult year. We saw the full effects of the global recession, domestic demand was weak as unemployment grew, real income declined, remittance flows declined, the revenue base of the Government was weakened with the fallout in the bauxite and alumina export sector. In order to adjust we have had to undertake significant adjustment measures to enhance revenue and to cut expenditure. The adjustment measures were difficult but could not have been avoided. No government likes to impose new taxes or to cut wages. The truth is, if we could have avoided it, we would have.

We took these serious and tough measures to secure the future of the country. Our willingness to take tough measures, not popular but necessary, gave confidence to our development partners. As we continue to turn the corner, Mr. Speaker, in the development journey of our country we are now on an unprecedented path of bold initiative and firm commitment to secure sustained growth and development for our country. (Applause)

This historic moment in the economic life of our country comes within the context of early signs of recovery from what was the worst global economic crisis since World War 11. It comes within the context of very grave economic challenges that have plagued this country for far too long. Economic problems that while exacerbated by the recent global crisis started long before the crisis began and could not be allowed to continue.

In terms of the macroeconomic performance review for 2009/2010, Mr. Speaker, the global economic recovery generally continues to be encouraging. The World Bank's most recent forecasts show that global GDP growth is projected at 2.7 per cent for 2010. Developing countries led by strong manufacturing growth in China and India are expected to grow by 5.2 per cent. In 2011, growth is projected to be 3.2 per cent and 5.8 per cent for the world and developing countries, respectively. In particular, growth in the Latin American and Caribbean region is projected at 3.1 per cent and 3.6 per cent for 2010 and 2011, respectively.

The United States economy continues to expand despite a weaker first quarter 2010, due largely to adverse weather conditions there. Revised GDP estimates show that the US economy expanded by 5.9 per cent in the December 2009 quarter, relative to the previous estimate of 5.7 per cent. The US leading economic index rose consistently since November of 2009 and this increase is consistent with forecast for further economic expansion in the March 2010 quarter.

While there is consensus on global recovery some downside risks to this recovery remain:

- There has been a significant buildup of debt in several developed economies as a result of stimulus measures implemented to combat the effects of the global crisis. This has led to unsustainable fiscal positions and

the resulting need to tighten fiscal policy.

- It is deemed by many that the exit from stimulus programmes will begin towards the end of this calendar year, making the risk of a double dip recession higher in 2011 than in this current year.
- The European Commission has advised that economic recovery in the European Union will remain fragile in 2010 as the debt crisis there looms large, led largely by the untenable fiscal position of Greece.
- Consequently, the growth forecast remains unchanged at 0.7 per cent in 2010 for both the EU region and the l6-nation Euro zone.
- The Greek debt crisis and worsening public finances in several other Euro zone countries pose one of the biggest challenges to the European economic recovery which contributed to recent volatility in the financial markets.

In terms of our own economy, Jamaica's economic outlook and the demand for Government of Jamaica global bonds continue to be buoyed by news of multilateral support for Jamaica following the approval of the Stand-by Agreement with the International Monetary Fund, as well as the recent upgrades by the ratings agencies following the success of the Jamaica Debt Exchange Programme.

Mr. Speaker, in terms of inflation, inflation in 2009 was 10.2 per cent, relative to 16.8 per cent recorded in calendar year 2008. The latest data show that headline inflation measured by the change in the Consumer Price Index was 12.8 per cent for fiscal year 2009/2010 to February 2010. Inflation for the fiscal year to date was largely influenced by the pass-through of higher international commodity prices, mainly oil and the impact of Government revenue measures in December 2009. Current projections are for the inflation rate to be approximately 13.5 per cent for fiscal year 2009/2010.

In terms of growth, Mr. Speaker, for the calendar year 2009, it is estimated that the economy contacted by 2.7 per cent reflecting primarily weak external and domestic demand. You will recall that the projections for negative growth had gone as high as negative 3.5 per cent, Mr. Speaker, but in terms of the calendar year it is 2.7 per cent. And let me say, the fall in external demand resulting from the global recession led to a significant reduction in exports. We all know that. Falling real incomes, increased unemployment and reduced remittance flows led to weak domestic demand and lower consumption. Industries recording significant declines were mining and quarrying, manufacture and construction, however, agriculture, forestry and fishing grew by an impressive 12.1 per cent.

(Applause)

It is estimated, Mr. Speaker, that for the fiscal year 2009/2010 that the rate of contraction of the economy will slow to 2.3 per cent instead of the 2.7 per cent for the calendar year 2009.

The unemployment rate increased from 10 per cent in October 2008, to 11.6 per cent in October 2009, due to the fallout from the global recession. With measles contained in our economic recovery programme, which I

will highlight shortly, we expect this trend in unemployment to reverse as more jobs are created in the economy.

In terms of interest rates, Mr. Speaker, at the end of March 2009, the interest rate on the Bank of Jamaica 30-day REPO stood at 17 per cent and the 90-day at 18 per cent. Over the fiscal year the Bank of Jamaica eased its monetary policy stance in the context of positive trends in inflation as well as stability in the foreign exchange rate and lowered the interest rate on its instruments. By the end of March 2010 the 30-day REPO stood at 10 per cent and remaining tenors were removed from the menu of instruments. Concurrently, the market responded to the signal of rate reduction sent by the BOJ and the average yields on the three and six-month Treasury Bills also trended downwards moving from 20.51per cent and 21.77 per cent respectively, at the end of March 2009, to 15.95 per cent and 16.8 per cent respectively, at the end of December 2009. At the March 24, 2010 Treasury Bill auction, after the successful Debt Exchange, these market rates declined sharply to 10 per cent on the three-month and 10.49 per cent on the six-month instruments. I must indicate, Mr. Speaker, that these are significant. It is significant to note that these interest rates are the lowest they have been in 24 years.

(Applause)

A MEMBER: Repeat that!

Mr. SHAW: They are the lowest they have been in 24 years.

Mr. Speaker, I wish to appeal to members of the financial sector against this background, that while the return to core banking activities is a process, the expectation, not just of Government but of the people of Jamaica, potential entrepreneurs, new borrowers, is that lending rates will be reduced more sharply and more significantly so that much more affordable credit is made available to the people of this country who want to invest, produce... (Applause)

A MEMBER: Hear, hear!

Mr. SHAW: ...Who want to create jobs, earn foreign exchange and create wealth. That's what it's all about.

In terms of the Exchange rate, Mr. Speaker, the Jamaican dollar has remained relatively stable in 2009 depreciating by a mere 0.78 per cent. Of significance is the fact that in recent weeks there has been a 0.58 per cent appreciation of the dollar, moving from a high of J$89.77 to the US dollar on February 18 down to J$89.26 to the US Dollar yesterday, April 7.

(Applause)

Mr. Speaker, this reflects the increasing confidence in the market and increased availability of foreign exchange due to the support from the multilateral institutions.

In terms of our balance of payments, preliminary data for the year 2009 show an improvement in Jamaica's balance-of-payments. The current account deficit is estimated to have narrowed sharply by US$1.88 Billion to US$912.4 Million, representing 7.3 per cent of GDP and largely reflected reduction in the merchandise trade deficit, which was complemented by an increase in the surplus on the services sub-accounts. Mr. Speaker, this improvement is significant as it follows four (4) consecutive years of deterioration.

For 2009/2010, Bank of Jamaica projects a current account deficit of US$1.06 Billion, 8.5 per cent of GDP. This estimated deficit

represents an improvement of US$1.39 Billion relative to the previous fiscal year. Concurrent with the improved growth outlook, Jamaica is projected to record marked improvement in the current account of the balance-of-payments. This will stem mainly from the impact of the fiscal adjustment on imports as well as a gradual pickup in remittances. Continued improvement is expected to around 4.0 per cent to 5.0 per cent of GDP over the medium term.

In terms of the international reserves, March 31, 2010 the Net International Reserves of the Bank of Jamaica stood at US$1.75 Billion compared to US$1.63 Billion as at March 31, 2009. Gross reserves amounted to US$2.4 Billion, representing adequate coverage of some 17.4 weeks of imports of goods and services.

(Applause)

FISCAL OUTTURN

Mr. Speaker, I now turn briefly to the fiscal outturn for the fiscal year just passed and the projections for the new fiscal year.

The fiscal programme for fiscal 2009 was geared towards achieving a fiscal deficit of 5.5 per cent of GDP, down from the 7.3 per cent in fiscal 2008/2009, as a precursor towards a sustained reduction in the debt to GDP ratio over the medium term. But we all know we were faced with a significant shortfall in revenue flows and higher expenditure outlay arising from costs associated with higher than anticipated domestic interest payments, due in part to the Jamaica Debt Exchange. The first Supplementary Estimates were tabled in September of 2009 and these Estimates reflected a revision in the fiscal deficit target to 8.7 per cent of GDP.

Under the aegis of the IMF Stand-by Agreement the fiscal targets were further revised. The deficit target was set at J$106.7 Billion or 9.6 per cent of GDP. The Stand-by Agreement, however, utilizes the Central Government's primary balance, i.e. the revenue and grants less non-interest expenditure, as the main fiscal quantitative performance target rather than the fiscal balance. The primary balance for fiscal 2009/2010 was set at $66.9 Billion. Provisional data indicates, Mr. Speaker, that fiscal year 2009/2010, the Central Government's primary surplus amounted to $68.1 Billion, which was $1.2 Billion better than the Stand-by Agreement target of the IMF.

(Applause)

Central Government operations generated a fiscal deficit of $120.6 Billion or 10.9 per cent of GDP.

In terms of the projections the fiscal year 2010/2011 the budget has been crafted during one of the most challenging periods in recent years. The challenges arise against the backdrop of a less than favourable international economic and financial climate resulting from lower levels of economic activity in the world's major economies, which contributed to a sharp decline in the domestic economy.

Budgeted expenditure for fiscal year 2010/2011 is $503.9 Billion. The budget reflects expenditure of $407.1 Billion and amortization payments of $96.8 Billion. As in previous years: Mr. Speaker, debt-servicing of $240 Billion accounts for the largest portion of the budget on this occasion, but on this occasion debt-servicing has dropped sharply, Mr. Speaker, from 60.6 per cent last year,

debt-servicing as a percentage of the national budget this year debt-servicing as a percentage of the national budget it has dropped from 60.6 per cent to 47 per cent.

(Applause)

Mr. Speaker, beyond the 47 per cent share for debt-servicing this is followed by Education Services of $71.9 Billion, representing l4.2 per cent of the budget. And I should indicate that it arrives at that figure because we take out the amount that is in the budget projected for any election expenses and so minus that the elections are vote it represents 14.2 per cent of the budget for education set aside. National security services S38 Billion or 7.5 per cent of the budget and Health services $31.6 Billion representing 6.2 per cent of the budget.

For fiscal year 2010/2011 revenue and grants are projected at $326.3 Billion. This represents an increase of 8.5 per cent over fiscal year 2009/2010. Tax revenue of $287.2 Billion is budgeted to grow by 8.0 per cent over collections in fiscal year 2009/2010.

In fiscal year 2010/2011, the Government proposes to borrow $176.3 Billion to cover the projected fiscal deficit of 6.5 per cent and amortization payments. Of this total, $118 Billion is programmed to be raised from the domestic market. The remainder of $58.3 Billion is to be raised from the external sources in the form of investment loans and policy development loans. I should indicate here, however, Mr. Speaker, that this sum of $176 Billion is not all new borrowing. In fact, smaller portions of it represent net new borrowing. And I should also indicate that this $176 Billion as we'll see further in the presentation, is compared with a whopping $301 Billion that was the debt-servicing - was the amount borrowed in the last fiscal year. So there has been a very, very sharp reduction in the amount that is being borrowed in this fiscal year.

Mr. Speaker, in terms of the Medium-Term Economic Programme, the third item on the Agenda when this Government came into office in 2007, core issues at the heart of our economic challenges included: anaemic growth levels, an oppressive and unsustainable debt burden, and poor fiscal discipline and accountability.

In an effort to combat these and to place the country on a firm path of sustainable growth and development, the Government has embarked upon a vigorous economic reform programme to raise the real GDP growth rate, to reduce public debt and permanently instil fiscal discipline and accountability through a stronger institutional framework for government finances.

As I have previously explained, the medium term programme rests on three central and inter-related pillars: a fiscal consolidation strategy focussed on streamlining expenditure and reforming the public sector, including divestment of some public bodies, reforms to continue the strengthening of the financial system; and a comprehensive debt management strategy.

Mr. Speaker, in terms of fiscal consolidation in relation to this strategy, the Government took a decision to amend the Financial Administration and Audit Act and the Public Bodies Management and Accountability Act, so as to establish Fiscal Responsibility Framework legislation, which confirms our unshakeable commitment to institute a culture and process that will promote fiscal discipline. The amendments to

the Act as passed in this Honourable House last month, seek to correct shortcomings identified in the existing fiscal policy and administrative systems, relating in particular to the control of expenditure, reporting of financial performance, accountability and transparency.

Mr. Speaker, for too long we have allowed some public sector bodies to incur significant sums of debt, which ultimately have to be absorbed by Central government, thereby increasing the fiscal deficit. Some of the examples are NROCC, Air Jamaica, Sugar Company of Jamaica, the Jamaica Urban Transit Transport Corporation, Clarendon Alumina Productions, to name a few.

On March 25, 2010, the first in the history of this Parliament we Tabled Consolidated Estimates of Expenditure for the Central Government and Public Sector bodies as well.

(Applause)

Total expenditure for the Central Government and the Public Sector bodies projected at $869 Billion in fiscal year 2010/2011 comprising recurring expenditure of $634 Billion on Capital Expenditure of $234.6 Billion.

Currently, Mr. Speaker, we have 195 active entities and 43 inactive entities. It is projected that Central Government will fund 34 per cent of these entities while another 24 per cent will be partially funded by the Consolidated Fund. The remaining 46 per cent that is expected to generate adequate revenues to fully finance their operations, including remitting $23.37 Billion to Central Government as corporate and other taxes.

(*Sotto voce* comment by Rev. Thwaites)

Mr. SHAW: Small, small, relatively small in terms of the size.

The Capital Expenditure for the active self-financing entities is projected to increase by $30 Billion this year with the major portion of this expenditure being accounted for in the Urban Development Corporation, the National Housing Trust, the Port Authority, a major programme for water in the National Water Commission, as well as to pay for buses at the Urban Transport Corporative.

Mr. Speaker, of the 74 inactive Public Sector bodies - and it's 74 not 43 - of the 74 Inactive Public Sector bodies, 31 are to be wound up, 34 are to be merged with the existing operations and the remaining nine (9) are currently under review to determine their optimal mode of operation.

In respect of privatization we are proceeding with the Air Jamaica divestment, and we have budgeted $22 Billion to spend in this fiscal year to cover associated costs. We are proceeding with the privatization of the Sugar Company of Jamaica and we have already successfully privatized two of the entities during the last fiscal year and we expect to complete the process in the new fiscal year.

We have started the process of privatization of the Port of Kingston, the Norman Manley Airport and selected bauxite interests, including the Clarendon Alumina Productions.

Mr. Speaker, we intend to be extremely aggressive with our privatization efforts during this fiscal year. The current asset base of these Public Sector entities is projected at $774 Billion for 2010/2011 and it is our opinion that these assets are best utilized by the private sector. That is the intention and the policy of the Government.

AIR JAMAICA

Let me speak briefly on the Air Jamaica issue, Mr. Speaker. Over the past few weeks, Air Jamaica and the Caribbean Airlines have been involved in intense discussion with a view to finalizing all the terms and contract. Caribbean Airlines has been carrying out detailed due diligence which includes financial, human resource, and other qualitative reviews.

In the meantime, the regulatory authorities and Air Jamaica team have been having discussions with the United States and Canadian Departments of Transport, with a view to ensuring that all regulatory approvals are obtained to facilitate the transition to the Caribbean Airlines operations. This operation will take the form initially, of a transition period where Air Jamaica will continue to operate its routes under the control of Caribbean Airlines and will eventually morph into a Caribbean Airlines operation.

Let me also indicate here, Mr. Speaker, that it was initially announced that the desirable date of transfer would have been the 12th April and it has subsequently been announced, just yesterday, by the transition team and by the Chairman of Air Jamaica that the date has been moved from 12th April to 30th April.

Mr. Speaker, let me indicate that the movement of this date from the 12th of April to the 30th of April simply is indicative of the very complex process that is involved in the transfer of Air Jamaica to Caribbean Airlines, and it is deemed necessary to extend it by that date. Let me say though that a newspaper report today stated that the delay in the transition is linked to the Government's failure to reach an agreement with the United States Department of Transportation. This is incorrect. The fact is that before Caribbean Airlines can take over the routes of Air Jamaica, there must be an agreement between the Government of Jamaica and the Government of the United States, a process which has started, but will take some months to be completed. During this transition period, the airline will operate using its current exemption authority. There is no issue for us to be concerned about.

(Applause)

I already indicated that both parties have arrived at a consensus to extend their dates to May 1, deferred from April 12, given the need to ensure that the transaction gets enough time to be well executed and that all regulatory requirements are in place. The teams continue to work towards the date of April 30, 2010 or May 1, and as a consequence the timing of the full redundancy has been similarly moved to April 30.

Mr. Speaker, I want to speak briefly about the proposed Central Treasury Management System. We have spoken of the Government's intention to establish such a Treasury Management System to bring responsibility for Treasury Management functions under one agency, thereby eliminating the overlap, the duplication, and the inefficiencies of the current system. This system will establish a Treasury single account to improve cash management. The work to establish the CTMS is advancing with the appointment of a co-ordinator and the establishment of a working committee to get this operational by December of this calendar year.

Consistent with the establishment of this system, it will ensure the better management

of public resources. Sixteen (16) public bodies recently were asked to make financial contributions, dividend payments, to the Consolidated Fund to assist the ministry of Finance and the Public Service in meeting targets under the economic programme for the 09/10 financial year. The request was made of those public bodies whose profitability and cashflow indicated their ability to pay and that their medium to long-term capital programmes would not be jeopardized. The amount contributed is approximately $5 Billion, Mr. Speaker.

Over the years the Government has invested substantial sums in public entities and has had to absorb significant losses incurred by some. It is plain, good sense that those that operate in surplus make a contribution towards government's fiscal needs. I would like to thank the Board and management of those public entities who so readily cooperated in this initiative. (Applause)

Mr. Speaker, a brief word on Financial System Reform. And I want to be absolutely fair to the previous Government in this area because one of the things that came out, to the extent that anything good came out of the financial sector collapse of the 1990s, was that there were very deliberate attempts made and more than attempts, there was upgrading of the regulations, the Bank of Jamaica Act was overhauled, the Financial Services Commission was put into place. And I daresay that even the implosion that we recently had through the Lehman Brothers and the world crisis, that in part because of the enhanced regulatory environment, this helped to keep things stable within our system. And so what we want to do now is to...

(*Sotto voce* comments by the Prime Minister)

What we want to do now is to further enhance the strengthening of the financial system. The Government made progress in drafting of an enhanced legal framework as part of an omnibus banking law that will allow the more effective supervision of financial conglomerates by harmonizing the prudential standards that apply to Commercial banks, Merchant banks and Building Societies.

The Bank of Jamaica Act will also be amended to establish the legal framework to underpin its responsibility for overall financial system stability by December of this year. This will allow the Bank of Jamaica to access data from parent or affiliate institutions that might not be a part of a conglomerate group. It will also provide a stronger basis for the Bank of Jamaica to provide financial support to non-banks, if needed, for securing financial system stability during periods of extreme volatility.

The Government will reform the Securities Dealer sector to strengthen its ability to withstand shocks. The Government is also taking steps to shift risks to investors by encouraging the development of more collective investment schemes, by amending the Unit Trust Act. Amendments to this Act will come into effect by December of 2010.

We want to also create an environment where mutual funds - legitimate mutual funds can flourish. And, Mr. Speaker, this is a very, very important part of our plans to enhance financial systems stability.

And we can be very blunt about it. Legitimate collective investment schemes is not about alternative investments or ponzi schemes. We are talking about legitimate

schemes that will be properly approved by the appropriate regulatory authority.

DEBT MANAGEMENT STRATEGY

Mr. Speaker, very briefly on our Debt Management Strategy. Following an assessment of the impact of the global economic crisis on the operations of the Central Government, and in particular on the debt operations, the Government of Jamaica took the strategic decision during the third quarter of the fiscal year to execute a comprehensive liability management programme with respect to its domestic debt through a debt exchange initiative that was marketed as the Jamaica Debt Exchange.

The Jamaica Debt Exchange was an integral component of the Government's economic programme, developed to achieve cost savings complementary to other savings to be achieved from fiscal and tax measures to ensure sustainability of the public finances. As you would be aware, Mr. Speaker, on the 14th January of this year, the Government launched the Jamaica Debt Exchange, and the 99.2 per cent unprecedented participation rate succeeded at securing substantial fiscal savings by exchanging existing high cost debt for new instruments that have lower coupons and longer maturity.

(Applause)

This has created fiscal space and time to consolidate the economic reform programme. And I wish to commend all participants in the debt exchange for demonstrating an appreciation of the national predicament and for the confident shown in our ability to carry forward this historic initiative including critical reforms and related monetary and fiscal commitments.

The Government of Jamaica, Mr. Speaker, has demonstrated the political will to change Jamaica's economic landscape and our people are demonstrating the strengths and resilience to collectively change the country's debt profile.

I must indicate that already we are the subjected examination from all over the world as to the extraordinary level of success of the Jamaica Debt Exchange.

(Applause by Government Members)

Mr. Speaker, I want to emphasize that the Government and this Minister of Finance, we are not taking the credit. We are extending and giving the credit to our stakeholders who have come forward voluntarily in this unprecedented way because they understand the circumstances that we all face, and we have to work together.

(Applause by Government Members)

We understand we are on one ship of state, one ship of state that has to go in a purposeful way towards safe harbour, safe harbour.

(Laughter by both sides)

IMF/ECONOMIC PERFORMANCE

Mr. Speaker, let me speak briefly to the economic performance within the International Monetary Fund Agreement. And I want to make it absolutely clear at the outset here, Mr. Speaker, that l have no earth-shattering information to provide now because it is well known that the IMF has a meticulous method of doing its assessment, and it takes a certain number of weeks . . .

Dr. DAVIES: Well known.

Mr. SHAW: ….I say, a certain number of weeks for the actual process to be undertaken. But in summary, Mr. Speaker, economic

growth of 0.5% is projected in 2010 and this is expected to increase to 2% in each year from 2011 through to 2013/14, that is the economic growth here or some performance measure within the IMF Agreement. Inflation is expected to moderate to the range of 7.5% to 9.5% in this fiscal year and trend downwards to the 6-7% range over the medium term. Fiscal policy is aimed at eliminating the overall Public Sector deficit over the medium term and putting the Debt to GDP ratio on a downward trajectory. The programme projects a deficit of 6.5% for 2010/2011, towards a balanced budget in 2013/14, a deficit of 6.5%. It was originally projected, you might recall, when the first Letter of Intent was revealed that that deficit in the first year 2010/2011 would be 8.5%. We have been able, because of the tightness of the budgetary process that we have been able to bring that projection down to 6.5%.

The Current Account deficit of the Balance of Payments is expected to improve markedly from a projected deficit of 9½% of GDP in this fiscal year to 5% of GDP over the medium term.

The SPEAKER: (Gave1s) The Member's time for speaking has expired.
House Leader.

Mr. HOLNESS: Mr. Speaker, I move that the Member's time be extended for the completion of his presentation.

The SPEAKER: Members, the motion before the House is for the extension of the Member's time to allow him to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister Shaw.

(Inaudible comments by Dr. Phillips)

Mr. SHAW: Thank you. Thank you, Mr. Speaker, and I thank the Honourable Members.

(Inaudible comments/laughter by Dr. Davies)

Mr. SHAW: Gross International Reserves, Mr. Speaker, are expected to remain at around 16 weeks of imported goods over the medium term.

You will also recall, Mr. Speaker, a Stand-By Agreement with the IMF of US$1.27 Billion or SDR 820.5 Million, for Jamaica approved by the Executive Board of the International Monetary Fund on Thursday, February 4, 2010, and paved the way for the other multilateral institutions to pour additional credit of some US$1.1 Billion projected. The U5$2.37 Billion pool of funds, US dollars, will support the Government's economic programme and help to cope with the consequences of the global downturn over the 27- month period of the agreement. Upon the approval of the agreement, a disbursement, Mr. Speaker, of US$640 Million was immediately available to Jamaica. Subsequently, initial disbursements of Policy Based Loans totalling US$200 Million from the Inter-American Development Bank and Development Policy Loans of US$200 Million from the World Bank were approved.

Mr. Speaker, subsequent drawdown of funds under the IMF Stand-By Agreement is conditional on the attainment of agreed specific quarterly performance targets towards meeting the medium term objectives. The main variables that are subject to quarterly quantitative performance targets are: The cumulative floor of the Central Government Primary Balance, the cumulative floor on overall balance of public bodies - remember now public bodies are being measured, it's a

part of the total measurement of the cost of governance, it's part of the fiscal responsibility framework, the new paradigm of how we running things round here.

(Applause by both sides)

The ceiling on the stock of Central Government direct debt, the ceiling on net increase in Central Government guaranteed debt, ceiling on Central Government accumulation of domestic arrears, ceiling on Central Government accumulation of tax refund arrears, floor on accumulation of BOJ net international reserves and ceiling on net domestic assets of the Bank of Jamaica. An evaluation and assessment of the end of March 2010 performance criteria will be completed in four to six weeks towards the first programme review, which will be on May 31, 2010. However, at this point in time let me highlight the performance of some key monetary and fiscal targets against the March 31 performance criteria.

Mr. Speaker, in relation to Bank of Jamaica operations, the accumulation of BOJ's Net International Reserves since December 2009 was well above the targeted floor. The extent of this over-performance was broadly reflected in the Net Domestic Assets of the Bank that stood well within the targeted ceiling.

As I have already stated, preliminary data suggest that the Central Government performance for the fiscal year resulted in a fiscal deficit of 10.9% of GDP. The primary balance defined as total revenue collected less what is paid out for recurrent and capital expenditure was kept above the targeted floor.

Review will be, as I said, Mr. Speaker, on the 31st of January, but let me indicate, let me indicate, Mr. Speaker, that these targets that l have mentioned, the deficit, the primary balance, the Bank of Jamaica assets and the Net International Reserves are very important measures in the assessment, the quantitative assessment that will be carried out by the International Monetary Fund.

I want to take this moment, however, to underscore the extraordinary level of support for the people of Jamaica by our international development partners, particularly since this administration took office in September of 2007.

(Applause)

And, Mr. Speaker, I want to pause here, to say that this has been, this has been something that we have been working on. We had stated from before coming into office our belief that the time had come for us to reengage in a very purposeful and significant way with the multilateral institutions, in order to seek to garner and to attract cheaper funds into the country. We, from the very first moment I was appointed, within one month I was in Washington. I met with the heads of the do and the World bank and met in the Caribbean with the Caribbean Development Bank, and we have been able to not only meet by the way with our multilateral partners, but we also understand that the bilateral partners, who themselves are members of the critical decision-making bodies of the multilateral institutions, we met with them too and secured their support. The United States, which we all know is a major element in that equation . . .

Dr. DAVIES: All regions.

Mr. SHAW: ….I met with senior representatives, met with senior representatives of the Treasury Department of the United States, and they gave me their commitment to give us the support, and the

Boards of the IMF, the World Bank and the Inter-American Development bank. And Mr. Speaker, they have been very loyal and faithful in giving us that support to those multilateral institutions.

(Applause)

For the period December 2007 to March 2010, loans approved by the IDB totalled U5$766 million, for the World Bank US$406 Million - all US dollars - and for the Caribbean Development Bank, US$216 Million, and grants from the European Union, which we must not forget because these are grants, these are not loans, grants from the European Union, our loyal and faithful friend, totalled 205.7 Million Euros, that is from the European Union.

(Applause by Government Members)

Mr. SHAW: Mr. Speaker, in this calendar year alone, some US$200 Million was borrowed from the World Bank to support a series of measures to enhance fiscal and debt sustainability, increase the efficiency of public financial management and budgeting processes, and further strengthen tax administration in order to increase tax revenues. This US$200 Million came in at an interest rate of 0.63%, less than 1%, Mr. Speaker.

(Applause by Government Members)

Similarly, some US$215 Million was borrowed from the Inter-American Development Bank to support public financial management, competitiveness enhancement and for the Jamaica Education sector. This US$215 Million, Mr. Speaker, came to Jamaica at an interest rate of 1.23%. (Applause by Government Members) One point two, three per cent.

Mr. BRODERICK: Twelve per cent over there.

Mr. SHAW: Mr. Speaker…

Mr. BRODERICK: Twelve of fifteen, sixteen per cent.

Mr. SHAW: Mr. Speaker, this level of support . . .

Mr. BRODERICK: Zero, twelve per cent.

Mr. SHAW: .....is unprecedented. Let me reiterate that our engagement of the multilateral represents borrowing that is smarter and cheaper and is accompanied by measures to strengthen and to right-size the economy.

(Applause by Government Members)

It includes improved governance, improved transparency and accountability and macro-economic stability. Our partnerships with the multilateral are particularly critical at this moment in our development journey. And on behalf of the Government and people of Jamaica, I want to underscore our deep and profound appreciation for the strong level of support. The US$2.4 Billion of combined multilateral support over the next 27 months, Mr. Speaker, represents 20% of the Gross Domestic Product of Jamaica. It is by any standard of measurement a significant commitment by the multilateral institutions.

(Thunderous applause by Government Members)

I turn now, Mr. Speaker, to few highlights of the expenditure budget for this new fiscal year.

For this fiscal year, the Government plans, as I indicated, to spend $503.9 Billion of which $343.9 Billion will be on recurrent

expenditure, $63.2 Billion on capital programmes, but $22 Billion out of that has to be taken out for Air Jamaica, and $96.8 Billion on debt amortization.

Mr. Speaker, in terms of Pension Liabilities, in the 2010/11 Budget, we have made an allocation of $16 Billion for retired Civil Servants' pension. This represents, Mr. Speaker, 5 per cent of the total Recurrent Expenditure Budget, 5 per cent of the total Recurrent Expenditure budget.

During this Fiscal Year, in discussions with the World Bank, Mr. Speaker, we hope to complete the technical assessment as to whether we should move to a defined contributory scheme. It is manifestly clear, Mr. Speaker that we are going to have to rush to a defined contributory scheme, otherwise we will not be able to afford the maintenance of this pension scheme. I want to send that signal.

I want to spend just a few minutes on a very important and topical subject, Mr. Speaker, the question of the outstanding Public Sector wage obligations. It's a very difficult issue, and in many quarters there is more noise than there is reason. And I want to take the time to put certain things on the record, on the record in this Honourable House.

Dr. DAVIES: Edith has the tape.

Mr. SHAW: Mr. Speaker, I consider it necessary to give to the House and the nation the background as to - well, the tapes are running now, so I want all the tapes to run now - the background as to the position that now confronts the country, in relation to outstanding wage obligation to public Sector workers, and to the size of the Public Sector wage bill.

Mr. Speaker, in 2006/2007 - all who have ears to hear, please let them hear now - the Public Sector wage bill stood at approximately $82 Billion Jamaican. In the fiscal year 09/10 just ended, the Public Sector wage bill stood at approximately $126 Billion a massive increase of 40 - of overall Billion.

Dr. PHILLIPS: But you promised... (Inaudible)(Laughter)

Mr. SHAW: This increase was due partly to the 15 per cent wage - this is not a joke business, you know, not a joke business. (Cross talk/heckling)

Dr. PHILLIPS: They were promised 100 per cent. The nurses have the tape.

Mr. SHAW: And neither must it be treated as a matter to be a political football either. Let's talk about that. (Opposition Members applaud/heckling)

Mr. Speaker, this increase was due - we are on one ship, one ship of State. This increase was due partly to the 15 per cent wage increase granted to the public sector, effective April 1, 2008, consistent with the Memorandum of Understanding. But more so, to certain, Mr. Speaker, extraordinary increases in relation to two public sector groups.

Firstly, the police, who in addition to the general increase of 15 per cent was granted an increase in respect of compensation for working over and above 40 hours per week. The controversial 40-hour-per-week issue that had been left languishing for years, Mr. Speaker, was finally confronted by this Government, and compensation was put in place there. It was a long outstanding issue for which there was no resolution, and the Government considered it necessary to deal with the matter.

(Government Members applaud)

Accordingly, while there was a general 15 per cent increase across the public sector, the increase in emoluments to the police amounted to 35 per cent, because of a 19 per cent increase with the introduction of the allowance for working above 40 hours per week, and a further one per cent in respect of other allowances.

Mr. SAMUDA: They deserved it

Mr. SHAW: And nobody questions whether they deserve it or not.

Mr. SAMUDA: Nobody.

Mr. SHAW: We believe they deserved it; that is why we gave it to them. (Government Members applaud) And interestingly, had we been able to fulfill the 7 per cent which we had to freeze, their increase would have reached the point of 42 per cent.

Secondly, Mr. Speaker, the teachers, who had entered into an agreement with the previous Government - entered into an agreement with the previous Government to institute...

Dr. PHILLIPS: Because they deserved it.

Mr. SHAW: Because they deserved it.

MEMBERS: Yes.

Mr. SHAW: ...to institute as of April 1, 2007, a pay adjustment commonly referred to as the 80 per cent of market study, Mr. Speaker. Mr. Speaker, the pay adjustment for the teachers came at an enormous cost to the country. In Fiscal Year 2006/2007 the Teachers wage bill stood at $23.8 Billion. Mr. Speaker, with the pay adjustment, as well as the 15 per cent wage increase, that is to say, the market rate plus the 15 per cent increase, Mr. Speaker, the wage bill went up in 2009/2010 from $23.8 Million, as I mentioned before, it went last year to $43.7 Billion, an 84 per cent increase over the 2006/2007 wage bill, 84 per cent. Almost 100 per cent increase. Almost doubling. Almost doubling, Mr. Speaker. And this was done by this Government.

Mr. HOLNESS: This Government did it! (Cross talk) (Government Members applaud)

Mr. SHAW: But, Mr. Speaker, you would never believe that this Government had presided over - based on this market study, and based on agreement sided by the previous Minister of Finance, we felt obligated to honour it. And that with the 15 per cent, they have reached 84 per cent increase since 06/07 to now, Mr. Speaker. And we hear dishonourable comments being made about apartheid and other things like that, by the leadership of the JTA. It is dishonorable and unfortunate...

(Opposition Members heckle)

Mr. SHAW: ...that he should be making comments like that in the public. Most unfortunate.

(*Sotto voce* comments)

Mr. Speaker, this increase represents, this increase - let me explain what this increase represents, It represents 50 per cent of the overall increase of $40 Billion for the entire Public Sector wage bill between 06/07 and 09/10. This government, therefore, has treated in an unprecedented and substantial way with the emoluments paid to the country's teachers. (Government Members applaud)

Mr. SAMUDA: Under difficult circumstances.

Mr. SHAW: Under extremely difficult and trying circumstances, Mr. Speaker. And when you hear the talk you would never believe that we have extended ourselves in such a manner for the teachers of this country.

Dr. PHILLIPS: You promised more.

Mr. SHAW: Mr. Speaker, everyone is aware of the state of the country's finances, which resulted in the Government having to institute a wage freeze in April, 2009, thereby freezing the 7 per cent increase which would have been due for the 09/10 financial year.

Mr. Speaker, everyone is also aware that the country has entered into an agreement with the IMF, in which we have committed to maintain the current freeze on wages and salaries into Fiscal Year 11/12, a further two years; that wage and salary increases agreed to but which have not yet been paid, are to be paid over the medium term of four years; that new compensation agreements are to be better aligned to the budget process and budget constraints to ensure that Government's objective of reducing the size of the Public Sector wage bill from 11.5 per cent of GDP to 9.5 per cent of GDP over the next four (4) years, is achieved.

Mr. Speaker, against this background, we cannot meet all the outstanding obligations which fall due in the Financial Year totalling $9.4 Billion, this Financial Year. The actual total arrears is some $13 Billion, but $9.4 Billion would have been due in this financial Year. I just want to make it clear so we don't have any misunderstanding.

The nurses are owed a Billion dollars.

Dr. DAVIES: The nurses.

Mr. SHAW: The nurses.

Dr. PHILLIPS: What was promised?

Mr. SHAW: And let me tell you something, my heart goes out to all of them, including the nurses.

I saw Nurse Anderson at a funeral in Mizpah, in my constituency the other day. We had a nice hug-up... (laughter) ...and picture tek and everything. I don't see any picture in the newspaper yet. (Laughter)

Dr. DAVIES: Money, not hug-up.

Mr. SHAW: But when we taking the picture she gave me a little envelope. And I put it in my pocket and I went home and I tek it out. And my wife asked me what - and l say is a love letter from Nurse Anderson. (Laughter)

Dr. DAVIES: It's an invoice! (Laughter)

Mr. SHAW: But, you are actually right, you know, you are actually right. But it was a nicely written invoice, let's put it that way. (Laughter) And it was actually an invoice written with a heart.

And want to give Nurse Anderson every assurance, and all of the nurses of Jamaica - and my wife happens to be a nurse, by the way - I want to give them every assurance that the Government, Minister of State, Arthur Williams, the Prime Minister, the entire Cabinet, we are going to sit down - the Minister of Health - we are going to sit down, and I going tek out the love letter and crease it out and put it on the table, and we are going to do our very best for the nurses, our very best for the nurses.

(Applause)

But we owe the nurses a billion, the JDF, $1.3 Billion; contract police officers, $74 Million; the Law School workers, $154 Million; the West Indies Group of University teachers, $543 Million; general allowances to the Civil service, $2.329 Billion, and arrears that were promised to the teachers for this Fiscal Year, for which we all know we have a difficulty now, of $4 Billion.

Mr. Speaker, the payments to the nurses, the JDF, the contract police officers, the Law School and the West Indies Group of

University teachers all involve payment of the 15 per cent wage increase, and increase in allowances due April 1, 2008. It's very important that everybody recognizes that these amounts that I have mentioned are involving the 15 per cent which they have not yet gotten. That will have to be taken into due consideration as we go forward in making our decisions.

The amount due to the Civil Service is in respect of allowances only, the civil servants having been paid their 15 per cent wage increase. Likewise, Mr. Speaker, the teachers have been paid their 15 per cent wage increase. And what is now outstanding represents arrears on their pay adjustment for the 07/08 Financial Year.

Mr. Speaker, the Government has continually restated its intention to satisfy the amount due to all public sector groups, but simply cannot accommodate these payments in one Fiscal Year, and can only do so over at least three fiscal years, at least, at least.

Mr. SAMUDA: But we are going to honour it.

Mr. SHAW: But we are going to honour it. We are going to honour it.

Mr. SAMUDA: We are going to honour it. We are going to honour it.

Mr. SHAW: Mr. Speaker, there has been ongoing consultations with all Public Sector groups in respect of the outstanding obligations, led by the Honourable Prime Minister himself. He has been talking with a lot of the groups, including the umbrella groups. The Government has been working diligently in exploring all the ways in which it can meet some of these obligations without jeopardizing our ability to meet our quarterly IMF test. We are near to the stage when we can engage in formal consultation with all groups, and expect to do so within a matter of weeks, if not a matter of days.

In the meantime, Mr. Speaker, I appeal to all Public Sector groups to carefully weigh and consider the state of the country's finances, to consider our agreement with the IMF, which is designed to improve the fiscal and monetary health of the country, and to work with the Government in resolving Public Sector wage issues in an atmosphere of understanding, of peace and harmony, Mr. Speaker.

Government MEMBERS: Hear! Hear!

Mr. SHAW: Mr. Speaker, in terms of the Expenditure Budget, I want - I feel - I wish to say to you - I crave your indulgence and the indulgence of this Honourable House, for us to take a more careful look at the social safety net that has been implemented by this Government over the past two-and-a-half years.

Mr. Speaker, the level of support that we have given to the social safety net enhancement is unprecedented. You may recall that Government gave a firm commitment to preserving and enhancing critical social programmes and government initiatives. The record will show that despite the challenging fiscal environment within which we have had to operate, we have delivered on this commitment. We have not only managed to maintain the social safety net, Mr. Speaker, we have significantly enhanced the social safety net at a time when this support is most needed. This was not accomplished by chance. It is the direct result of strong political will, careful prioritization and realignment and efficient allocation of government resources. Mr. Speaker, the preservation of the social safety net, which is

supported by our multilateral partners, by the way, including the IMF and the World Bank and the IDB - this was a promise that we made and it is a promise that has been kept.

Let's look at the PATH programme very briefly, which started by the previous Government. Very good programme which came out of the Food Stamp Programme of the then previous JLP Government, and was enhanced into the PATH programme, supported by multilateral assistance and has become a model that is being looked at and patterned in other countries globally. It remains the standard bearer as far as poverty relief is concerned. In pursuit of its mandate to mitigate the hardships faced by the poor and to cater to the most vulnerable among us, the PATH programme has distinguished itself as a top quality social programme.

Against this background, Mr. Speaker, we expanded the PATH programme by an additional 114,000 persons, an increase of 50% since this Government came to office. (Applause) And an additional 18,000 beneficiaries are targeted to be registered in this new fiscal year which will bring the total up to 360,000, up from where it had started in 06/07 of 227,900, an increase of 58% since coming to office. (Applause)

(*Sotto voce* remarks by members)

Mr. SHAW: Fifty-eight per cent. Mr. Speaker, in respect of the actual expenditure, that is the number of people, in terms of the expenditure it will be increased in 2010/1 1 by 34% or $868.2 Million over 2009/10. Since coming to power the PATH programme expenditure has increased, Mr. Speaker, by 180%, moving from $1.2 Billion in 06/07 to $3.4 Billion in 2010/11 in this fiscal year; (Applause) and this includes a substantial increase of PATH assistance to children attending school. And this is critical. It has moved from $604 Million in 06/07 to $2.2 Billion. This is to help children to go to school. This is not the School Feeding Programme, Mr. Speaker. This is the PATH component of ensuring that children are attending school and (Applause) that has gone up from $604 Million and it has gone to, the school section has gone to $2.2 Billion in 2010/2011.

Mr. Speaker, the question of support for PATH programme begs no further debate. It is significant. It's a good programme and the enhancement has not only been in terms of the number of people that are benefitting but in terms of the amount of support, financial support that each family or person or unit has been receiving.

This Government - turning now to education, because this is another aspect of the social safety net. Mr. Speaker, you know, one thing I think is important for all of us, in the midst of the crisis, in the midst of all the difficulties it is important that we acknowledge the things that are being done. We mustn't try to sweep any of it under the carpet. So we mentioned the PATH Programme.

EDUCATION

I want to turn now to education. Because in the education programme, Mr. Speaker, we are committed to the abolition of Cost Sharing and we abolished tuition and to the point that up to 06/07, 213,526 students were paying Cost Sharing and in the 09/10, just passed budget, 222,947 students were receiving tuition-free education under the Government's programme of tuition-free education.

(Applause) It is significant investment. And, Mr. Speaker, despite the very sharp cut in the budget we want to indicate that the budget for education remains firm and is now at a very high level of some 14.2% of the national budget, which is closer by the way to the 15% target for which there was an Accord signed in this Honourable House by the then Prime Minister and the then Leader of the Opposition, that the 15% was the desirable objective for education. (Applause) And, Mr. Speaker, when the dust settles we will probably reach that 15% target and surpass it in this fiscal year.

But it goes further than that, Mr. Speaker. The Government made a commitment that we would significantly expand, Mr. Speaker, the School Feeding programme because we saw that it was an important part of making sure that our children have the nutritional base where we're feeding their brain so they can learn better. (Applause) And what has happened since then, Mr. Speaker is that in fiscal year 07/08 we had 113,000 PATH beneficiaries for the School Feeding Programme. It is now 220,000 students targeted for 10/11 for school feeding, (Applause) an unprecedented level of support, Mr. Speaker. This is $1.8 Billion set aside just for the School Feeding programme, not to help them to go to school. The other $2.2 Billion is for that, for PATH.

(*Sotto voce* remarks by Government Member)

Mr. SHAW: So it's $4 Billion in all that is dedicated to our school children through the PATH programme. In addition to that $1.8 Billion for PATH programme under the School Feeding programme you have the allocation to nutritional products of $706 Million, the School Feeding Grants of $83 Million, allocation for commodities used to prepare meals, $297 Million, allocation for nutritional subsidy to Basic Schools, $25 Billion, for a total for school feeding of $2.9 Billion, for school feeding. (Applause)

(*Sotto voce* remarks by some Members)

Mr. SHAW: Don't tell me that the budget, don't tell me, Mr. Speaker, that despite the cut in the budget of about $90 Billion, that this Government is sacrificing poor people as a result. It is not true. We are adding more and more to support them in this difficult time. (Applause) And anybody, Mr. Speaker, that shake their head, they are not talking the truth if they shake their head, because is the truth.

(*Sotto voce* remarks by some Members)

Mr. SHAW: The figures don't lie! The figures don't lie!

Mr. Speaker, I turn now to the abolition of hospital user fees, hospital user fees and I know that is a touchy issue. But, Mr. Speaker, the issue is that the Government made the decision that having abolished the user fees we see at public hospitals a steady increase of the use of public healthcare services ranging from 16% to 32%. It is a further significant enhancement, Mr. Speaker, of the social safety net. (Applause) More people going to hospitals and the country as a result is a more healthy population. It is an enhancement of the social safety net.

(Applause)

Dr. DAVIES: What's the logic?

Mr. SHAW: I hear the word logic being used in *sotto voce* remarks. But there is no logic, Mr. Speaker, there can be no logic applied to a theory that when people couldn't afford to come they didn't come, and so the solution is to put back the money so they can

stay back at home and don't come to hospital. Where is the logic in that?

(*Sotto voce* remarks by some Members)

Mr. SHAW: The Government has made the decision. The Government has made the decision, **we have abolished User Fees and it's going to remain that way**! (Applause)

Mr. D. PEART: Rubbish!

Mr. SHAW: Mr. Speaker, yet another aspect of the enhancement of the social safety net. No Member on that side, hear mi now, no Member of this Honourable House, on either side of the House, can question that the Constituency Development Fund was a visionary well-conceived concept that is an enhancement of the social safety net in this country. (Applause)

(*Sotto voce* remarks by Dr. Davies)

Mr. SHAW: Mr. Speaker, I am not going to call any names in the Honourable House, but a tired of the lobbying when they saw $15 Million. l couldn't *tek* the lobbying no more and I said to the Prime Minister, beg you Boss, *mek wi* put it back to the $20 Million.

Dr. DAVIES: I couldn't take the bawling from you either?

Mr. SHAW: (Laughter) Mr. Speaker, the truth is . . . Put fun and joke aside.

(*Sotto voce* remarks by Mr. Charles)

Mr. SHAW: Pearnel…. the CDF has been an important tool. It enables MPs to be more responsive to individuals and community needs, including minor water supplies, trucking of water. (Applause) I can tell you in my own constituency, and I speak directly to my constituents, you don't see 'man a yard' but the trucking of water has been an important part of the CDF money.

Miss HANNA: No, it's not supposed to do it.

Mr. SHAW: Yes, we trucked water out of CDF money.

Miss HANNA: No!

Mr. SHAW: When people are starving for water it's a welfare issue and you have to treat with it - housing repairs, community road repairs, back-to-school assistance, welfare assistance to name a few.

Mr. Speaker, let me just indicate in this area that we must remind ourselves that the doubling of the income tax threshold over last year, the doubling of the income tax threshold, we have to repeat these things because we have short memory. We have short memory. Last year this time the income tax threshold was in the region of $220,000. It is now $441,000. (Applause) Mr. Speaker, it means that the average PAYE worker who is at that level, that threshold of $441,000 or above is taking home an additional $55,000 per year in his hand as a result of the increase of the income tax threshold. And we are not saying, you know, Mr. Speaker, that it's enough because when we look at other territories, Barbados, their income tax threshold is J$1 Million when you try it out. But the truth is their *per capita* income is US$16,000 and ours is under US$5,000, so it is a question of affordability. For God sake man, we are going in the right direction; give *wi* little something nuh man… (Laughter) Speak the truth and speak it ever cost it what it will.

Dr. DAVIES: Give us the invoice!

Mr. SHAW: Mr. Speaker, there are other social programmes, many of them started by the previous Government, and we are enhancing them. We have the CHASE Fund we have the National Health Fund, we have the Jamaica Social Investment Fund, we have the Sports Development Foundation engaged

in critical work. Of note, there is a 125% increase in expenditure projected for the Jamaica Social Investment Fund for this year, and 26% increase in the projection for the National Health Fund, all part, Mr. Speaker, of this enhanced social safety net for Jamaica.

(Applause)

When all these social programmes are combined, it is undeniable that the support to hundreds of thousands of Jamaican man, woman and children through PATH, Education, Health, CDF, Social Benefit organizations represents an unprecedented level of support of uplifting the lives of Jamaicans across-the-board. (Applause)

Dr. PHILLIPS: Every programme started by the previous administration. (Applause)

Mr. SHAW: Very good, and continuity is a wonderful thing too. (Applause) And in continuity, when you can make it bigger and better, it is even better for the people and that is what we have done. (Applause)

Mr. SHAW: Mr. Speaker, I turn now briefly to the financing of the budget, but earlier I had really discussed it already, it is going to be largely a repetition, but in terms of revenue and grants, we expect and project $326.3 Billion with tax revenue contributing 88% of this total, or $287.2 Billion.

Non-tax revenue is projected at $20.1 Billion, bauxite levy is projected a little up over last year of $700 Million, capital revenue is projected a $2.7 Billion and we expect grants of $15.6 Billion. I indicated before I discussed the borrowing programme of $176.3 Billion, which is substantially less than the $301 Billion borrowed last year, and that the fiscal deficit that will result from this is a deficit of 6.5%.

Mr. Speaker, in terms of the loan receipts $58.3 Billion will be external and the domestic will be $118 Billion. Domestic will be down from $248 Billion last year, coming down to $118 Billion this year. External was $52.7 Billion last year, will be $58.3 Billion this year, largely as a result of the shift to borrowing from the multilateral institutions.

Mr. Speaker, I want to spend a few minutes before I come to the end of this presentation, to speak about improving the tax administration and tax compliance in this country. I had previously announced that there would be no new taxes, in fiscal year 2010/11, with the exception of changes to the property tax rates. The new property tax rates were announced in this Honourable House last week and took effect on April 1, 2010, and I stand by our promises for this fiscal year that outside of property taxes, there will be no new taxes.

I want to, however, remind everyone in relation to property taxes. Property taxes relate directly to street cleaning, it relates directly to street lighting, which is public safety, so it is public cleansing and public safety. And l am making an appeal to the people of Jamaica, please pay your property taxes, pay your property taxes. (Applause)

Cabinet has examined and deliberated on a number of proposed amendments to the GCT and Income Tax Act, which are aimed at strengthening the compliance and enforcement capabilities of tax administration. These proposed amendments along with other legislative changes will complement the work that is now being done by the tax authorities, who will further intensify their enforcement action against delinquent tax payers in the 2010/11 fiscal year. I am making an appeal to persons who are in arrears or who are under-

reporting their taxes to stop doing so and to pay their fair share; no more, no less.

Mr. Speaker, the culture of tax evasion, is a serious problem in Jamaica. And it has reached a point where it has infiltrated through corruption into too many of the revenue enhancing institutions of the country. It is a major problem, and I am sending a signal to the country that we are not increasing taxes this year. But as Minister of Finance, I am going to leave no stone unturned to make sure, that we broaden the tax net, that we relieve the burden on the poor PAYE workers, that over time when we widen the tax net of this country, we can have the vision that we can lower the overall income tax rate.

But I am also having to send a signal that we are going to have to have a massive cleaning up operation, of too many of our revenue departments where there is collusive activity between officials in Government revenue, in various departments and their co-conspirators in the private sector. It is leading, Mr. Speaker, to multi-billions of dollars, not hundreds of millions anymore, we are talking about billions of dollars of abuse, in this country.

It has already been publicly stated this week that I have had to suspend the award of waivers in my own ministry because we have discovered the illicit award of waivers that has obviously being taking place not for months, but over many years. We have had to seize records dating back to 2004. And already, Mr. Speaker, I can tell you that in those records that have been seized 12 months of waiver files are missing, missing. So we have to now institute new measures...

(Members laughing)

Mr. SHAW: Not a joking matter, not a joking matter, because it has become something that has been so well oiled, and so well practised over so many months and so many years, that it took one or two incidents and my own delegation of the Revenue Protection Division to go and investigate that has now unearthed a major fraud against the government and people of Jamaica that is running into hundreds of millions, if not billions of dollars over many years, through the Customs Department, in collusion with the departments at my ministry.

I am very sorry to have to say this, and to announce it today, the Financial Secretary has issued a statement. We have had to write to our department - we know in our department therefore are largely honest people that are there, but a few bad apples - have had to make us reach the point, where we have had to call in the police. And I am promising every public sector worker that is involved in any kind of act to defraud the government, we are going to track you down and we are going to lock you up and put away the key. We cannot continue like this, Mr. Speaker. As I has have said before, Mr. Speaker, that if we continue these kinds of activities it is a clear and present danger to public order, to public order as well, it is not just a matter of revenue, it is also a matter of public order.

But we are going to do a lot of things. We are going to amend the GCT Act, Mr. Speaker, because there is too much abuse that is taking place in relation to the timely collections and handing over of GCT, General Conscription Tax. We are going to review, Cabinet has already signed off on it, to review the penalties that relate to failure to apply for registration, failure to file a GCT return failure to display GCT Certificates of Registration, failure to

issue a tax invoice, failure to supply records and of course, failure to return a tax certificate, along with the necessary returns.

Last year we announced that we were going to tax imported services. This was based on a commitment made by the previous Finance Minister who had amended the law in 2003, for the taxation of imported services. We have come across further difficulties in the implementation of it and we have - Cabinet has signed off on additional methods that will be used to further circumscribe precisely what it is we are going to tax. The amendments now proposed will also clarify the definition of imported services, specify exemptions and set a threshold for the purpose of charging GCT on imported services.

We have also - Cabinet has decided and the Act will soon be coming to Parliament - that in respect of the Income Tax Act, amendments have being proposed to reduce the interest charge for late payment of income tax from 40%, Mr. Speaker, to reduce it to 20%, reduce it to 20%.

We propose to amend to - the question of tax compliance certificates, will become a requirement now for professionals such as doctors, lawyers, architects, other professionals for them that under the existing laws, they have to be registered. But we are going to make it now mandatory that they are tax compliant in order to register with the various professional bodies under the law. We are going to bring in everybody, we bringing in everybody. Equity, equity and fairness in the tax system is all we are asking for.

We are proposing to Cabinet, that we will soon examine a proposal to introduce a flat tax for small business operators in certain fields. This proposed change will apply to artisans such as plumbers, electricians, masons, painters as well as transport operators. The mechanics of how this will be applied as well as the legislative provisions will be worked out by the tax authority.

The Cabinet has approved a submission paving the way for the transformation of the Tax Administration into a leaner and more efficient entity following the required legislative changes, the Tax Payer Auditor and Assessment Department, the Inland Revenue Department and the Tax Administration Services Department will be merged to form a single domestic tax administration.

As a matter of urgency, we are strengthening the capabilities of the Tax Administration through assistance from the United States Treasury Department with the support of three former agents of the internal revenue services of the United States to enhance the capabilities of the department.

Yesterday I had a meeting with AMBASSADOR SHAPIRO who was visiting Jamaica from the United States, who has a special interest in small businesses and the development of a collateral framework for lending for small businesses. I met with him along with representatives from the US Embassy and the United States Treasury Department in which they are committed to looking at ways to further assist the Government to carry out a detailed forensic assessment of our state of affair; as to why we have so much areas of leakage of revenue in the country, and how we can plug the leakage so that we can bring the revenue to run the country, and run the country properly.

Assistance is also being received from the Caribbean Technical Assistance Centre (CTAC) and the IMF to develop our auditing

and compliance capabilities and techniques. Increasingly, as I said before, corruption is being discovered in areas of taxation, in Customs billions of dollars potentially lost through corrupt practices. Strong measures are being put in place to address this crisis, because it is a crisis, it is a crisis. The Revenue Protection Division will be strengthened and enlarged to detect and prosecute tax officials as well as their co-conspirators in the private sector who cross the line.

Mr. Speaker, I want to address another area which continues to wreak debilitating effects on the revenue. I want to talk again, a little bit about tax evasion. The matter has been the subject of much public debate, research, technical advice, however it persists at a disturbing rate. It is globally regarded as a criminal act and the Income Tax Act of Jamaica also recognizes it as a criminal act. It is intentional illegal behaviour, a violation of the tax laws in order to escape the payment of tax.

An example, Mr. Speaker, of tax evasion is deliberate under-reporting of income. If you are involved in such an activity you are regarded as stealing from the public purse. Let's talk straight now, let's talk straight. If you are a businessman who has not filed his returns, you are involved in tax evasion. If you are a professional who has under-reported your income, you're involved in tax evasion.

We need to stop paying lip service to combatting the scourge of tax evasion. We need to send an unequivocal message, that you are not "smart" when you evade taxes, just as you are not smart when you steal or commit fraud.

We will tighten the laws and increase the penalties, including custodial sentences which was recommended by the head of the Private Sector Organization. The tax authorities will continue with innovations such as the data mining facilities and the improvement of investigative capabilities.

Mr. Speaker, make no mistake, our goal is to stamp out this pervasive culture of tax evasion, which has as its motto 'catch me if you can'. Our response resonant with steely determination will be "yes we can". (Applause)

Mr. Speaker, I want to end in this way. There are many people who say - when they hear the Minister of Finance - but where is the stimulus for growth? Where is the money for growth in the economy? There are many projects that are in the pipeline. The Ministers will be telling us about those projects. But the job of the Ministry of Finance is to set the framework for a competitive economy, that's the job of the Ministry of Finance.

The job of the Ministry of Finance is to establish a stable macroeconomic climate that is characterized by low inflation, competitive interest rate, a stable exchange rate and an equitable tax system. Lay the foundation. When combined, these initiatives set the foundation for a competitive economy that will give incentives to entrepreneurs to invest, to create jobs and to earn foreign exchange.

Mr. Speaker, it is against this background that l once again in closing, highlight the Government's achievements in this regard. We are committing to cutting expenditure; we are a government that has the courage to rein in runaway governments spending and to establish a balanced budget over the medium term; that is our commitment. (Applause)

We are committed to falling interest rates with BOJ benchmark rates the lowest in 24

years, creating the opportunity to borrow at lower cost so we can get businesses going in the country. (Applause)

A MEMBER: Hear, hear!

Mr. SHAW: We are committed to a stable exchange rate with depreciation sharply moderated over the past year leading to an appreciation over the past several weeks.

We are committed to ensuring available foreign exchange, reflecting the confidence placed in governance by our local stakeholders and international development partners.

Appropriate government policies on energy are being put in place that will result in lower energy cost which will lead to lower production costs as well as lower inflation.

We have successfully implemented the Jamaica Debt Exchange, representing a collective understanding among our partners for lower interest costs on the budget and ultimately in doing business.

We have been courageous in entering an IMF Agreement, to ensure adequate and prudential availability of foreign reserves while observing principles of prudent financial management and debt sustainability. (Applause)

A MEMBER: Hear, hear!

Mr. SHAW: We have access multilateral support, which reflects the Government's firm and irrevocable commitment to bring a new and transformative type of governance to the people of Jamaica, Mr. Speaker. (Applause)

We have increased the Social Safety Net consistently over the three budgets announced by this Government, which reflects the Government's unswerving commitment to assisting our unfortunate people through these difficult times, a commitment by this Government. (Applause)

We have put in place a Fiscal Responsibility Law, adding teeth to the spirit of accountability, transparency and oversight. (Applause)

We are subjecting, Mr. Speaker, the various public sector entities to the scrutiny of Parliament by law, because they are going to understand they are not laws unto themselves, operating out there in their little empires, they're going to be brought into the framework of parliamentary scrutiny, under a committee incidentally, that is chaired by the Opposition, the Appropriations Committee. That's the commitment of this Government to transparency. (Applause)

Mr. Speaker, in all of this, we are poised for investment, job creation and earning our way to prosperity rather than seeking to borrow our way to poverty.

Mr. Speaker, all combined, we are building the foundation for growth and prosperity. We have now created the fiscal space, the financial stability and the opportunity for the private sector to take the lead in generating new investments and economic growth.

This Government, Mr. Speaker, has demonstrated the political will to undertake the painful, but necessary measures to create the conditions for sustained development and growth.

A MEMBER: You can say that again.

Mr. SHAW: The Jamaican people are demonstrating tremendous understanding, strength and forbearance at this hour of great challenge.

Throughout history and across the globe, Jamaicans have shown that with determination, sacrifice, and hard work the unachievable can be achieved, the unreachable

can be reached and surpassed, and the unattainable will end up in our grasp. (Applause)

In every time and in every place, we have shown what we can accomplish through our collective efforts and individual efforts. What must now become our national preoccupation is our preparedness to produce our way to prosperity, to work together for wealth-creation, and to partner for progress. (Applause)

A MEMBER: Hear, hear!

Mr. SHAW: Mr. Speaker, there have been bright lights in our history since Independence. We have been on that path before ... together we can do it again.

May God bless all of us; and may God bless Jamaica land we love. (Applause)

MEMBERS: Very well done, well done.

ADJOURNMENT

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, you have just heard the sobering presentation of the Minister of Finance. It is not proposed to do any further business today, Mr. Speaker, I therefore move that the House adjourns until the 13th of April, when we will hear the response from the Opposition spokesperson on Finance.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Tuesday, the 13th of April, at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House was adjourned accordingly at 4:29 p.m.

TUESDAY, April 13, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.11 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Culture, Sports and Culture.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the

Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.11 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, firstly I would like to welcome the Senators sitting in the Chamber and also to welcome persons sitting in the Gallery. And just to remind you, please, check your cellphone. Make sure it is either off or on vibrate so that there is no disturbance of the proceedings. But please enjoy the sitting of Parliament this afternoon.

(HON. DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade, entered and took his seat.)

ANNOUNCEMENTS

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

- **Ministry Paper No. 32**
  Cabinet agenda issues for March 22, 2010
- **Ministry Paper No. 33**
  Agenda issues for March 29, 2010
- Jamaica Cultural Development Commission (JCDC)
  Annual Reports and Audited Financial Statements for the years ended March 1999, 2000, 2001 and 2002 respectively.

(HON. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, with your leave at the next sitting of this House I beg to move the following motions:

> Be it Resolved that this Honourable House debate the modalities by which a contributory pension scheme for all public sector workers can be instituted to replace the non-contributory scheme which currently applies.

Mr. Speaker, to move:

> Whereas the fisher folk of Rae Town in Central Kingston and the remainder of the more than forty thousand fishfolk in Jamaica have been experiencing reduced cash intake and poor earnings due to the depletion of their catch:
>
> Be it Resolved that the Government seek funding and itself invest in a scientific study and implementation programme for increasing the stock of fish, lobster and conch in Jamaica's coastal and territorial waters.

(HON. EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism, entered and took his seat.)

Mr. Speaker, and to move:

> In the light of the Armadale Report, the findings of the United Nations Rapporteur on torture and the events at the Horizon Remand Centre recently, that this Honourable House debates the state of the island's custodial institutions and practices with special attention to children in custody.

(MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, entered and took his seat.)

(MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, entered and took his seat.)

Mr. Speaker, by your leave to move:

> Be it Resolved that the Government instructs the Petroleum Corporation of Jamaica to supply petroleum products directly to dealers without the intermediation of the petroleum marketing companies;
>
> And be it Further Resolved that the margins of the petroleum marketing companies be allocated to a special dedicated fund for the maintenance of the nation's roads.

And, Mr. Speaker, to move:

> Be it Resolved that the Standing Orders Committee of Parliament be

convened in order to consider issues raised in the discussion of the last Report of the Committee and in particular the matter of Statements by Members and to continue sitting until the review of the entire Standing Orders of the House of Representatives is completed.

May it please you.

(MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central, entered and took his seat.)

(MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, entered and took his seat.)

(MRS. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, entered and took her seat.)

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, may I be favoured with the copies that the Clerk has?

At the expiry of 21 days may I have leave to ask the following questions as listed on the sheets approved by you of the Minister of Finance, of Education and the Prime Minister.

(MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

The SPEAKER: Rev. Thwaites, just indicate the relevant Ministry. The sheets are being provided to you now.

At the expiration of 21 days Rev. Thwaites will ask the Minister of Finance and the Public Service the following questions:

Question: Please list all the consultants and advisors currently employed to the public sector and state the emoluments and perquisites paid to each as well as the tasks assigned to them.

At the expiry of 21 days Rev. Thwaites will ask the Minister of Finance and the Public Service the following questions:

Question: Will the Minister of Finance and Public Service provide a list of all the public corporations, Executive Agencies and government-owned or controlled companies with a status report as to the following:

1. Those providing essential services going forward;
2. Those to be merged with other entities;
3. Those to be sold or closed;
4. Please give an appropriate timeframe for each category.

Will the Minister indicate which of these entities are charges on the Consolidated Fund or are in receipt of government guarantees. What are the plans for indebtedness of these entities to be recouped by their own operations?

Which of these entities have surpluses which can be applied to reduce national indebtedness?

(MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central, entered and took her seat.)

(MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern, entered and took her seat.)

At the expiration of 21 days Rev. Thwaites will ask the Minister of Health the following question:

Will the Minister please formulate and seek to have implemented the national nutrition policy promised by March 2010.

The SPEAKER: Thank you, Rev. Thwaites.

(MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, entered and took his seat.)

PUBLIC BUSINESS

The SPEAKER: House Leader?

Mr. HOLNESS: Mr. Speaker, at Public Business today we will continue the Budget Debate and we will hear a presentation from the Member from St. Andrew South.

The SPEAKER: Thank you, House Leader.

Dr. Davies.

(Applause)

BUDGET DEBATES

Dr. DAVIES: Thank you very much, Mr. Speaker, thank you very much colleagues.

Mr. Speaker, I begin this presentation with the usual acknowledgment of the contribution made by various officials from the different institutions, those who have provided us with the documentation and data which will not only inform the contributions to the debate but should assist us in assessing the social and economic situation in Jamaica.

Let me say at the beginning that we on this side have a specific complaint to which we will reluctantly return. But at the same time we should never underestimate the extent to which the officials have put in time and effort to facilitate our work here in Parliament.

I wish to specially acknowledge the Financial Secretary, DR. WESLEY HUGHES, and the Governor of the Bank of Jamaica, MR. BRIAN WYNTER. Each is relatively new in his respective position, although they are both well known as public officers. DR. HUGHES at the JBI - at the PIOJ and then at the JBI and then he returned to head the PIOJ. MR. WYNTER at the Bank of Jamaica and as the first head of the Financial Services Commission. We welcome them and thank them and the members of their teams for their efforts. (Applause)

Mr. Speaker, this Budget Debate comes at a critical juncture in our country's history for several reasons. For one, we are halfway through this Administration's first term, if they go to the maximum. And it's the third budget presented by the Minister. By now we should have been able to discern a pattern to the policies and programmes being pursued by this Administration and reflected in the budget.

Let me indicate that with time and with the problems there has been a marked adjustment to the tone and approach of the Minister (Laughter) as he recognizes the enormity of the challenges.

(*Sotto voce* comments by Opposition Members)

Dr. DAVIES: Mr. Speaker, to be frank - well I am speaking about the opening part, but let's see if he can maintain the form in the second innings.

To be frank, the budget debate is a somewhat anti-climatic, as it essentially resolves around commitments already agreed to in the Stand-By Agreement with the IMF. As such, this budget marks our formal re-engagement with the IMF for the first time in over 15 years.

Mr. Speaker, although we have long passed the stage of blaming our ills on the IMF, there is no question that the Stand-By Agreement represents a far more important set of guidelines for actions on the financial, the macroeconomic and social fronts that the budget documents themselves. We are also in the first budget following the execution of the Jamaica Debt Exchange. Mr. Speaker, the Opposition, and very carefully here state this, we supported the objective of the exchange. The truth is that we didn't have much options - from the perspective of reducing the debt servicing burden of the country. However, there are several outstanding matters to be addressed; and there is one 1 would like the Minister of Labour and Social Security to take particular note about in terms of the impact of the debt exchange.

We will be raising some of the implications of the JDX, which seem not to have been taken into consideration when it was being conceived and implemented.

Mr. Speaker, finally, this is a critical budget debate, as it comes at the end of what one could describe as a tumultuous fiscal year. It's a year in which there were several tax packages. In fact, even as we sat in the Standing Finance Committee on the last day of the fiscal year, the Minister revealed another tax increase, this time related to property taxes. It is our hope and indeed, the hope of the whole country - and l genuinely mean this - that this fiscal year 2010/2011 will be a less tumultuous one. The country needs to settle down and to operate on a more clearly deemed path. The basis for this less tumultuous path should be laid by the Administration in the budget debate. Last year the exact opposite occurred. And, Mr. Speaker, I have to be frank. Already there are worrying signs about this year.

My presentation will have the following sequence. In so far as data are available, l will examine last year, looking at issues such as the level of economic activity, the fiscal deficit and the growth in the country's indebtedness. Next I will look at the information provided on the public bodies. This is the first year that we have had an opportunity to view both the operations of Central Government and the public bodies in a comprehensive manner, and so l will spend some time looking at some of the more critical ones. I am going to be raising issues not only about the operations but governance issues.

I will then look at the expenditure budget. And there we have had some difficulties in terms of being able to make meaningful comparisons because of the dated nature of much of the information contained in the big document. Then we'll look at the financing of the budget.

Finally, we will consider some of the major macroeconomic and social challenges which need to be addressed if we are to move the country out of the present state.

As is usual, there will be three presentations from the Opposition. I speak today and I will be followed by my Colleague - always get mixed up with that 'C' word, here it is Colleague, right? We can't say... the Colleague MP from East Kingston and Port Royal.

(*Sotto voce* comment from Government Member)

Dr. DAVIES: What you guys call each other?

He will address the issues of the real economy focusing on small and medium-sized

enterprises, ICT and energy. Then on Thursday the Leader of the Opposition will speak. She will address social issues, governance and related questions.

Before I close my introductory remarks I should say something about the demise of an institution, which during its over four decades of existence has filled the hearts of all Jamaicans at home and abroad with pride. I speak of Air Jamaica.

I would be less than honest if I did not acknowledge the factors which have caused the Administration to take a definitive decision concerning the airline. We, whilst being Government, faced the same challenges and sought to privatize, or so we thought. This is not the time and place to speak of concerns about how the process has been or is being handled. What l simply wish to do is to place formally on record on behalf of the Opposition, the appreciation for the service given by both present and former employees of the national airline.

(Applause)

There can be no question that there were times when we were less than pleased with the airline for whatever reason. Perhaps because it was ours we demanded too much of it. At the same time, there can be no question that at its best it provided a world-class service, better the most and equal to any.

As a country we must wonder why it was impossible for a group of local entrepreneurs to respond to the Government's invitation to bid for control of the institution. In our more sober moments this is an issue on which we should reflect.

Suffice to say, that the Opposition wishes to formally place on record sincere appreciation to the thousands of employees at all levels who gave us a sense of pride in our national airline for over four decades.

(Applause)

Mr. Speaker - and now I'm going to look at the year in review and depending on the data available, I will speak about calendar year 2009 and local year 2009/2010.

Mr. Speaker, let me state here that we had challenges in making some comparisons. And the worst example was seeking to compare the expenditure out turn for Fiscal Year 2009/2010 with the Estimates tabled for 2010/2011. Nonetheless, utilizing the data sets which are available, we'll seek to look at a set of the major macro-economic indicators including growth, revenues, the fiscal deficit, the growth in debt and within that context, the Jamaica Debt Exchange.

Mr. Speaker, as regards economic growth, the Minister has indicated that there was a decline of 2.7% for calendar year 2009. The Ministry of Finance projects that for the fiscal year, which is to tack on the additional three months, the figures will reveal minus 3% for the fiscal year. This follows negative growth of approximately 1% in 2008. Just for the record, this followed years of positive growth of 2.7% in 2006 and 1.5% in 2007.

Those of us who have listened to the pronouncements of the Minister of Finance and the Public Service whilst he was Opposition spokesperson, will recall the comparisons of Jamaica's performance against other countries in the Caribbean and elsewhere and it was a staple in his presentation.

Whilst this was predictable activity as Opposition spokesperson, I was kind of surprised when he raised the issue this time, in that he pointed out that over the previous 15 years we had averaged 1% *per annum*.

My only difficulty is that during the full two years where he has been in charge, 'man-a-yard' and all that, we are hurrying in the wrong direction with an average negative growth of 1.8% *per annum*.

I saw him at Champs and he didn't stay long enough for the relays. But the relays mean that you must keep going in the right direction. You got 1.8 and 2.7 and then you fall and start racing in the opposite...Luckily you're not coaching Holmwood. In other words, on his watch the GDP has shrunk by nearly 4%.

We should now look at the issue of the fiscal deficit, because regardless of how you cut it, regardless of how we boast about the success of the JDX, the fact is that as long as there is a significant fiscal deficit, it means that you'll have to borrow, either domestically or externally, to support expenditure. As long as you have a fiscal deficit, it don't make any difference. In order to fill that gap, you have to borrow. And regardless of what the interest rate is, borrowing still means that you are increasing the level of debt.

Mr. Speaker - and I want to watch my watch carefully. The picture of an ever-increasing deficit exemplifies the tumultuous year we faced in 2009/2010. And I'm quoting data provided by the Ministry's own documents, the Memorandum on the Budget for 2010/2011, to explain what I mean ‘a tumultuous and a chaotic year'.

The Minister addressed this House just about a year ago and he outlined a budget which he confidently asserted would yield a fiscal deficit of 5.5% of GDP. And he indicated that this was reducing the deficit from 7.3% of GDP in the previous fiscal year, 2008/2009.

Following that whole confusion with the presentation of the new tax package, it was very clear to everyone that no aspect of the fiscal programme would hold. We urged the Minister, indeed, we urged the whole Government to quickly bring a new Supplementary Estimate to Parliament. They resisted. Eventually it was done in September and with it came the second tax package.

In presenting the First Supplementary Estimates, the Minister indicated that the deficit target was no longer 5.5% but it had been raised to 8.7% of GDP.

Opposition MEMBERS: What! What!

Dr. DAVIES: Then, Mr. Speaker, we went through two tax packages in December as prior actions to the Government's completing negotiations with the IMF for the Stand-By Agreement.

The deficit target of 8.7% of GDP which had been put to us with the First Supplementary Estimates was revised as part of the IMF Agreement to one of 9.6% of GDP. But we are now told that the outturn for the fiscal year was not 9.6 but 10.9% of GDP.

(Inaudible comments by Opposition Members)

Let me recap, let me recap. And, Mr. Speaker, there is a reason I'm doing this...

Opposition MEMBER: Ten point three?

Dr. DAVIES: Yes. There's a reason I'm doing this because last year is last year. But what then becomes... Of critical importance is the credibility of what we are told, going forward.

Let me recap. We started at a target of 5.5% of GDP in April. We moved the figure to 8.7% of GDP in September. We moved it to 9.6% of GDP for the IMF Agreement in

February. And now we are told that it is 10.9%. Put...

Miss HANNA: That's a hundred per cent. What!

Dr. DAVIES: Essentially... A hundred. Yes, a hundred per cent. Yes.

So, Mr. Speaker, there are two major points which we would make at this point. The first is that this outturn of 10.9% of GDP is artificial. It is artificial. It is artificial because not included in this deficit targets are the significant amounts owed by Government to just about everyone. To the workers, to other creditors, to suppliers, to contractors...I have a little contractor and I really would like him to get paid sooner rather than later - and for refunds of tax on interest deducted at source. What is this total figure? Nobody knows. Nobody knows.

Now, Mr. Speaker, here is where it is of concern all of us. And I say all of us. As part of the IMF Agreement - this is not we as Opposition putting pressure. As part of the IMF Agreement, the Government has agreed not to increase the level of arrears. Hmm? It is in the country's interest not to fail this or any other test. But we in Parliament can't participate in the monitoring if we do not know what is the total stock of arrears. We need to know this. We need to know.

(Applause)

You know, my friend the Member from North Central used to complain bitterly about the fact that the Government could have owed and it's not reflected in the books and it should be in debt or something. I know you're still, as a man of principle and conviction, you still feel so.

(Inaudible comments by Mr. Shaw)

Yes. As a man of principle and conviction. Yes. I know he feels so. You must talk to your colleague. Yes. So, Mr. Speaker that is the first thing, what is this figure?

The second question which relates to the deficit, is that last year's performance demonstrated that the Government did not have a firm handle on revenue projections.

Now, Mr. Speaker, this is ironic in that strangely, the projection for economic decline was more or less spot on. Therefore, although the economy contracted, the Government anticipated the level of contraction. So it is kind of confusing to me that you knew what the size of the economy was going to be but you were so dead wrong in terms of what the deficit... And so, I think the Minister needs to come back to us and explain to us why was it that he had a firm handle, and what the level of contraction of the economy would be but the deficit was so way off.

Now, Mr. Speaker, let me speak to the matter of debt. The running of significant deficits, as I said before, logically, leads to growing debt. As long as you are borrowing to fill that difference between revenues and expenditure, your debt is growing.

The Minister in his previous life spent a great deal of time identifying the failures of the previous administration in terms of the growth in overall debt. And he was correct.

But let us look at the situation over the last two and a half years. And again I'm quoting from documentation put out by...(Inaudible)

In the middle of Fiscal Year 2007/2008 - and I just chose that, Mr. Speaker, just by the way. Middle of fiscal year, September 2007, just by the way. Right - the total stock of debts stood at $950 Billion Too much. And the revisions in the GDP, that was about 108% of GDP.

By March 2008, that is six months later, the end of Fiscal Year 07/08, that figure was $1 Trillion, One Thousand Billion. Yes. The first Trillion dollar man. A year later, last year 2009 it had moved from a Trillion to One Thousand Two Hundred Billion Dollars. And we are now told that March 31st, the figure is One Thousand Four Hundred and Thirty-four Billion Dollars.

(Inaudible comments by the Opposition)

Dr. DAVIES: I can't count all them things there. I just read the book. I just read the book. Put another way, put another way, Mr. Speaker, put another way, between September 2007 and to date - not to date, March 31st, the national debt has grown up from $950 Billion to $1,434 Billion, an increase...

(Inaudible comments by Mr. D. Peart)

Dr. DAVIES: No, 55%. 55%, 55% .

Opposition MEMBER: In two and a half years.

Dr. DAVIES: In two and a half. And, Mr. Speaker....

(Inaudible comments by Government Member)

Dr. DAVIES: Okay, I know you were going to say that. I wrote to the Minister and his technical staff responded to me. I said tell me what additional debt you have brought on. And they indicated that the Ministry of Finance assumed debts for the SCJ of J$1.9 Billion and US$58.6 Million. And that's what they said. I can show the...

(Inaudible comments by Opposition Member)

Dr. DAVIES: Yes, that's what…So included in that total, that is what has been brought on as his legacy debt as such.

Mr. Speaker, in terms of commonly used ratios, Debt to GDP, at the end of Financial Year. 2009/2010, again, quoting from this blue book, the ratio was 129.4%. It was 115.7% before that and close to, just about 108% in September 2007.

Mr. Speaker, those numbers give an interesting tale. And even as we welcome the significant impact which the debt exchange will have on debt servicing requirements, we need to analyze very carefully what had happened in those two and a half years to have caused the stock of debt to have grown by 55%.

(Inaudible comments by Mr. D. Peart)

Dr. DAVIES: And let me offer my preliminary observation. You take the two deficits in 08/09 and then 09/10, you will have contributed by virtue of trying to finance that, something in the region of just over $200 Billion. And if you throw in the devaluation - because if you check September 2007, the Dollar was Sixty something to move to Eight-odd, that means the foreign debt...

Mr. BUNTING: To Ninety.

Dr. DAVIES: To Ninety. The foreign debt would have increased. So that's 55%. But, Mr. Speaker, it is critical.

(Inaudible comments by Mr. Shaw) (Laughter)

Dr. DAVIES: All right don't fight him for the three. It's all right. It's okay. Let me correct the General Secretary and my colleague from Central Manchester. It's not 90, it's 89.17. Let me correct him. (Applause)

Mr. Speaker, the reality is, whatever we are able to do in manipulating the interest rates - and I use the word deliberately, because I am going to come back to it - what you are dealing with is that a stock of debt has increased by 55 per cent, One Trillion, Four Hundred and Thirty-four Billion Dollars. So,

regardless of what you are doing you have to repay that...

Mr. D. PEART: In two-and-a-half years.

Dr. DAVIES: ...and it is a very important commitment. And I would like those at home and abroad to understand that I speak on behalf of both sides, that we intend to pay the debt. I want them to know that.

MEMBERS: Hear, hear!

Dr. DAVIES: Mr. Speaker, what this speaks to though, is that for the next several years, just having that amount of principal debt to service, there is going to be very limited fiscal space. There is going to be very limited amount to do things.

(Sotto voce comment)

A coming to that.

Mr. Speaker, we now need to look at the revenue outturn during the last fiscal year. The inability to predict with any degree of accuracy, the returns from new tax measures represented one of the major failings of the administration in fiscal year 2009/2010. The first tax package presented a year ago was estimated - and I have the Minister's speech here in case anybody needs it to be certain that I am quoting - to yield $18.1 Billion. Obviously, and we all knew it couldn't work. We all knew. Even the strongest labourite knew it couldn't work; the escalation thing and all them thing, we know it couldn't work.

(*Sotto voce* comments/Laughter)

Obviously, the results were disappointing, as in the First Supplementary Budget presented in September of 2009, not only was a second tax package presented - a small one by new standards, $1.7 Billion - but the deficit target was increased. In other words, there was a recognition that even with compression of expenditure, the revenues will be falling out.

Mr. Speaker, you will recall that a third tax package was presented...

Mr. D. PEART: In one year.

Dr. DAVIES: No, in two installments. The first by the Minister, and the other by the Prime Minister on 23rd December.

Mr. D. PEART: They don't know what dem doing.

Dr. DAVIES: This package was estimated to yield $21 Billion in a full year. And I have learned from this blue book - reading this blue book is very very instructive - that $3.7 Billion was expected from that last tax package to have been collected in the last quarter between January and March. So, again reading from this blue book - and I urge colleagues to do it - it was projected that the three tax packages would yield an additional $23.5 Billion for the fiscal year 2009/2010.

I requested of the Ministry, data, as to what the actual performance was, against projections, because it doesn't make... you are taking a lot of beating unnecessarily if you announce twenty and twenty and so, and it is not working now. You look cruel. And the answer I have received, the official response, is how much was actually realized against what was projected. And the answer was, *we really don't know*. That is the official answer that we don't know. What we do know is, outturn for the tax revenues was $26 Billion less than the amount projected when the Estimates were presented a year ago. This shortfall occurred in spite of the two additional tax packages announced in September and December.

Mr. Speaker, the main point of stressing the divergence between projections and actual

outturn is that once again we are faced with the challenge of the credibility of the Budget. This is something which we need to explore further in looking at the prospects of adequate resources being available to finance the proposed expenditure programme, scaled down as it is. Our concern about the credibility of the Revenue Budget for the new fiscal year has increased by the new regulations about the extraordinary steps which have been taken in recent times to reduce the deficit. These steps include garnering an unprogrammed amount of $5 Billion from various programmes, public bodies, as well as having the BOJ pay over to the Ministry of Finance, an unprogrammed amount of $2.75 Billion as profits. We will have more to say on what we can - about these extraordinary steps which have been taken.

PUBLIC BODIES

Mr. Speaker, I now turn to an examination of the public bodies. Let me indicate that we welcome the decision to present documentation on the main public bodies. In fact, there are things - you can stop note from objection - there are things that I gwine say which you can't say, (referring to Mr. Shaw, but you glad that I will say them, right, for you) The summary data indicates that these bodies will have a budget of approximately 70 per cent that of Central Government. This is the first time the total treatment of the State's financial, the Government of Jamaica and associated bodies, the first time the financial activities is being taken as one. And so, in a sense, we are feeling our way in dealing with the matter at the Standing Finance Committee. The discussion took place, Mr. Speaker, and we need work out in a more precise and structured way, how we are going to deal with that.

It is of importance, Mr. Speaker, because as Parliamentarians, we are being asked to approve the expenditure and the policies of public bodies which people regard as government, regardless of how we see them. They can be state-owned, private enterprises, or whatever, people see them as government. And therefore, we will have to work assiduously, in terms of defining the proper approach to how these proposals will be handled at Standing Finance Committee to bring about what the booklet calls *"improved governance practices in public bodies*."

Mr. Speaker, given the volume of documentation, the number of entities, and the time constraints which we have, we need to figure out how we will handle both the Central Government ministries as well as the public bodies.

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

(*Sotto voce* comments)

Mr. GALLIMORE: Mr. Speaker, l move that the Member's time be extended for a period long enough for him to complete his presentation.

(Applause)

The SPEAKER: Members, the motion before the House is that the Member's time be extended to allow him to complete his presentation.

Put to the House and agreed to.

(MR. ROBERT PICKERSGILL, (PNP), North Western St. Catherine, entered and took his seat.)

The SPEAKER: Dr. Davies.

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

There are preliminary classes which we

hold at Avon Park, so you can learn to learn.

Mr. Speaker, before his observation - he is supposed to be an MP, but I can't see him. Every time I hear say unno waan change him.

(Laughter)

The first observation, Mr. Speaker... I want to make some observations. The first observation relates to the technicians, particularly the relevant officers in the Ministry of Finance who have done a commendable job in putting together the documentation. Mr. Speaker, however, the documentation presented to Parliament needs to be more than an amalgamation of the various reports, proposals, sent from the public bodies. As a first step, we are on the road, but it can't just be taking what people send to- you and sticking it together. In certain instances what we have is a wish list which cannot stand up to close scrutiny. Furthermore, from the most recent information presented outside of Parliament, what is in the official documentation does not tell us the true story of the public bodies.

The second point, Mr. Speaker, relates to the role of the political directorate. Ministers and Ministers of State must become totally familiar with what is being proposed by the public bodies under the aegis of their ministries, and what is actually being carried out. For all future assessments at Standing Finance Committee, the Ministers must expect to be grilled on the activities of the public bodies under their jurisdiction, to as great an extent as they are interrogated about Central Government departments.

(Applause)

One simple reason is that in some instances, the Budgets of the offsprings are actually larger than that of the parent ministry.

Mr. Speaker, I now pose certain questions about four of the public bodies which are included in the documentation. I spend a lot of time going through the documentation. I start with the Road Maintenance Fund. It may seem strange that I begin with that institution. As you know, I don't have any luck in getting answers about the Road Maintenance Fund.

(*Sotto voce* comment)

My questions posed at the end of October still remain unanswered. Mr. Speaker, that refusal to provide answers to basic questions is not only a gift to me but to your office, to Parliament and to the country.

(Applause)

MEMBERS: Hear, hear!

Dr. DAVIES: I hate to put this on public record and criticize you publicly, Mr. Speaker, but it seems to me that you will have to take greater charge, in terms of forcing adherence to Standing Orders in these matters.

(Applause)

And my learned colleague here on Parliamentary matters brought me - referred me to section 17(a) of Standing Orders, Deferral of Questions. And it says:

> "*A Minister seeking to defer answering a question shall hand to the Clerk a written request therefor, which explains the reasons why the answers could not be supplied in the time required. And if the House is satisfied with the explanation, the House may extend the time for answering by a period of not more than 14 clear days."*

Mr. D. PEART: What?

Dr. DAVIES: I know that the Clerk must have gotten written - a response explaining that but we didn't hear about it. We didn't hear

about it. Thank you colleague for pointing that out.

(*Sotto voce* comments)

Now, Mr. Speaker, it goes further. It Says:

> "*The procedure specified in the above paragraph shall apply to any further extension required by the Minister. However, that in such case, consent to such extension and the length thereof shall be obtained from the Speaker and the questioning Member."*

Now, you are the Speaker, and I am the questioning Member, but nobody nuh talk to me.

(*Sotto voce* comments)

Nobody ain't talking to me. Hear now, Mr. Speaker, it says:

> "*However, if there is no agreement between the Speaker and the Member, the matter shall be determined by the ruling of the Speaker.* "

You can vote for me any time, sir. Tell me what was your ruling, because you never tell me, (referring to Speaker) so, tell me what was your ruling?

Mr. Speaker, it says further,

> *"Where an answer to the question has not been supplied within the time required this shall, subject to any recommendation to the contrary on reference to the Committee of Privileges, be regarded as being out of order."*

Now, Mr. Speaker, I don't know, and I am very serious, in us going forward in this year. The Prime Minister has made several changes in terms of Opposition spokespersons chairing different committees, it doesn't make any sense if we go through all the rituals if when we come to a basic thing as asking questions - these are not the questions which should pose much difficulty, then Mr. Speaker, it is something which - and my colleague from East Central drew my attention to this, and I would urge you, Mr. Speaker, if we are going to have a more orderly fiscal year, that this be looked at.

Mr. Speaker, let me just indicate and you knew already, I felt obliged to inform you, having failed for live months to have my legitimate questions answered, I have formally asked the Auditor General to conduct a special audit of the Road Maintenance Fund because I can't get anywhere here.

(Applause)

Now, Mr. Speaker, why have I done this? The Minister of Finance in imposing the additional taxes on gasoline a year ago, explicitly gave as partial justification, that a percentage of this increased taxes would go to the Road Maintenance Fund.

The administration does not seem to recognize the obligation to say to the public precisely what are the levels of inflow to the Fund and how are these resources being handled. We are once again publicly demanding a response. The credibility of Ministers, the Minister of Finance and the Public Service and the Minister of Transport and Works, is at stake.

A second question which must be answered, Mr. Speaker, relates to the proposed loan from China and the projects to be financed by it. This remains a mystery to the Opposition. On page 40 of the document entitled "Public Bodies", this document, (Document is lifted in hand) reference is made to the “establishment of a National Road Rehabilitation programme of work”. The

document goes on to state that the programme will be principally financed by the National Export/Import Bank of China and the Government of Jamaica to a value of US$400 Million. 1 was going to say J$36 Billion, but l don't want to get you in trouble.

A MEMBER: No, no!

Dr. DAVIES: All right.

To date, no further details have been provided as to how this five-year programme will work. What is the role of the Road Maintenance Fund? What is the role of the EX-IM Bank of China?

Another question which we would like answered, is this US$400 Million programme explicitly included in the IMF Stand-By Agreement? If so, where can I find it, where shall we find it? If not, how could a programme of such magnitude be considered without agreement by the IMF, particularly as such a loan has balance-of-payments implications?

Mr. Speaker, there are many other questions which the Opposition has in terms of the governance of the Road Maintenance Fund but these are the initial, these are for openers, just starters, we would like some responses.

Opposition MEMBER: First over.

Dr. DAVIES: Now - first over. Good. Now, second over.

(Laughter by Opposition Members)

Let me turn to the JUTC. Mr. Speaker.

(*Sotto voce* comment by Mr. D. Peart)

Dr. DAVIES: No, no, im have some critical things but we'll work wid im if im ready to work.

(*Sotto voce* comment by Opposition Member)(Laughter by Opposition Members)

Dr. DAVIES: (laughter) Don't sey nutten..

(Laughter by Opposition Members)

Mr. Speaker, let me just indicate, let me just indicate. When it comes to JUTC, let me say, when it comes to JUTC, this Opposition, in administration committed significant funds to modernize the public transportation system in the Kingston Metropolitan Region.

(Applause by Opposition Members)

We wanted to move, to take the thing out of the period of slavery. And so, Mr. Speaker, we have an interest in not only the survival but the improvement to the JUTC.

Mr. Speaker, and through you to the Minister, we need to tighten up on the monitoring of the routes. Does the Transport Authority still exist? I see on the routes, competing with JUTC, I see competing every country bus, stopping at every bus stop picking up people along the Papine to Half-Way-Tree. How can JUTC make money if they have that sort of competition? So the question is, what is the situation with the Transport Authority?

(*Sotto voce* comment by Mr. Henry)

Dr. DAVIES: Mr. Speaker, Mr. Speaker, we believe that the working people, the poor and the children of the Kingston Metropolitan Region deserve to travel in dignity and in comfort.

(Applause by Opposition Members)

And, therefore we take a particular interest in the JUTC. We built it. And therefore, Mr. Speaker, I want again to draw your attention to this book, three projections and assumptions which stretch credibility. And the reason I raise that, is that, when you make these projections and then you fall down, question is, are we going to allow JUTC to crash? The answer is no! It mustn't happen because the ordinary people in the Metropolitan Region deserve to travel in dignity.

(Applause by Opposition Members)

Dr. DAVIES: Listen to the first of three questions. This book says that fare revenues will double during the fiscal year. It was $1.9 Billion last year; it's going to be $3.8. Is that feasible? Is that feasible?

(*Sotto voce* comments by Opposition Members)

Second, that passenger numbers will increase from $49 Million to $62 Million.

Mr. D. PEART: Rubbish!

Dr. DAVIES: Is that feasible, with all those competitions, with all that illegal competition on the routes?

Third, operating losses accounting for $1.5 Billion in fiscal year 08/09, and the projection is that it will decrease to $240 Million in this new year. Is that feasible? And that operating losses, the decline in operating losses is built around the doubling of revenues.

So, Mr. Speaker, what we are saying, don't set up straw net, don't set up numbers because we know that when Cabinet meets and you hear that JUTC caan buy tyre, somehow, somewhere the Minister of Finance has to find a way to keep this thing working. So don't set up impossible targets in order to embarrass yourself or to mislead yourself.

(Applause by Opposition Members)

(All Microphones went out)

(*Sotto voce* comments)(Laughter)

A MEMBER: Control.

Mr. BUCHANAN: The control is in the wrong place. (Laughter) Or there is no one at the control. (Laughter)

(The Microphone used for the Prayers was set up for Dr. Davies)

Dr. DAVIES: Mr. Speaker, we have to fix this, it's embarrassing man. We are looking Third Worldish. (Laughter)

Mr. Speaker, we take a particular interest in the JUTC for the reasons which I outlined above. But in a practical sense, Mr. Speaker, having increase of fares by such a significant percentage, it should be obvious to the administration - I want you to hear it and hear me - it should be obvious to the administration and to the country that there can be no further increase in this year. There can be no further increase.

(Applause by Opposition Members)

And we want to know if there have been any commitments made to the IMF, either formally or informally, on future fare increases? The projections which I have - l have raised questions about three projections and as night follows day, those three projections can't hold. And when they crash, the question, what will the Government do? Because the JUTC, public transportation must be maintained for the people.

(Applause by Opposition Members)

TOURISM - T.E.F.

Mr. Speaker, I now turn to the Tourism Enhancement Fund.

The projections from the Fund make interesting reading. The reality is that the budget of the TEF is as big as that of the parent Ministry. In fact, if you take out the allocation for the Tourist Board, the TEF is actually a bigger operation than the Ministry. What in heaven's name would have occurred if the previous administration had not established the TEF?

Mr. Speaker, this situation is making a mockery of the notion of the Ministry when the public body within the ministry is actually propping up the Ministry by financing many

of the activities which should be properly the responsibility of the central body. The issue of governance arises in that, we cannot have a situation where the Board of a public body actually has more power in terms of the operations of the sector than the Minister and Cabinet. What is the future relationship between the body and the central ministry?

What is the relationship between the Permanent Secretary of the Ministry and the Chairman of the TEF? What happens if the TEF Board does not approve a new request from the Ministry?

Mrs. NEITA-HEADLEY: Hm hm!

Dr. DAVIES: Or is it that the Minister can instruct the TEF Board to fund specific projects?

(*Sotto voce* comments by Opposition Members)

What happens if the TEF Board on a justified principle rejects a request from the Minister? This situation is not tenable and we need a clear indication as to the governance structure of an entity such as the TEF. It was established with clearly defined objectives on what the Fund was about. What is occurring now is an aberration.

(Applause by Opposition Members)

N.I.F.

Mr. Speaker, I now turn to the most critical of the public bodies from our perspective, the National Insurance Fund. I invite every single Member of this House, and indeed, I invite the general public to read very carefully the narrative on the publication on the future of the NIF. I say to the Minister and indeed the whole administration, that this is an entity which the Opposition will be monitoring very, very, very closely.

(Applause by Opposition Members)

As everyone knows, the annual contributions from the workers and employees to the NIF are unable to cover the pension payments, as well as the payments for the NI Gold Health Card, an excellent programme. The difference is made up by interest income, as well as returns from other investments. The interest income for the NIF was badly hit because of the NIF's participation in the JDX, and the forecast - and, Mr. Speaker, I am just reading from this book - the forecast is that the investment income for fiscal 2010/2011will be reduced by $2.6 Billion, 31%, compared to that which was earned in 2009/2010.

Now here we come to an interesting development. Partly, in order to cover this decrease in earnings, which the actuaries and the managers of the Fund could not have anticipated. There is no way when the actuaries were planning what the benefits could be that they could have known that this would have occurred. It is now projected that net contributions would be increased by $2.3 Billion because of the plan to lift the ceiling on contributions to the NIS.

Mr. Speaker, let me be very clear about this. This increase is not something which the opposition objects to in principle. The fact, the Leader of the Opposition, the Opposition spokesperson on Labour and Social Security and I, we have participated in some preliminary meetings, chaired by the Prime Minister himself on this matter. However, it cannot be that such an increase is being built into the projections for the Fund without Parliament having a say in this matter.

(Applause by Opposition Members)

It cannot be. The reality is that the lifting of the ceiling has taken on an extreme urgency

because the losses in interest income resulting from participation in the JDX has forced the Fund. You just don't lose $2.6 Billion and just wave it at you.

A fundamental question must be posed. A fundamental question must be posed. Did the members of the NIF Board - and the lawyers can think about this, because the persons, the trustees and persons who govern pension funds, their first obligation is to protect those funds.

Mrs. NEITA-HEADLEY: Hear! Hear! (Applause)

Dr. DAVIES: So did they have the authority to agree to participate in the JDX, thus diminishing the assets of the Fund?

Mr. MULLINGS: Projected Income.

Dr. DAVIES: There are several other questions which need to be posed.

(Cross talk)

The projected income then affects - because they will have to do something to make up for this money. Suppose we don't get through?

There are several other questions which need to be posed. The first is the way in which any increase would be structured. But more important, we now need to take a serious look at the governance of the Fund.

Let me state again for emphasis, this Fund is different from any other public body. This money is not Government's money.

Mrs. SIMPSON MILLER: Yes! Yes! Yes! (Applause)

Dr. DAVIES: It's not Government money. The NIF represents funds held in trust to provide pension to contributors to the NIS, with contributions coming from workers and their employers. Hence, any decision taken about this Fund and its investments cannot be taken from the perspective that this is the Government's Fund, and this is being done in the Government's interest. I repeat, there are serious legal questions as to whether the managers of the Fund were acting in the interest of contributors when they decided to participate in the JDX. Because this action has had and will have for several years, a major negative impact on the Fund's financial status. It's not just one off, you know, because the Fund bought long-term bonds, as a pension fund should do, a properly managed pension fund.

In summary, what we are saying...

Mr. CHARLES: You expected that to have been 24 per cent paid from now on?

Opposition MEMBERS: Pearnel! Pearnel!

Dr. DAVIES: No, let him embarrass himself.

Mr. D. PEART: Wait until your time to talk.

(*Sotto voce* comment from Mr. Charles)

Dr. DAVIES: You just listen and think first.

Mr. CHARLES: I have the answer.

Mr. D. PEART: You have the answer?

(Opposition Members heckle)

Dr. DAVIES: What? That worry me. That worry me. You should never have said that.

Mr. KELLER: For the loss of $2.6 Billion. You have the answer to that? For the loss of two point odd Billion, you have the answer? Eh? You have the answer?

Dr. DAVIES: Mr. Speaker, I just urge Members to pull back on the emotion - including the Minister - and examine precisely what I am saying.

The diminution of the inflows is not just for this year, but it is for several years. And

therefore, this is something which no Actuary - these people were acting responsibly by buying long-term government bonds, and have been burned.

Mr. KELLIER: That's right.

Dr. DAVIES: Mr. Speaker, what we are saying, in summary, is that any future changes to the NIF must have the full involvement of Parliament, and must have the full involvement of the workers and their representatives.

Opposition MEMBERS: Hear! Hear!

Dr. DAVIES: The NIF cannot be seen as just another State entity, where decisions can be made by a Minister or by Cabinet without involvement of these stakeholders.

Mrs. NEITA-HEADLEY: That is correct.

Dr. DAVIES: These contributors have a right to expect that in their old age they will benefit from their contributions to the Fund, which have been managed in the most judicious manner. (Applause)

A final point which I would like to make about the NIF is the link with the NHF. As people - everyone would know, there is a certain percentage. When we established the NHF, apart from the inflows from the Syntaxes there were inflows as a percentage of the collection from the NIF.

In the discussions with the Government, in which the Opposition has been involved, we have made it clear that we expect that the changes to contribution would include not just the NIF, but also the NHF. More than ever, that supplement to the NIF is needed.

Mr. Speaker, the question we pose is: what assumption has been made about an enhancement of the NHF, even as we speak about increasing the level of contributions to the NIF?

There are several other bodies in the public bodies, the financial operations of which will now be brought under closer Parliamentary scrutiny. This is a positive step, but as I have indicated, it demands far greater rigor from both the technical personnel as well as from the political directorate, in monitoring the operations of these bodies.

Dr. PHILLIPS: What about the rationalization...

EXPENDITURE BUDGET

Dr. DAVIES: Well, I can't bring Pearnel even to understand the point.

Mr. Speaker, let me deal with the Expenditure Budget. We are all acquainted with the global numbers, in terms of what the Administration expects to spend during the Fiscal Year, 2010/2011. Without seeking to belabour the point, the ability of us Parliamentarians, and indeed, the ability of the country to carry out a careful analysis of these expenditure plans have been hampered by the fact that the comparative data for Fiscal Year 2009/2010, have been, by and large, missing. In fact, in most instances, the latest data which we have are as at September, 2009.

Mr. Speaker, I had no intention to return to the matter. We made the point at the Standing Finance Committee. But the Minister has raised it again, and it has forced me to respond.

The argument that this provision of dated information also happened under my watch, is lame. It is lame because I specifically asked him about it during the Standing Finance Committee reviewing the Second

Supplementary Estimates. He consulted with his officials and solemnly told the Committee that up-to-date information would be in the Estimates for 2010/2011. You, Mr. Speaker, will be...

Mr. BUNTING: You have the tape.

Dr. DAVIES: I don't need a tape, I have the Speaker.

His explanation is lame, because even if this occurred in the past, never before were the numbers published so dated. These numbers were six months old. Consider all the changes which have taken place in the Budget and in expenditure between September and March.

Mr. Speaker, this is not simply a desire for accurate data for academic analysis. The truth is that we have no idea as to what really happened last year. In several instances, members of the political directorate, Ministers, sat there, and they themselves had not been briefed as to how much they had actually got for either the Ministry or for specific programmes. Hence, Ministers were unable to indicate clearly whether there was under expenditure because their Ministries hadn't received the funds from the Minister, or that there was under expenditure because they had received the funds and they weren't ready, they were unable to implement.

Mr. Speaker, we must admit that we are somewhat perplexed as to how the new Budget was developed, unless somewhere within the system somebody or some group of persons, knew what the comparative data for the previous year was, because how do you determine how to move forward.

Mr. Speaker, the explanations proffered are not reassuring. It is indeed a lame excuse to suggest that it would have been too costly to include the most up-to-date information in the Estimates. Too costly compared to what? Isn't it costly for us to be engaged in an exercise, leafing through this huge book, analyzing numbers which have no relevance to reality?

Mr. BUNTING: It's called voodoo budgeting.

Dr. DAVIES: Whilst the absence of the comparative data for Fiscal Year 2009/2010 was and still remains a major deficiency, there are other questions which are of concern to the Opposition in the Expenditure Budget. It is impossible for us to discern any overriding policy framework within which the allocations have been made.

Mr. BUNTING: Because there is none.

Dr. DAVIES: Mr. Speaker, yes we know resources are limited. Yes, we know the challenges are great. But it is precisely because of that knowledge why it is imperative that priorities be identified and the country be told the rationale for these priorities being not selected. (Applause)

There are two other issues which are of concern to us, in terms of the Estimates of Expenditure. The first relates to the level of arrears owed. As l indicated, the Government owes workers, it owes contractors, it owes creditors for supplies, it owes institutions, it owes for fax refunds. The only two areas for which we have more or less precise estimates - and these I received from the Minister's staff - the amount owed to workers is $13.4 Billion. That's what I got from the...

Mr. BUNTING: That's without allowances.

Dr. DAVIES: Yea. And the amount owed for refunds for the tax and interest taken at source, is $16.4 Billion. So immediately there....

Mr. BUNTING: About $100 Billion.

Dr. DAVIES: For us to have a clear understanding as to the credibility of the Estimates of Expenditure we need to be told two things - what is the total level of arrears?

Mrs. NEITA-HEADLEY: We need to know! We need to know!

Dr. DAVIES: We keep coming back - we need to know. We need to know. And what is the programme for reducing it? What is the programme for reducing - and we accept it won't be eliminated, but what is the programme for reducing it during this Fiscal Year?

Mr. Speaker, I pose these questions not only because it would lead to good order, but more so because the question of arrears is explicitly addressed in the Stand-By Agreement with the IMF.

Mr. Speaker, the second point I want to raise is...

Dr. PHILLIPS: So the Budget don't mean anything.

Dr. DAVIES: Well, we don't know.

Dr. PHILLIPS: It don't mean anything.

Dr. DAVIES: We don't know. We are willing to be convinced.

I now turn to the matter of the BOJ advances. Mr. Speaker, the manner in which these advances were made has brought great dissatisfaction to the Opposition. We need to know specifically whether there is a programme to eliminate these advances during the Fiscal Year, or is the Minister of - the Ministry of Finance expecting the BOJ to sell debts to the private sector.

Mrs. NEITA-HEADLEY: Uh! uh!

Dr. DAVIES: Yes. The Minister has indicated that the BOJ has begun that process. But questions still remain.

How does the disposal of the Ministry of Finance Paper by the BOJ complement its normal monetary operations? Will the sale of this Paper by the BOJ, in order to recoup the advances made to the Ministry of Finance, impact on the Ministry of Finance's own ability to raise funds in the market? Both can't be competing in the market. These are critical questions which need to be addressed, and to date there has been no clear explanation about this matter from either the Bank of Jamaica or the Ministry of Finance.

Mr. Speaker, in terms of the Expenditure Budget, given the reality of limited revenue resources, we need to know whether specific plans have been made to assist the Ministry of Health to clear the arrears owed to its suppliers. (Applause) ...which will facilitate - the Minister of Health is my friend, very charming, but you can't carry charming to pay bank debts. People need to know when will they be paid.

Mr. BUCHANAN: Him can't answer!

Dr. DAVIES: We also need to know whether the Minister's solemn and explicit commitment to transfer a specific percentage of the tax on gasoline to the Road Maintenance Fund, whether it still stands. These are some of the basic questions we need to know.

Mrs. NEITA-HEADLEY: We need to know!

Dr. DAVIES: We need to know in the Expenditure Budget.

Dr. PHILLIPS: We don't get no answer. (*Sotto voce* comments by some Members)

Mr. CHARLES: Just ask. Just ask!

Mr. BUCHANAN: Ask what? For what purpose? And you can't answer!

Mrs. NEITA-HEADLEY: When? When.

Mr. BUNTING: Just add it to the list of questions they can't answer.

Dr. DAVIES: Mr. Speaker, let me turn to the way the Budget is being financed. The Minister spent only a brief moment in discussing that.

The bulk of the financing will come from tax revenues which is - the tax revenues were projected at $287 Billion out of total for taxes and grants of $326 Billion. Projected deficit is 6.5 per cent of GDP. Using that, the Minister indicates, given the Budget as amended during Standing Finance Committee, there will be need to borrow $176 Billion.

Mr. Speaker, I indicated that there is a reason I spent so much time in looking at the change in deficit figure for 2009/2010. Let us look at the projected deficit for this year, of 6.5 per cent of GDP.

Mr. BUNTING: This year?

Dr. DAVIES: Yes, 6.5 per cent.

The track record of last year, Mr. Speaker, has resulted in a credibility problem. The Minister needs to indicate to us why the country should believe that he will be able to meet the target of 6.5 per cent of GDP, when he had – he missed three different targets and doubled the deficit target last year.

TAXES

At the heart of the issue, Mr. Speaker, is the projected tax revenues. When the Minister announced his deficit target of 5.5 per cent of GDP last year, it was within the context of a tax package of $18.1 Billion. And we know what happened with tax package two in September, and tax package three in December.

Mr. BUNTING: Chaos!

Dr. DAVIES: We are only learning that what was expected from these three tax packages for the Fiscal Year was $23.5 Billion. We don't know how much was collected.

What is clear, what we do know is, that the target of $291.6 Billion was missed by $26 Billion. These are numbers we have here.

Mr. BUNTING: All of them yield nothing!

Dr. DAVIES: The Minister needs to explain to us why we should have confidence that he will be able to meet the new target for this year, given the clear evidence, Mr. Speaker that taxpayers are, as they say, maxed out, they cannot, there is no more disposable income for you to tax. When you face trying to purchase basic necessities with the increased GCT that affects everything, the new tax on electricity, the 10% additional, and it's going to pass through in a whole range of other things, the increased taxes on gasoline, there is very, very little scope for discretionary spending.

Mrs. SIMPSON MILLER: That's right!

Dr. DAVIES: This is reflected in the extent to which there has been a falloff in consumption taxes, and his technicians would have pointed out to him, both for import and for domestic production there has been a fall off of consumption in taxes. Mr. Speaker, it's logical. It's not people bad mind and don't want to do things, they just cannot afford to buy anything else. (Applause) So the fundamental question is, have we taken into consideration the contracting economy, the fact that the ordinary worker, ordinary householder is maxed out in terms of the revenues projected?

Mr. Speaker, we must raise another issue, the manner in which Parliament.

Mr. CHARLES: Is the same thing in America. (Laughter)

(*Sotto voce* remarks by Members)

Dr. DAVIES: I like Pearnel. He will introduce some irrelevant matter, that's good. We must raise yet another issue, the manner in which Parliament, and Mr. Speaker, this is serious, the manner in which the Parliament and country have been treated in terms of the imposition of taxes.

Let's just reflect on what happened last year. After the first tax package we had confusion and it was several weeks before we knew really what was being taxed.

Mr. BUNTING: Several weeks before Audley knew.

Mr. D. PEART: The Prime Minister had to come in and impose a new tax.

Dr. DAVIES: No, that is later on. That's the first confusion. Similar situation occurred in December when the initial proposal by the Minister which was tabled as a Statement by Minister - that's how a tax package was dropped on us - a Statement by Minister; and it had to be revamped and a new set of tax measures were announced in an extraordinary public broadcast by the Prime Minister two days before Christmas.

As a youth growing up in Four Paths, two days before Christmas is time for, you know, you go to the square and you enjoy yourself. Two days before Christmas that was dropped on us.

Mrs. NEITA-HEADLEY: '*Taxmus*'.

Dr. DAVIES: Again Parliament was totally left out of the loop and there was no chance of any discussion in Parliament of the tax increases, neither the first which was dropped on us as a Statement by Minister and then secondly, by a national broadcast by the Prime Minister.

The most recent instance of this new approach to announcing taxes came about during the Standing Finance Committee meeting for the new Estimates. At the end of his testimony the Minister pulled out a piece of paper from his pocket, not the one he got at the funeral, he just pulled out a piece of paper and read to us a whole new set of measures as they related to property taxes. (Applause) Mr. Speaker, this sort of informal….

(*Sotto voce* remarks by some Members)

Dr. DAVIES: No, this is serious, Mr. Speaker. You are dealing with significant changes to people's income level and the Minister just pulled out a piece of paper and say by the way and just read it out. Well written and all that; but that cannot be the way we are going to have taxes imposed on us. (Applause)

Mrs. NEITA-HEADLEY: Shame! Shame!

Dr. DAVIES: Mr. Speaker, one of the challenges the Minister, the Administration and the country, all three groupings face is that this is the first full year we are going to feel the brunt of all the different taxes, increased GCT, the taxes on electricity, taxes on telephone, on gasoline, the increased property tax, all of these things are coming down - and transportation cost. Has any serious analysis been carried out to assess whether the expected revenues can be squeezed from the population?

Dr. PHILLIPS: How much was the expected . . .

Dr. DAVIES: Well, they can give me the expected revenue but they don't know how much they got.

Dr. PHILLIPS: I know, but what was the (expense)?

Dr. DAVIES: Twenty-five Billion I think or thereabout. That's what I was told. But there is even more cause for worry.

Mr. Speaker, it has only now come to light that the Ministry of Finance has extracted an additional amount of just under $8 Billion from the BOJ and a subset of public bodies. To the best of our knowledge this extraction was not planned when the first budget was announced. So in addition to the unnanounced tax packages this extraction has taken place. As regards the BOJ that institution has been required to pay over profits of $2.75 Billion at the end of 09/10 and will be paying over $4 Million during this fiscal year. Mr. Speaker, that figure of $2.75 Billion was not in the revenue projections.

Opposition MEMBER: In our budget!

Dr. DAVIES: This is what I read and it was not there.

(*Sotto voce* remarks by Mr. D. Peart)

Dr. DAVIES: So they just say $2.75 Billion.

Mr. BUCHANAN: Chaka chaka?

Dr. DAVIES: The list of public bodies which have been required to pay over an amount in excess of $5 Billion makes interesting and disturbing reading.

Mr. D. PEART: Dem a go tek weh yu Visa!

Mrs. NEITA-HEADLEY: Disturbing man!

Dr. DAVIES: Mr. Speaker, the Minister of Health keeps disappearing and he should.

Mr. BUCHANAN: Cyaann stand the heat! Cyaan stand the heat! The heat is too much for him!

Opposition MEMBER: He is here!

Dr. DAVIES: Okay, he is here. He is right here. How could the NHF, how could you decide to transfer funds from the NHF when hospitals need drugs, basic equipment for which they are told (Applause) there is none. How could you? How come? (Applause) Mr. Speaker, what madness could have led to the CHASE Fund being asked to pay over $250 Million when all the sectors – CHASE Fund - culture, health, arts, education, sports…

Mrs. SIMPSON MILLER: Madness!

Dr. DAVIES: ...all of the sectors in which that institution operates, all of them have good projects - how come? How could you do that? (Applause) Mr. Speaker, we could go through this full list but this is a government in desperation.

Opposition MEMBER: Panic!

Dr. DAVIES: The question is, what will you do for an encore? Is the plan to raid the barn every year? That was the DJ thing, raid the barn. Is the plan to raid the barn again this year? Who gwine plant the corn? One of the things, a man from country, when you reap the corn you save some to plant, you can't just eat off all of it. So how could you - I really need and I can't believe the Minister of Health took part in that discussion. I cannot believe that the Minister of Health allowed them to do that. There are some public bodies and I can say extract something from them. But how could NHF, how could you sit and allow that? (Referring to Mr. Pearnel Charles) (Applause) Mr. Speaker, all these entities…

Mr. CHARLES: Government should make up any shortfall.

Dr. DAVIES: All of these entities, all these entities, Mr. Speaker…

Mr. CHARLES: Free healthcare will

stand! Free healthcare will never fail!

Mr. D. PEART: You and Rudy!

Dr. DAVIES: It makes no sense, Mr. Speaker, for us to go through this elaborate process of drafting these laws for the TEF, for the CHASE Fund, for the NHF and whenever they are desperate enough the Administration raid the barn and just take out everything.

Mr. Speaker, there is no question that financing the budget this year poses special challenges. However, the special difficulty we face is that within the context of an IMF agreement….

(*Sotto voce* remark by Mr. Robertson)

Mr. BUCHANAN: You wan' burn down the barn! You wan' burn it down.

Dr. DAVIES: With specific deficit target agreed to the options are few if revenues fall below projection.

Mr. BUNTING: You shoulda read the whole listing. I don't think the country knows that…

Dr. DAVIES: Mr. Speaker, my colleague from Central Manchester points out that there are other things people don't know. National Export/Import Bank which needs money, they say they need money to onlend, they say they need money to onlend, they touched them for $30 Million. The Overseas Examination Commission, look how much youth can't pay their fees, they touched them for $400 Million.

Mrs. NEITA-HEADLEY: What!

Dr. DAVIES: Yes, the Overseas Examination Commission.

Mrs. SIMPSON MILLER: Shame!

Mr. KELLIER: That's a mistake!

Dr. DAVIES: No, it's right here. The Civil Aviation Authority which say they need money to buy equipment and they can't, everything, they touched them for $500,000,000. You didn't know about this, Mr. Speaker? I will get you a copy, Mr. Speaker.

Mr. BUCHANAN: Hustlers!

Dr. DAVIES: Mr. Speaker, this is a challenging year the Minister faces. There is no question about-that. He has cut the expenditure to bare bones. What happens, Mr. Speaker, if the revenues don't materialize? On the one hand, you can seek to cut expenditure even further, but as the Minister has indicated this really represents a bare bones budget and it would be interesting to determine what part of the bone would feel the knife. The other option would be to come to us with yet another tax package. All I can say to the Minister, Mr. Speaker, all I can say
to the Minister things have gone peacefully, but everyday bucket a go to the well…

Opposition MEMBERS: One day.

Dr. DAVIES: I am not going any further with the sentence. Therefore, Mr. Speaker, what we are saying is that the management of the fiscal accounts this year it needs, in terms of meeting basic needs, collecting the revenues and meeting the fiscal targets, will present for the Minister a major challenge.

Now, Mr. Speaker, there is no question that everybody in this country recognizes that we are facing major challenges in manoeuvring our way through these difficult times. The JDX has provided the Administration with some breathing room . .

Mr. D. PEART: *A hold down tek weh dat!*

Dr. DAVIES: …both in terms of amortization payments on domestic debt as well as lower interest rates. There are other implications down the road but the reality is that there will be a lower level of borrowing

required this year compared with last year. But, Mr. Speaker, the Minister gwine have to hit the road and go to some private institutions. He has maxed out with the multilateral. And one of the things we used to say when we are on the road is that it doesn't matter, PNP or JLP, we pay our debt when due, as due, on time.

Mr. D. PEART: Soon can't pay them!

Dr. DAVIES: That introductory speech, it should be interesting to see how the Minister craft it and say *ease mi up, man, is one time mi deviate.* But it's a very important issue, how do we re-enter. How do we re-enter?

HEALTH/EDUCATION

Mr. Speaker, I want to speak to four issues, two on the social front and two on the macroeconomic front. And I start with the social front and nobody should be surprised.
I am going to speak about education, I am going to speak about health.

I have chosen them because the Minister asserts that these are two areas where there have been commitments given by the Administration and they have kept them. I not only beg to differ but would suggest that within this period when we are all aware of the challenges the country faces, we need a reality check in terms of policy in both those areas. We need a reality check. (Applause) Consider, for example, the situation with health - and I am speaking about the health situation not just in a theoretical way, I have had personal reason to be going into hospitals recently. Nobody can object to the abolition hospital user fees for those who simply cannot afford it, nobody.

Dr. BARTLETT: Ask Fenton!

Dr. DAVIES: For those who simply cannot afford it. I am not talking about horses, you know, 1 am talking about human beings.

(*Sotto voce* remarks by some Members)

(Laughter)

Dr. DAVIES: In fact, a recent publication from the Sir Arthur Lewis Centre, which used to be (ISER) now SAL1SES, based on research which they carried out and, Minister, you should get a copy of that and read it, it's very important because it says that there is not only need to address the issue of the user fees, but if the pharmaceuticals are not available there are instances where the people can't afford the bus fare to go to the pharmacy, particularly in rural Jamaica; and even this remains a critical problem. And therefore we come back and ask, how come you mek dem tek $300 Million from them.

Opposition MEMBERS: How come?

Dr. DAVIES: But if we are to be honest, Mr. Speaker, all 60 of us here recognize that there is a very real problem, not just in terms of accessing medical services but in terms of being able to pay for the related pharmaceuticals prescribed by the medical personnel.

Let us not pretend that there is not a major problem. Let us not pretend that in most hospitals or public health facilities there are inadequate drugs to meet the prescriptions which are written. Let us not pretend. Let us not pretend that for many patients in hospitals, relatives are dispatched to sources in order to look for drugs from nearby pharmacies.

(*Sotto voce* comments by Members)

Dr. DAVIES: I know you know, Mr. Speaker, there is also the issue, Mr. Speaker, of persons who are put on priority list for surgery and are given dates several years hence. So to trumpet the abolition of user fee

as a major triumph in the provision of health care is stretching the truth a bit.

Incidentally, Minister, I looked at the table you gave on page 34 of your speech, I hope I wasn't the only person who looked at it, and it sought to demonstrate increased usage of public health services following the abolition of user fees. I don't know whether no one actually checked the table, but the increases to which you made reference are not reflected in the table you presented. So I assume that have you have the data to support your speech somewhere else. But the data here - in fact, when I look at the number of persons admitted to public hospitals from accidents and emergencies, the number before the abolition was greater than the number post-abolition. And there are some interesting things.

(*Sotto voce* comments by Members)

Dr. DAVIES: So the basic point I am making and the - you know the Minister of Health in a different dispensation carried me wide so many different times, I am not carrying you wide, we are with you. The basic point we are making is that the health sector is in crisis. We are not able to provide adequate service or the pharmaceuticals for many who simply can't afford it. It is a crisis which we need to attend to, but we don't need to make it a political football, let's look at it from a national perspective and how we can move forward. (Applause)

TUITION FEES/ABOLITION OF

I now, turn, as you know I would, to education and the Minister of Finance once more identifies this area as one where the Government has kept its commitment in doing many things most importantly the abolition of tuition fees. Again, let us not stretch the truth. I don't know what is the label the schools give to the fees. You can say what is being abolished, but what I do know is that the request which comes to me for the payment of fees has not decreased in any way since the abolition of tuition fees. And all of us know that to be true. (Applause) Not surprisingly, many schools have found ways of recouping some of the revenues lost by the so-called abolition of fees.

I would say to the Minister of Education, I would say to the Minister of Education, again let us forget the politicking, and let us have a serious reasoning as to whether persons who are able to pay tuition fees, people who pay significant sums for tuition for their children at the prep school level why do you hand them a subsidy when the sector is short of money? What is the rationale for this subsidy when people are paying two hundred, a hundred and fifty two hundred thousand and then you say, come in and this is free, and there you are leaving money on the table? Let us not in seeking to highlight the achievements of the abolition of tuition fees be scared to look at the benefits of implementing an efficient and equitable means-test. (Applause) I know the problem. Some of my youth going to some of the 'tapanaris' schools and l know that they don't want to be embarrassed in terms of saying, I can't afford it. But we can work through it. Let us not make perfection the enemy of the good. We can work on a means test.

Now, let us now look at the additional funds, how the additional funds could be best utilized to focus on those who need help most.

When the Ministry gives you the global figure in terms of illiteracy levels nationally, my constituency, schools in my constituency

and schools in the constituency of the Leader of the Opposition and the schools in the Prime Minister's constituency we - our numbers are multiples of the national figures. So when you say, this is what I am doing nationally, there is need for additional resources for such schools. And this is - you are leaving money on the table, money which we need to address that.

You know, Mr. Speaker, you think when we talk about global secondary school or whatever it is, it is a very cruel thing, you know, when you promote youth through each year and 1 know the Minister is going to tell me he is working on it, through the primary school and then you are putting in first form, a youngster who can't read, tested to be functionally illiterate. So there is Mr. Speaker, there cannot be any debate amongst 60 of us here, all of us when we discussed the matter at the PAC all of us and l won't even name them, I will just look on .some of the persons. We went through this.

(*Sotto voce* comments by Members)

Dr. DAVIES: You know what I said, let us go beyond the politicking; obviously we have to leave you out of that. Let us look how the additional funds, Mr. Speaker, can be used to address those who need help the most.

Mr. Speaker, I will not be weary in trying.

Mr. M PEART: You must try.

Dr. DAVIES: I must try, I will not be weary. But there is another issue, Mr. Speaker. Any MP who works closely with the schools in his or her constituency will know that the Ministry of Education is an equal opportunity debtor. The Ministry is an opportunity equal debtor. Grants which are due to schools and the Minister is not going to challenge me on it now, because I have had to call him and he has been responsive but some of these things cannot work because of personal contact, they must work as a system.

Grants which are due to schools are either late or simply not paid over. They are also...

(*Sotto voce* comments by Members)

Dr. DAVIES: You pay that one, you pay the one l talk to you about? I am going to make a call right now and you may apologize.

There are programmes where the Ministry has outstanding obligation, the loan programme to assist teachers who are pursuing further education. I called the Minister and he was sensitive, him write a letter and say, "I owe you, I don't know when I will pay you, but we will be paid", and so the student was able to continue with the course.

Mr. Speaker, the reality is that the Ministry of Education is in a chronic situation of being always indebted.

Whilst the Minister must be commended for his enthusiasm and initiative, the reality is that every single education institution which is dependent on the Ministry of Education for the majority of its funding is under stress. It is time therefore, Mr. Speaker, - and the Opposition means this genuinely - that as a country, we look at the reality of the public finances and determine whether the policy of across-the-board abolition of tuition fees for people who can afford it is a sensible one.

MACRO-ECONOMIC - BORROWING

Mr. Speaker, I now turn to two macro-economic challenges. They are related but I will discuss them individually for clarity. The first relates to the cost of borrowing, that is the interest rate, for the amounts which the administration will need during this fiscal year. The Minister has not indicated the

interest rates which he has assumed and I don't expect him to so do. This is not a matter which you discuss publicly for obvious reason.

What is clear, is that our present situation represents an economic anomaly. And I sincerely hope that there is no expectation or assumption that this can continue in perpetuity. What is this economic anomaly? At present inflation is running at over 13% *per annum*. At the same time the interest rate being paid on government instruments is anywhere between 10 and 12%. Simply put after tax, the real interest rate would be in the range of 7% to 9%. In other words, there is a negative return on your investment in Government Paper, real return.

The question which must be faced by the administration is, is it reasonable to expect investors big, small and in between, to continue being irrational by investing through the purchase of Government Paper in such a situation? In other words, why will a rationale person accept negative rates over the long term? He may do it for a short period or he may do it because he doesn't want to be identified, but it cannot be a long term assumption. I don't believe that there is need to develop the point further, but it should be clear that there are other options open to those who have resources. And this has nothing to do with persons being disloyal or unpatriotic. The reality is that each individual or each institution must plan in order to protect his or her own long-term interest. To expect differently and to base a long-term economic programme I am posing a question, Mr. Prime Minister, I want to know what the assumptions are. Based on long term...

(*Sotto voce* comments by Members)

Dr. DAVIES: You will get a chance to talk for four hours; you are this out of your time. To expect differently - you expect differently, over here we speak to each other with respect, over here we speak to each other with great respect. We don't seek to abuse each other, we talk to each other and we talk to the Prime Minister with respect, all we hope is that the Prime Minister learns to do the same. (Applause)

Opposition MEMBERS: No, no!

Dr. DAVIES: Mr. Speaker, a related issue... Have a drink, you have a drink.

(Sotto voce comments by Members) (Heckling)

Dr. DAVIES: Mr. Speaker, you can always know when the Prime Minister gets rattled, you know, he sits there contented for a long time, you can all know.

Mr. BUCHANAN: Boundary.

Dr. DAVIES: Remember my guidance to you.

The SPEAKER: Okay, only Dr. Davies on the floor.

Dr. DAVIES: No, Warmington is alright, is just noise. It is good that you have some people laughing at you.

A related issue...

(*Sotto voce* comments by Members)

MONETARY POLICY

Dr. DAVIES: There is a pattern, you know. How you live with them? Don't answer now.

A related issue, Mr. Speaker, speaks to the role of the Central Bank in conducting monetary policy. In Jamaica because of the potentially damaging impact of steep devaluations on the economy, the Central Bank's use of monetary policy is both to address inflation as well as to stabilize the

money markets and the foreign exchange market. This is an issue which I have raised previously. The question we are posing, what is the scope for the Central Bank's use of interest rates in this manner, if there are signs of instability in the foreign exchange market, or if there are signs that inflation for reason is moving in the wrong direction. These questions have become even more relevant and urgent as a result of clear evidence of increasing control of the BOJ by the Ministry of Finance.

What is this evidence? The granting of significant unplanned advances without any specific timetable for repayment; and if there is a specific timetable we don't know about it, we would like to know.

The transfer of nearly Three Billion in profits, when no such action was planned a year ago, these actions must raise suspicion and hence the Opposition is demanding full disclosure of the financial arrangements between the BOJ and the Ministry of Finance. (Applause) What of the Ministry of Finance's obligations to the Bank of Jamaica are these being honoured? The full picture must be brought to light.

Mr. Speaker, although it has been said many times it is worth repeating that we are in a deep social and economic crisis. From the economic point of view, the IMF Agreement and support from the other multilaterals have provided us with breathing room. We should recognize the IMF Agreement not as a solution but as a means towards a solution.

The Minister has made a great deal in terms of the triumph of being loaned $2.4 Billion by the multilaterals at low interest rates. As I said before, regardless of the interest rate, what you must not forget, this is debt, this money must be repaid, and that the stock of debt has grown by 55% in 30 months.

What should not be forgotten is that the country cannot create JDX two, it can't do it again. The challenge facing the Administration and indeed the country, because sometimes we pose this as the Administration, it's the country, how do we ride through the storm, create the conditions for economic recovery even whilst recognizing that there are significant social pressures?

In terms of Economic Recovery, the Government's range of options is narrowed by the fact that there is reduced purchasing power from the man or woman in the street. There is simply no room for expanded consumption and hence economic activity, by definition, will be limited unless it's geared solely at exports. However, the budget is predicated on the twin bases of increased tax revenues and low interest rates.

In terms of increased tax revenues, it is difficult to envisage how these will materialize given the extent to which the majority of households are facing challenges in meeting basic necessities. The minority watts some savings are rapidly de-saving.

In terms of interest rates, we have pointed out the artificial situation whereby the Government is projecting its borrowing from the public at negative real rates. This cannot be a long-term solution.

(Inaudible comments by Mr. D. Peart)

(Applause)

Mr. BUCHANAN: Question.

Dr. DAVIES: I giving you a chance to answer.

On the social scene, for those employed wages are frozen while the cost of all goods

and services are increasing. For those who have recently lost their jobs, adjusting to this new situation even with a redundancy package poses significant challenges. How do you allocate between consumption and putting away some of the redundancy to survive the medium-term?

Mrs. NEITA-HEADLEY: How?

Dr. DAVIES: For those who were previously unemployed or marginally employed, the crisis deepens as even securing the basic necessities has become more challenging.

(Applause)

As we discuss those at the bottom of the socio-economic ladder I must raise in passing, and only in passing, the question about the absence of the vital publication, *the Survey of Living Conditions*. That publication which is a critical tool both in assessing the socio-economic income groups as well as providing guidelines for the framing of social policy cannot, must not be abandoned. There has been none since 2007. We need to know what has changed over that period. I wish to have some reassurance about the publication of the documents for 2008 and 2009 because we need scientific analysis of the state of affairs, not public relations.

(Applause) Mr. Speaker, whilst the Administration has the primary role to respond to these challenges there is also a role for the Opposition. An honest appraisal of our stance over these two and a half years would have shown that in many instances we warned of the consequences of different actions. The country would have been better off if more attention had been paid to some of the questions we posed and some of the solutions we advanced.

(Applause)

Mr. BUCHANAN: Hear, hear!

Dr. DAVIES: There can be no question that whilst not reneging on our role as Opposition we have sought to be responsible. There is no better example than our response to the significant hikes in gasoline prices. We all know, Mr. Speaker, that on both sides, that has been an explosive matter until last year. It is for this reason why we take equally seriously the Government's solemn commitment to utilize increased revenues in a particular way.

(Inaudible comments by a Member)

Dr. DAVIES: Solemn yes.

Mr. BUCHANAN: Take that out, take out the word "solemn".

Dr. DAVIES: But the truth is, regardless of how responsible an Opposition tries to be there are some harsh realities out there which we cannot ignore. My advice to the Administration is, consider last year an anomaly but do not try to push against the same door in the same way.

(Applause)

Do not try to push against the same door.

Mr. BUCHANAN: Warn them!

Dr. DAVIES: Regardless of any agreement with any organization, anywhere, there is no chance that any further taxation can be borne by the population.

(Applause)

The hardships are very real, the hardships are very real and there are significant sections of the population which are hurting. The increase in bus fares - and I talking now to Shine, my gardener who live beyond Stony Hill, it used to cost him $350 to and from work, it's now $500.

Mr. VAZ: You give him a raise, you give him a raise?

Dr. DAVIES: Yes, I give him a raise but that is not the answer, $500 a day is what it's costing him now just to get to. . .

(*Sotto voce* comments by some Members)

A MEMBER: What is the minimum wage?

Dr. DAVIES: And so when we come to the discussion on minimum wage I want to see my trade union brothers take the reactionary stance they took last year because we have to go deal with that.

(*Sotto voce* comments)

Mr. Speaker, I learnt, I learnt, when people used to say the Minister of Finance should not be elected, it's too much work, a theoretical Minister of Finance talk about the CPI, you and I talk about cost in price increases. And therefore, Mr. Speaker, this issue in terms of the bus fare, don't take it lightly, it's a serious matter. That's why I spent so much time on the JUTC.

Mr. Speaker, but this is not just about the poorest of the poor there are middle-income persons who are facing extreme challenges in terms of basic survival. The reality is that they don't know how to juggle like people who have always juggled.

But, Mr. Speaker, there is a most important intangible, it is called trust. In its absence no administration can mobilize a country which is in crisis, without trust.

(Applause)

In two and a half years this Government his done several things which have undermined the trust of the public in them.

(Applause)

Whilst the Minister boasts of the 99.929, whatever *per cent* of the DX, the manner in which it was imposed, the implied threat which was written into the Agreement, in certain instances the cancellation of increases due to workers, these are concrete examples.

(Applause)

There are other examples, not necessarily in the economic held, not necessarily economic.

Mr. Speaker, the times call for sensitive, sensible and humble leadership. Humble!

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear, not arrogant!

Dr. DAVIES: We of the Opposition have every interest in maintaining social stability but we also have an obligation to defend not only those who elected us but the broader population.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. DAVIES: In that regard, even whilst we seek to preserve calm in the society it's imperative that the administration recognize that the betterment of the lives of the ordinary citizens of this country is of paramount importance.

(Applause)

Mr. Speaker, we on this side have no option but to recognize this. We are duty-bound to uphold and defend these objectives. Why? They are derived from the fundamental principles on which the movement which we serve and which we represent was founded.

(Applause)

(Standing ovation by Opposition Members)

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. I

now move that the House adjourns until April 14, 2010, that's tomorrow, when we will continue with the budget debate at which time we will have a presentation from the Minister of Tourism and the Member from Kingston East and Port Royal.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Wednesday the 14th of April at 2:00 p.m.

Motion put to the House and agreed to.

(The Speaker gavels.)

The SPEAKER: This Honourable House stands adjourned.

The House adjourned at approximately 4:10p.m.

WEDNESDAY, April 14, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.14 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

MINISTERS OF STATE

THE HONOURABLES:

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

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

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Mr. Collin Fagan.

The House resumed its sitting at 2.14 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members,

The SPEAKER: Members, this afternoon we would like to welcome all persons sitting in the Gallery. I can see distinguished members from the Tourism Board and connected agencies. I am sure they are here at the invitation of the Minister. And also to welcome the students from Windward Road Primary who are here at the invitation of Mr. Paulwell, (Applause) and accompanying teachers, Windward Road Primary.

I would just like to urge members in the Gallery, please, just check on your cellphone. Make sure it is either off or on vibrate so that you do not disturb the afternoon's proceedings. But please enjoy the sitting of Parliament this afternoon.

(HON. ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister, entered and took his seat.)

(HON. MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Commerce, Industry and Investment entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Rev. Thwaites.

ROADS/NWA

Rev. THWAITES: Mr. Speaker, with our leave, at the next session of this Honourable House I beg to move the following motions:

Whereas it is desirable to ensure accountability for the maintenance of public infrastructure:

Be it Resolved that the National Works Agency delineate clearly what roads and civil works fall under its jurisdiction;

And be it Further Resolved that the National Works Agency in respect of such roads and works and the local authorities in respect of all secondary, parochial and farm roads be the only agencies entitled to carry out maintenance improvements, additions and repair works and more specifically;

Be it Further Resolved that the electricity, water, sewage, telecommunications and other utilities halve no authority to interfere with

roads and works and be obliged to pay for the right to locate equipment on, in or under the public roadways.

(MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern, entered and took her seat.)

(DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North, entered and took his seat.)

ABOLITION OF M/V ACT POLICY INSURANCE

Mr. Speaker:

Be it Resolved that the Government of Jamaica abolish the popularly described Act Policy for motor vehicle insurance.

JUTC - SELF INSURANCE

Mr. Speaker, I also move:

Be it Resolved that Government urgently bring forward for debate a comprehensive reform policy for metropolitan transport such as to reduce the financial haemorrhage of the Jamaica Urban Transit Company and to endure proper capitalization of the Corporation's self-insurance scheme .

DECLARATION OF DUAL CITIZENSHIP

And, Mr. Speaker, I beg to move:

Be it Resolved that every Member of this Honourable House declare in this Chamber his or her citizenship or permanent residency in any country other than Jamaica;

(*Sotto voce* comments)

And be it Further Resolved that as a matter of agency this Honourable House debate under what if any circumstances citizens with dual nationality ought to be excluded from Parliamentary membership.

May it please you.

(Cross talk)

PUBLIC BUSINESS

The SPEAKER: House Leader?

Mr. HOLNESS: Mr. Speaker, at Public Business we will have a presentation from the Minister of Tourism then followed by a presentation from the Member from East Kingston and Port Royal.

Dr. DAVIES: One Budget Debate.

The SPEAKER: Okay. First presentation from Minister Edmund Bartlett. Mr. Bartlett.

(Applause)

Dr. DAVIES: The one area of success and them can't give you support.

Mr. WARMINGTON: Oh quiet!

Dr. DAVIES: I gwine expel you from the House.

BUDGET DEBATE - TOURISM

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

Mr. Speaker, may I seek your permission to speak from a location other than my own.

The SPEAKER: Permission granted.

Mr. BARTLETT: Thank you.

Mr. Speaker, in what has been perhaps the most challenging year for tourism, globally, I am honoured to be asked to address this new session of Parliament in the 2010 2011 Budget Debate, a signal of the importance of tourism to our economic development.

Permit me to begin my presentation this afternoon by again expressing my gratitude to the Honourable Prime Minister for the confidence...

A MEMBER: Omar, we never disturb yuh yesterday.

(Crosstalk)

Dr. DAVIES: Go ahead, sir.

Mr. BARTLETT: Thank you.

Permit me to begin, Mr. Speaker, to begin this presentation by again expressing my gratitude to the Honourable Prime Minister for the confidence reposed in me to serve in this capacity as Minister of Tourism. Allow me also to the Cabinet colleagues have to collaborate.

(HON. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without portfolio in the Office of the Prime Minister, Information and Telecommunication, entered and took his seat.)

I wish to thank you, Mr. Speaker, for your kind support and willingness to create synergies for the benefit of the people of this blessed land, Jamaica land we love. Your erudition and your wisdom, indeed your sagacity has done well to create a spirit of very active and robust debate in this Honourable House.

As we reflect on the past fiscal year it bears repeating that despite the global crisis and an economy impacted by world recession, Jamaica's tourism held its own. And I will be sharing with you this afternoon some of the strategies employed to ensure that we achieved growth.

So while it was a difficult year, indeed a very difficult year, I am heartened to inform this Honourable House and all Jamaicans, that all tourism industry performed creditably despite global challenges and budgetary constraints, due in large measure to the great team I have the pleasure of leading.

(Applause)

I wish to place on record my gratitude to my Permanent Secretary, MRS. JENNIFER GRIFFITH; Director General, CAROLE GUNTLEY, and the dynamic leadership of the Agency heads who 1 must commend individually. And I begin with JOHN LYNCH the Chairman and Director of the Tourist Board; (Applause) MR. EARL PATRICK the Executive Director of the TPDCO; (Applause) MR. IAN NEITA, the Executive Director of the Tourist Enhancement Fund; (Applause)

(Applause from Gallery)

(MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central, entered and took his seat.)

The SPEAKER: Just one second. May I just ask the Gallery, you are not to participate in any way; neither clapping nor cheering. Just listen in silence, please!

Mr. BARTLETT: MR. LIONEL REID, the Executive Director of JAMVAC; (applause) MRS. JANET TAYLOR, the Executive Director of Devon House; (applause) MISS DIANNE SOMMERVILLE, the General Manager of Milk River Bath and Spa; (applause) and MR. DESMOND BLAIR, the General Manager or a Fountain, Hotel and Spa. (Applause)

In my Ministry, Mr. Speaker, we are privileged to serve with individuals who chair the Agencies and bring dynamic, creative leadership to the sector. And again I must commend the Board chairmen, other than Mr. Lynch whom I have mentioned before: MR.

ROBERT RUSSELL, the Chairman of the Tourism Product Development Company. (Applause)

(HON. ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning, Development and Defence, enters and took his seat.)

MR. GODFREY DYER, Chairman of the Tourism Enhancement Fund, (Applause) the MOST HONOURABLE MRS. CARLA SEAGA, Chairman of the Devon House Development Company, (Applause) DR. EARL WRIGHT, Chairman of Milk River Hotel and Spa (Applause) and MR. DERRICK HAMILTON, the Chairman of the Bath Fountain Hotel and Spa.

Of course, the accomplishments of this Ministry and its Agencies were only attainable with the support of our committed directors and staff, some of whom are here today and others who are at their posts all across the island and abroad.

Dr. DAVIES: And Canada.

Mr. BARTLETT: And abroad.

I also acknowledge, Mr. Speaker, the Opposition spokesman on tourism, (Applause) the Member of Parliament for Western Westmoreland for his contribution to the tourism debate during the year.

A big thank you, of course, to my immediate family, my wife CARMEN and my son and brothers, one of whom sits to my right, (Applause) who have been very supportive as I undertake my duties which often require me to be absent from home.

Indeed, sincere thanks also to my extended family, my constituents, the people of East Central St. James, particularly councillors...

(*Sotto voce* comment by Mr. Vaz)

Mr. BARTLETT: I didn't say Portland West... particularly Councilors and my management team who are also here today. Had it not been for their support I would not have had the privilege of serving in this capacity. (Applause)

Most of all, Mr. Speaker, 1 want to thank God for providing me with the strength, sustenance and the courage to keep the fight going even under these difficult times. (Applause) Mr. Speaker, I address this Honourable House for perhaps the 25th time. (Applause)

MEMBERS: What! Experienced!

Mr. BARTLETT: For 21 years in this Chamber and 24 in another place.

A MEMBER: Four.

Mr. **BARTLETT:** I am sorry, and four (4) in another place.

But perhaps I want to say that this, today, is perhaps the most significant of those presentations because it is happening at a crucial and critical time in the history of our country. And I want to say right up front, Mr. Speaker, that we as a nation, as a people, are fortunate indeed, to have the leadership today of the Honourable Bruce Golding as Prime Minister of Jamaica (Applause) an able team and an Opposition that is also quite active. And that bodes well for our democracy.

(HON. PEARNEL CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security entered and took his seat.)

So I am addressing this House then against the background of a global economic landscape which was characterized by the

worst recession in recent times and the prospects of a recovery that at best leaves the world in a cloud of uncertainty.

(HON. MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works, entered and took his seat.)

Indeed, Mr. Speaker, we in tourism refer to it this way, that the only certainty that exists today is uncertainty.

Mr. Speaker, it is fair to say that some of the same challenges that we faced last year have persisted and some even have worsened. As such, we recognize that in all of it, those have also acted for us as catalysts for fundamental change in the way that we are doing business in the industry.

The tourism sector for which I have responsibility has been particularly challenged by the global trend, and as such we too have been forced to create a new architecture. So, Mr. Speaker, the question that we ask is, what can we expect then from tourism in the immediate future?

The job before us presents even greater challenges in 2010. This particular budget, Mr. Speaker, requires us to be more innovative, to think outside of the box, not around the box. Indeed, in present discussion that we had with the team, we decided that really, to think innovative in this time, you need to throw away the box. You need no box. You need not to be constrained by the box because these are different times, new times which require new, innovative and extensive thinking. In these times of austere measures, I am compelled to remind you of the saying: "*Faithless is he who quits when the road darkens. Find a way. Always find a way*". (Applause)

Mr. Speaker, we seek to background the performance of tourism against a global picture which you will allow me to sketch for you in the next few seconds as we look globally, regionally and locally. The downturn in the local economy brought on by the financial crisis that had its beginnings in the United States, our largest source market, suggests that our tourism product would be severely impacted. However, what we saw was a 1.8 Million arrival for 2010/2011, and we are projecting 2,000,000 stopover arrivals for this year, 2011. (Applause)

The financial crisis that erupted at the end of 2007 after the collapse of the sub-prime mortgage market was followed by the worst housing slump in decades and of course a credit crunch which froze world markets. These have resulted in a high unemployment rate of up to 9.7 % in the United States and a contraction, of course, of many of the world's leading economies, including of course, those that are our source markets.

This is important to us, Mr. Speaker, because most of our visitors come from the US. We therefore want to know how deep will the downturn be, when will the recovery get underway and how strong will it be. These answers, Mr. Speaker, will affect our plans.

According to the IMF's January 2010 World Economic Outlook Update, entitled: *A Policy-driven Multispeed Recovery. The global recovery is off to a stronger start than anticipated*...That's what it says...*but is proceeding at different speeds in various regions.* The IMF maintains that: *Following the deepest global downturn in recent history, economic growth solidified and broadened to advanced economies in the second half of 2009.* It is of the view that: In 2010, which is this year, *world output is expected to rise by four per cent. This represents an upward*

revision of three-quarters of a percentage point-from the October 2009 World Economic Outlook.

Mr. Speaker, it is also interesting to note that both the IMF and the World Bank are anticipating that: *In most advanced economies, the recovery is expected to remain sluggish by past standards, while in many emerging and developing economies, activity is expected to be relatively vigorous, largely driven by buoyant internal demand.*

Both the IMF and the recently concluded G-20 Summit believe that: *Output in the advanced economies is more expected to expand by somewhere in the region of two per cent, following of course, a sharp decline of output last year. In 2011, we are projecting growth to edge up further to two-and-a-half per cent. The bottomline then is that the recovery in advanced economy is still expected to be weak by historic standards, with real output remaining below its pre-crisis levelly until 2011. Moreover, high unemployment rates and public debt as well as not fully healed financial systems are presenting further challenges to the recovery of these economies.*

Mr. Speaker, it is therefore critical that we keep a watchful eye on the global economy, particularly that of the United States, our traditional market and, indeed, where some 65% of our tourists emanate. The fact is that if the US unemployment rate continues to rise in 2010 and on, American consumers are unlikely to open their wallets to fund international vacations.

On the regional picture then, Mr. Speaker, the Caribbean economies have felt the full impact of the global downturn. But as the pundits anticipate, albeit a sluggish recovery, the question that we want to ask is, is the region poised to take advantage of these opportunities?

According to PETER HALL of **Export Development**, Canada - and we use this one because Canada is one of our really large, indeed, Canada has now become our second largest tourist market: *From 2003 to 2008, he indicated that the Pan regional output grew at an average pace of five per cent annually. World recession, he said wreaked havoc with business and personal travel, investment activity and global financial flows. The abrupt change in the global economic climate jolted the region, with output growth slowing sharply to an estimated one per cent of last year.* Tourism, was indeed, Mr. Speaker, a big part of that story.

Many destinations saw double digit decline in visitor arrivals during 2009. On top that travellers were more frugal, putting an additional bite on the dollar spent. More competitively priced destinations such as Cuba and the Dom. Rep. managed to keep pace with 2008 tourist levels, increasing, of course, the market share at the expense of most other destinations except Jamaica, because we in fact grew and grew ahead of them during that period. (Applause)

So, Caribbean economies, Mr. Speaker, that are also dependent on what we call non-tourist trade, export development - again we use the Canada experience - maintains that the global recession reduced the Caribbean's overall output by one per cent (1%) but exports sustained a much deeper decline of twelve per cent (12%). This also affected prices for most commodities which dealt a further blow to Caribbean exporters and by extension to associated government revenues.

Lower made flows and the financial liquidity crunch pummeled foreign direct investment activities which according to the WTO, fell by 1.7 Trillion in 2008 to 1.2 Trillion last year.

You may wonder why we make this key point because the Caribbean is particularly dependent on FDIs. In fact, the Caribbean region handles a disproportionately high share of global FDIs which is partly destined for local residential and hotel investments. This is mostly tied to the offshore operations of large international investors - we know that very well - in terms of some of our new investments that have come to Jamaica. Substantially low FDIs, therefore, Mr. Speaker, have had a significant impact on many international financial institutions that have a presence here in the Caribbean.

Moreover, for greater regulation and transparency in the wake of the near 2008 collapse of the financial institutions, we have seen that this has had impact on our regional banking operations.

All this, Mr. Speaker, raises another set of questions, one of which is, will the expected global recovery in late 2010, that's this year, reverse the region's fortune? And, or, will the Caribbean continue to lag behind? The answers are not easy.

But **first**, I think, Mr. Speaker, we need to look at the fact that Western consumers are expected to remain more frugal and choosy about their travel destination. A point that we have made over and over and will have implications in terms of our own fortunes in the marketplace.

Second, that trade flows have picked up but are still well below the previous peak. And **third,** that investments always lag behind the economic cycle. As such, FDI flows which stage a slower return to former heights. And **fourth**, slower overall activity has weighed on the public purse threatening to stymied much-needed regional infrastructure support. And later on, I perhaps will have something to say about the comment my friend from South St. Andrew made yesterday.

The bottomline, Mr. Speaker, is that the Caribbean has a strong link to the world economy and some of the results of this decline will slow the region's response to recovery. There are early signs of growth - and we are happy about that - which suggests that the region has turned the corner. But the best evidence of this, of course, has been the fact that hard currency reserves have staged a remarkable rebound.

In addition to the global economic challenge, Mr. Speaker, we cannot ignore the strong competition that we face regionally. For example, we must be mindful of the fact that once the United States lifts the 47-year travel ban on Cuba that country will be competing for the same US market that we have today.

In anticipation of this, Cuba is expected to expand its capacity by 50,000 rooms, with ground-breaking, scheduled, I am advised, to start for the first nine (9) hotels in 2010. I'll have more to say about that later on in terms of our own steps to ensure we can work together.

The local picture, Mr. Speaker, I am proud to say that in the face of the global and regional challenges, Jamaica has shown that we can compete in the world and with the world's best. (Applause) Today's tourist demands value for money and unique experience, and Jamaica is more than capable of meeting these demands by simply being Jamaicans, through our culture, our

hospitality, our cuisine and most of all our people. (Applause)

Last week our Minister of Finance presented the Budget, and for the Fiscal Year indicated that the deficit target for the new Fiscal Year has been set at 6.5% of GDP. Half of what it was last year. The Minister is expecting growth despite the effects of the global crisis, and the impact that it has had on our economy. And tourism, Mr. Speaker, is preparing itself to ensure that the Minister's projection for growth is realized...

(Applause)

...because we believe that it is one of the key pillars on which Jamaica's economy and our economic recovery can be built.

So, Mr. Speaker, let us now examine the performance of the tourism sector during this period of unprecedented challenge. In 2007, Mr. Speaker, we welcomed 1.757 million stopover arrivals. And that was 63,000 more than the previous year. In 2008, we welcomed 3.9 per cent more than '07, and in 2009 last year, we welcomed 1.875 - I beg you pardon, 1.8 million arrivals, and we earned growth revenue of $1.875 Billion.

(Applause)

We are bettering that position this year. And we were able, last year, Mr. Speaker to achieve those results. And I indicated to you, $1.87 Billion as earnings from stopover, but when you add the cruise earnings to that, Mr. Speaker, we were at $1.9 Billion, just a little shy of the $2 Billion projection that we have for 2009. But we were able to do that in a difficult market, in a market that was characterized by contraction in the source markets. The US, for example, contracted by some 20 per cent, while the UK contracted by 19 per cent, notwithstanding that Jamaica was able to have growth out of the US by 1.9 per cent over the previous year, which means that we were able to gain market share of nearly 22 per cent during that period.

(Applause)

From the UK, Mr. Speaker, that market contracted by 19 per cent and we were down by only 2 per cent, which means also that we were able to gain market share of 17 per cent. And the German market increased by 6.6 per cent.

Now, this also, Mr. Speaker, was achieved against the background of what was happening in the other Caribbean destinations. Last year Cancun declined by 15.6 per cent; Cayman Islands, 10.2 per cent; the Bahamas, 11.4 per cent; Puerto Rico, 2.8 per cent; the US Virgin Islands, 2.5 per cent; the British Virgin Islands, 17 per cent; Barbados, 8.7 per cent; Martinique, 7.7 per cent; St. Maarten, 7.4 per cent and Antigua 12.7 per cent. Only three (3) major Caribbean destinations recorded increases. The Dominican Republic, .3 of a per cent, Cuba, 3.5 per cent and of course, Jamaica leading the way with 3.6 per cent.

(Applause)

Looking to 2010, Mr. Speaker, and buoyed by the successive years of growth, we are projecting a 6 per cent growth for this demand, Mr. Speaker, that projection is well on its way, because already for the first four months of the year we have welcomed a record 700,000 stopover visitors.

(Applause)

And indeed the month of March was particularly spectacular for we had a record 12.7 per cent increase over last year, bringing us to something near 196,000 visitors in that single month.

(Applause)

We are well on track, therefore, to break the new records this year of the elusive two million stop over arrivals. We are well on track to give Jamaica the first two million arrivals in its tourism history this year...

(Applause)

...and to earn in the process well over - well, not well over, but definitely over US$2 Billion.

(Applause)

Mr. Speaker, that earning of $2 Billion would represent some 20 per cent of the GDP, and in fact, will be more than the NIR which now stands at $1.7 Billion As it stands today, Mr. Speaker, tourism represents well over 50 per cent of the foreign exchange earnings and a quarter of all the jobs provided directly and indirectly.

MEMBER: Hear, hear!

Mr. E. BARTLETT: As the sector continues to grow, it is also boomed to employment. Last year, Mr. Speaker, while the country lost 40,000 jobs, the accommodation subsector had a net gain of 3 per cent, moving from 35,257 in 2008, to 36,321 in 2009. At the end of this year we are projecting a further increase in jobs of 2,250 when the Secrets Resort and Palmyra come into full bloom.

(Applause)

Not only, Mr. Speaker, have we increased revenues and stop-over arrivals but we have also seen - we have also grown in the eyes of the world, and today I seek some bragging rights because if the world has said so I think the Parliament should at least know so. So, Mr. Speaker, last November at the 16th Annual World Travel Awards in London, considered, of course, the Oscar of the tourism industry, Jamaica celebrated what we call, *Sweet 16*, by winning 16 awards of the amount that was there.

(Applause)

For the first - third consecutive year Jamaica was recognized as the *Leading Caribbean Destination*, the *World's Leading Cruise Destination*, the *Caribbean's Leading Cruise Destination*. Jamaica was also honoured for its *Once You Go You Know Campaign* in a new category called *Caribbean's Leading Marketing Campaign*. And the Jamaica Tourist Board received the award for being the *Caribbean's Leading Tourist Board* for the third consecutive year.

(Applause)

The SPEAKER: (Gavels) House Leader, the Minister's time for speaking has expired.

Mr. HOLNESS: Mr. Speaker, I beg to move for the suspension of Standing Orders to allow the Member sufficient time to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Minister sufficient time to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister Bartlett

Mr. E. BARTLETT: Thank you very much, Mr. Speaker, and I thank the Honourable House for its kind indulgence.

Mr. Speaker, many of Jamaica's resorts and travel partners were also recognized, further illustrating the destination's outstanding tourism product. Throughout the year, Jamaica won more than 30 awards, including *Travel Weekly Readers Choice Award* for the best Caribbean destination. And this one delights me, particularly, Mr.

Speaker, because in Berlin, a few weeks ago, the first commercial that Jamaica really made with total Jamaican images and personalities, featuring of course, Ambassador the HONOURABLE USAIN BOLT:

(Applause)

That ad, out of a list of 102 countries, and 102 ads was deemed the number one advertising campaign in the region.

(Applause)

And, of course, Jamaica remains the pride of place for honeymoon across the globe; *World 50 Best Honeymoon List*, Jamaica included therein, confirming what many travellers already know that Jamaica is hot and is a much sought after destination.

Mr. Speaker, the successes of the tourism sector is very closely connected to the successes of agriculture, of manufacturing, of distribution, the food and beverage industry and so on. As such, Mr. Speaker, I wish to pause to look at some of the sectors that have contributed to our collective success. These sector leaders have granted us permission, Mr. Speaker, to mention them by name, having shared encouraging reports on revenues driven largely by the boost provided through a steadfast tourism sector. Diageo's Sales Director, for example, indicated that perhaps somewhere in the region of above 20 per cent of the company's business services are in the tourism sector. He further added that with his financial year beginning in July, it had certainly seen an uptick in sales for that sector over the last nine months.

(Applause)

JPS is reporting that the tourism sector represents 9 per cent of their total sales and 14 per cent of non-residential sale. It is not too hard, therefore, to see those percentages going up incrementally, Mr. Speaker, with more arrivals and more hotels.

Lascelles have indicated that some 25 per cent of their group's alcohol sale came from tourism sector, and points to the added value and trickle-down effect of it all.

The Managing Director for Jamaica Producers Group said that 12 per cent of the total fresh produce sales was directed to the tourism industry.

The Chief Executive Officer of Wisynco indicated also that tourism contributes a significant portion of their sales. And one can just take a look, for example, at our largest hotel in the country, Fiesta, and imagine, - Wisynco's unit backing up there to deliver water, just water, one item, water, for a full capacity hotel that would have three or four thousand visitors there, and consider the consumption of water per day.

Grace Kennedy, the country's larger indigenous conglomerate, goes to great length to service the local tourism sector. In fact, Grace is saying that tourism accounts for 9 per cent of its food and drink sales. But it doesn't stop there, because Grace is also involved in other areas, and investments, financial activities related to tourism, some 9 per cent of its loan portfolio is in tourism, and 15 per cent of its monthly Cambio business is in tourism. Its insurance business has 5 per cent of tourism.

The point we are making here, Mr. Speaker, is that it is not only commendable to buy local but it creates linkages that can only benefit our economy.

(Applause)

And I would like to tell the people of Jamaica

today that we are all part and parcel of the engine of growth of our beloved home, Jamaica, through the tourist sector. Yes, indeed, we may be little as the saying goes, but we are truly Talawah.

(Applause)

The way forward, Mr. Speaker, is critical and these are times which, as l indicated earlier in the presentation, call for a new paradigm, new business models, and new architecture. We are able to weather this recession against all odds when many people in our own sector thought it was not possible.

But we have learned many lessons. And one of the key lessons is the degree to which markets have changed and the need for new tourism architecture which calls for new markets, new technologies, new investments, new partnerships, and new communication processes.

The growing commoditization of tourism, Mr. Speaker, has created a global competitiveness which challenges our historic understanding of the industry. Jamaica, which previously had an enclave industry perspective, suddenly found that it has to compete in a global marketplace on price points and values.

Consider, Mr. Speaker, for the first time, and this one blew our minds recently, when we find that the US, previously the US; we would see them marketing in terms of cities, you know, so a Las Vegas would be out there marketing and a South Beach would be out there marketing and Orlando would be out there marketing. For the first time, the US as a destination is now going to be in the marketplace marketing and may just put together a fund, over a Hundred Million Dollars for one purpose, to market destination United States, which means they are now in direct competition as a mega country with Jamaica countries like ours. Mexico and Dubai, for example, have already begun to retrofit their tourism economies, because they have found that their customers want the same quality for less. The challenge for us, therefore, is how to make that adjustment in our situation.

This is especially significant, Mr. Speaker, as we need to find ways of doing more with less. This calls for a reconfiguration of the business model, more efficient operations, better utilization of energy, better use of human capital and investment in green technology is an important one. It calls for moving into non-traditional markets and driving legacy markets more strategically. It calls for utilizing information technology and social marketing.

It calls for a new look at community tourism and small and medium enterprises.

Mr. Speaker, there is a growing interdependence in the industry. Distributors like travel agents and suppliers like airlines are all linked and they are highly integrated. It has become necessary for destinations to participate, for example, in multi-destination marketing, efforts. For example, we are currently working on the relationship with Cuba, and we are collaborating with Travel Agencies and Tour Operators to bring more visitors to Jamaica. In a short while we will sign that Memorandum of Understanding between Cuba and ourselves, which will allow for multi-destination marketing, as well as double drops from airlifts coming out of Europe and elsewhere, the synergies there are very clear.

Especially, Mr. Speaker, we are currently structuring arrangements also with TUI to

deliver some 33,000 German visitors over a three-year period. Similar discussions are being held with other global travel power houses like Thomas Cooke and so on, to enable that level of partnership and synergy to achieve growth.

The demands of today's travellers, the cutbacks on discretionary spending and increased competition force us to be more innovative and to work smarter ensuring we get our piece of the tourism pie. You will recall that I said it's no longer about thinking outside of the box, you have to throw away the box.

In the coming year, Mr. Speaker, the JTB will make greater use of technology and the Internet as important vehicles in the execution of its marketing plan to increase bookings. To this end, the JTB has embarked on a comprehensive online marketing strategy. In addition to redesigning our website www.visitjamaica.com, the official travel site for Jamaica, the JTB has also embarked on a collective and aggressive use of social media aimed at engaging, educating and captivating travellers online. Plans are underway to further expand Jamaica's presence on **Facebook, Twitter** and **YouTube**, as well as reaching travellers through their smartphones.

Mr. Speaker, the tourism industry is increasingly more dynamic and diversified, calling for us to be similarly more dynamic and diversified in our strategic approaches to business, as well as in our relationships with our partners. A key strategy is to focus on those attributes of Jamaica, which will match the passions of potential travelers.

Last year you will recall I mentioned that as the psycho-graphic aspect of our marketing. This will be a key factor in maintaining Jamaica's competitiveness in the marketplace. And we could go on to include indeed, all the critical areas of passion that people travel because, whether it is bridal or whatever it is, sports or it is religion or it is entertainment, we have to go there and to make sure that we broaden the range of experiences that we offer to our visitor.

Important of course in this mix of bringing new experiences to our visitors, and to be able also to bring more visitors to Jamaica, we have to look at our local markets.

In a 2007 survey that was done, Mr. Speaker, it was determined by STATIN that the value of the local market is some $27 Billion, that is to say, every year Jamaicans take local vacations and spend some $27 Billion in the hotels all around and the guest houses. This is an important element . . .

Dr. DAVIES: Where you find the hotel? (Laughter)

Mr. BARTLETT: Well, the hotels relate to size and room capacity.

Dr. BARTLETT: Because yu no tekany.

Dr. DAVIES: How ‘bout length of visit? (Laughter)

Mr. BARTLETT: Well, that's a different thing, length of visit is occupancy and time.

Dr. DAVIES: Just checking. (Laughter)

Mr. BARTLETT: Mr. Speaker, it is well known that when an airline touches down (*Sotto voce* comments) - and this is a very critical area that we are moving into now Mr. Speaker, the importance of airlifts.

Dr. BARTLETT: Is not Port Henderson, you know.

Mr. JACKSON: No, no, careful when talking about Portmore. (Laughter)

(Inaudible comments by Dr. Davies)

Mr. BARTLETT: Not quite, you used to do that. (Laughter by Members on both sides)

Mr. Speaker, it is a well-known fact, that when an airline touches down in a destination it brings opportunities to create great wealth for that country through employment and the supply of goods and services. Indeed, the extent to which a destination can grow is a direct function of its airlift capacity. In recent times, the airline industry has undergone significant changes as many have down-sized, some have right-sized and others have even capsized. There have been mergers, acquisitions and bankruptcies as a result, of course, of the global economic turmoil.

Jamaica needs, our need for airlift capacity is somewhere in the region of four million seats annually. And so we have to find a way to ensure taking a 70% occupancy that at least three million seats are available on an annual basis. And so, the whole business of going after airlifts is central and critical to our experience.

So you will recall, Mr. Speaker, that towards the end of 2008, the Caribbean faced an aviation crisis when American Airlines announced that they would be dismantling the Puerto Rico hub and cutting services to the Caribbean. In the case of Jamaica, they stated their intention to withdraw a number of routes including Dallas and Miami and reducing their sequence out of New York.

Members of this Honourable House will recall that combined with the Air Jamaica's announcement of its divestment plans and its rationalization progrnmme, there was great uncertainty within the tourism circles. And indeed Jamaica had to act and act swiftly to secure its airlift capacity, given the serious dilemma with which Jamaica was faced and the possibility of an airlift crisis.

As the Prime Minister himself pointed out in this Parliament only a month ago, the arrangements with American Airlines were entered into at a time when the global recession was taking a heavy toll on airline travel and aviation cost were skyrocketing. Airlines were drastically shedding routes and curtailing flights. In these circumstances, the possibility of maintaining service from American Airlines on these strategic routes was considered much more achievable than persuading other airlines to introduce new service. The decision then to enter into arrangements with A.A. to retain important gateways and to add the strategic gateway of Chicago, ensured our strength in the important Midwest market. The alternative of course, Mr. Speaker, was to have no service for those thousands of travellers who came through those gateways. When we look, for example, at those hubs, one of the hubs, the Dallas hub, had over sixty million traffic through on an annual basis. The Miami hub had some twenty-three million traffic.

And so it is important for us to have been properly positioned, so that we could benefit moreso, from the traffic behind the gateways. And the essence of all of this, was to ensure that we could be able to satisfy the demand, indeed, the unmet demand that was there for the airlift for our country.

I made the point earlier that Jamaica needed four million seats annually. Of that four million, you'll see later on that we have only been able to get two point six, so there is in fact a deficit of nearly one point four million seats. Airlift therefore is a critical and vital imperative of our growth strategy.

The flights arranged, of course, provided us with some 74,407 passengers. And it provided an estimated revenue for Jamaica of $51 Million and an earnings for the Tourism Enhancement Fund of US$740,000. The Chicago route made a surplus of US$181,000 and of the total guarantee of US$4.5 Million, the net amount which has been paid is US$2.9 Million. Mr. Speaker, the fact is that that programme, having been concluded, American Airlines now continue to fly through those gateways and indeed have increased their number of frequencies to the benefit of Jamaica.

(Applause)

But it is significant to note that the rest of the Caribbean, who all had this problem, spent somewhere in the region of US$30 Million to US$40 Million to secure fewer seats than Jamaica, and indeed did not get the level of arrivals that Jamaica got because we grew and they didn't.

As it now stands, Mr. Speaker, we are able to adequately meet the demands, particular over this winter season with the additional one million seats, as I had mention earlier somewhere else, that we were able to secure one million seats for this winter, and that is why I could have reported earlier in the presentation that we had 700 visitors in this season, a record for Jamaica.

Mr. Speaker, airlift strategy worked for us and I am proud to say that within the year we were able to bring four new airlines into Jamaica; **Jet Blue, Jet Air, Air Tran** and **West Jet.** We also expanded scheduled services to our legacy carriers, with the **US Air** coming out of Phoenix and the **Amencan Airlines** programme as we indicate, British Airways that had left Montego Bay for 10 years, we were able to bring them back from Gatwick to Montego Bay and it was a great celebration when that took place.

(Applause by Government Members) **Delta Airlines** also expanded its rotations and increased them out of Atlanta.

In addition, Mr. Speaker, there are new schedule and charter carriers out of Europe. And this brings the total number of seats that we were able to get for Jamaica to two point six million.

Mr. Speaker, we needed to go even further, because as the demand grows and as we move into new destinations, so will the requirement for added sealift and airlifts be there.

So we are going to be opening new markets in South and Central America, improve our positions in Europe, and to strengthen our existing markets in North America. We expect that JAMVAC will be adequately funded to continue its role of risk sharing and seat-support programme to achieve the objective of providing adequate airlifts for the destination.

This year we are expecting to spend some $4.4 Million to support 186,097 seats. This is expected to bring a gross earning to the country of US$168 Million, and $1.86 Million to the Tourism Enhancement Fund.

Mr. Speaker, two years ago, in this Honourable House, I articulated as part of a strategic vision, a set of values which we call the New Tourism Paradigm. An essential element was strong partnership between Government and the tourism private sector. I spoke of our commitment to provide the institutional policy and fiscal framework, to encourage viable investment and a strong and competitive tourism industry. In this regard,

Mr. Speaker, I recently named a committee consisting of members from my Ministry, as well as the JHTA, co-chaired by JOHN LYNCH and WAYNE CUMMINGS, the President of the JHTA. And that committee is charged to identify ways and means of generating a sustainable pool of funds to be used solely for the marketing of Destination Jamaica. And this has been a concern in the industry, that overtime we have always ended up with problems half-way through our season, when funds are low.

What we want to do is to ensure that there is security and sustainability of flows, so that we can at all times be able to respond to the call within the marketplace. Tourism, as you know, is susceptible to exogenous shocks from time to time, and when that happens there is always the need for added funds for advertising and promotion. A pool of funds needs to be there, so that there can be a certitude of flows to enable us to be able to respond to these shocks from time to time.

So the second charge that they have is to discuss and agree on opportunities for greater collaboration in marketing initiatives, so that greater synergies can be realized through the sharing of cost for various activities in the marketplace. In other words, when we are out, they are out there too, and we are working together as one to ensure that we can maximize the return from the scarce dollar that we have in the destination. The discussions are going well, so far, and the prospects of a position being put to us for a concluding position is very good indeed.

Another initiative that we are currently exploring, Mr. Speaker, is the facilitation of ongoing modernization of the tourism plant. In 1968, when the Hotel Incentive Act was tabled, the policy focus was to stimulate investment in new hotel development. A facility was also incorporated to encourage the expansion of existing hotels, hence the benefits under the HIA are Income Tax, Import Duties, and GCT relief for new and expanding hotels. Today, Mr. Speaker, we have in many respects a mature hotel subsector, and a demonstrated need, therefore, to refresh and renew.

The JHTA has recommended, and we are giving consideration to submitting to Cabinet later this year, a further request for amendment to the incentives under the Act. This is in keeping with the strategy to promote the modernization of the subsector through rolling over access to incentives, for example, every three to five years. This will better allow hotels, Mr. Speaker, to refurbish their properties on a regular basis and so enhance their competitiveness.

We fully recognize that to be competitive in today's market, the hotel property has to be perpetually fresh and crisp. And that's the only way we are going to be able to stay top-a-mine in the marketplace. Again, the dialogue continues with the private sector and ourselves in this regard.

Dr. BARTLETT: Hear! Hear!

Mr. BARTLETT: Mr. Speaker, the Ministry has been working with the Public Sector Transformation Unit in the Office of the Prime Minister, to rationalize the structure of the Ministry and its agencies, in order to realize greater efficiencies and effective service delivery. In this exercise we have redefined our core functions, our goal strategies and our marketing tactics, our investment and product development strategies included. We have embraced the

role of technology and are modernizing our systems and procedures and have reviewed our organizational structures. The outcome will be a consolidation of our plant, greater streamlining of our functions, improved service delivery, and a smaller, more effective team.

Over the past Fiscal Year the Ministry made great sides, Mr. Speaker, in enabling environment within which the tourism business can improve its competitiveness. In this regard, Mr. Speaker, Cabinet has approved the amendment of three pieces of key legislation. The first speaks to the amendment of the Duty-Free Shopping Act, to allow for the expansion of the duty-free list, and also for incoming passengers to be able to purchase items duty-free.

And thirdly...

(*Sotto voce* comment from Dr. Davies)

Mr. BARTLETT: Yes.

Mr. WARMINGTON: Make your presentation and don't listen to him.

Mr. BARTLETT: In fact, that has not yet come to this home. It will come to this House and will be passed. As we speak now, nobody who comes into Jamaica can buy duty free. Can you? You bought coming in duty free? (Laughter)

(Dr. Davies nods his head in the affirmative)

A MEMBER: Careful, you know. Be careful!

Mr. BARTLETT: I will have to tell Mr. Walker about you.

In addition, Mr. Speaker, Sales Tax rates have been reduced from 10.5 per cent to 6 per cent, refered to as Deferred Additional Stamp Duty, and the Custom User Fees as well as the Environmental Levy Fees have been removed. This single tax, Mr. Speaker, will allow for what we call the Inventory Enrichment Strategy, which allow for more goods to come in, greater sales to happen, and more revenue to come into the country.

The second approval was given by the amendment to the Hotel (Incentive) Act, mostly to clarify and remove ambiguities in the following areas - and these are areas that are very important, Mr. Speaker, to the industry, and it was key that we were able to get that through. We had to redefine what a convention hotel was, and we had to redefine it in the context of today's sizes of hotels. Previously, we were talking about hotel size of 350 rooms. Now we are realizing that a showroom is probably a micro hotel now, because we are talking about 1,000 rooms and 2,000 rooms, and so on. So we decided that the minimum would be a 500-room hotel. And we clarified, also, the meaning of substantial structural adjustment so as to allow for also refurbishing and limited expansion within the 30 per cent that was required before. And then of course, the need for us to require approvals of business plans by the Parish Council, instead of what was regarded as certified plans by engineers. So the Parish Council can approve the plans and we will accept them.

Encouraging visitors to purchase locally, that is a very key part of our objective. So that we were able to expand now, the range of goods within the schedule, so that more of our local persons could get into the business and could supply the needs of the tourism industry.

And the third, Mr. Speaker, is the amendment of the Travel Agency Act to improve the framework within which the

industry operates, to ensure that they function in keeping with current international operating trends. This was done after broad consultation with the Jamaica Association of Travel Agents. The Ministry will continue to monitor the operations of registered travel agencies under the current Travel Agency Act, and will publish the list of registered and closed agencies.

Mr. Speaker, the Ministry is continuing dialogue within the sector to review the Tourist Board Act, to ensure that their input and recommendations are incorporated in the revised Act. The revised Act, which will cover all the subsectors of the industry, is expected to be submitted to Cabinet for approval in the final quarter of this current year.

Mr. Speaker, one the barriers to the acceptance of tourism, as an industry, is the long-standing problem of the lack of credible tourism statistics outside of those provided by the Jamaica Tourist Board. That is to say, the statistics which show the impact of the tourism on the wider economy, and its contribution and linkages with the other sectors. And so this, for us, is very critical and relevant, indeed, from a government perspective. The lack of credibility stems from a number of roots.

One of the more important is the inconsistency in defining units of measurement. Credibility problems in tourism data also arise from the quality of the data sources, sample sizes that are used, the periods of recall, the wording of questions, and other methodological details which affect the precision, accuracy, validity and reliability of the tourism statistic, and by association, of course, the industry's credibility.

Well, we want to deal with that. And we know that STATIN has been working on a TSA. But I am pleased to announce that we will be establishing a new task force to better measure aggregate demand in the sector, and with empirical evidence, identify in a more scientific manner the linkages created between tourism and other sectors of the economy. And of course, the Tourism Enhancement Fund is going to be responsible for providing the support funding for that particular study.

That study, Mr. Speaker, is vital, because we want to know, for example, what is the aggregate demand for various goods for these sectors to deliver on. How many units, for example, of energy we need to drive 30,000 rooms or 40,000 rooms? How many kilos of tomatoes, or bananas that we will need to satisfy the need of 30,000 rooms, and so on. We need to have that kind of information so we can say to the sectors, tourism requires this amount of commodities, and this amount of goods. You go out there and supply it. So that the arguments that tourism is not benefitting everybody, and that the trickle-down effect is not evident, would have a chance to really now disappear, because we would have been saying to you, this is what we need, you go out there and supply to meet those needs.

Mr. Speaker, the issue of timeshare has been one that is on the paper and is very critical to us. A policy document is being finalized for submission to Cabinet to ensure that that critical area of tourism product can come to Jamaica. We have been losing so much in terms of investment, as well as in terms of arrivals and earnings, because we don't have a timeshare legislation to drive that particular segment of the tourism industry.

WATER SPORTS

Water Sports Policy is another critical area, Mr. Speaker, that we have to look at. With the increase in the diverse range of water sports, recreational activities and equipment now available in tourism, a new water sports policy is being finalized to streamline and integrate the management of motorized and non-motorized motor-based leisure sports in marine and riverine recreation areas. In all these areas of policy development, Mr. Speaker, the review of existing legislation, the relevant stakeholders and partners have been engaged in consultation to ensure that their recommendations are considered.

(Applause)

Mr. Speaker, the Ministry is also participating in a $15 Million Government of Jamaica World Bank Rural Economic Development Initiative Project with the Ministry of Agriculture, briefly called REDI, which is being administered by the Jamaica Social Investment Fund. And the TPDCO, which is our agency, developed an MOU with JSIF to provide technical support for this programme. This programme is going to be very critical to us, in terms of the driving of our community tourism projects, as more support will be given to our little people in the villages, in the communities around the resort areas, for them to be able to come into the supply chain and to be able to deliver for the growing demand for tourism services.

Dr. BARTLETT: Hear! Hear!

Mr. BARTLETT: Mr. Speaker, among the other very critical policy initiatives being developed - and I have been speaking about this now for the second year, it's very key to us - is the business of a pension scheme for the workers of the tourism industry.

(Applause)

And this has been of great concern to us especially when we look on what has happened to people who have given 40, 50 years, their best years to the industry and after they have left the service they go into penury. There is no security for them and we are determined to ensure that this pension plan is, in fact, put in place. We have been having the meetings with the critical stakeholders involved. We have had consultations with the JHTA, we have had consultations with some of the providers of insurance schemes and we are satisfied that we are well down the road to realizing this outcome within this financial year so that next year, Member from Western Westmoreland, when we come back to this House we will say mission accomplished, the Jamaican tourism workers have a pension plan that they all can contribute to.

(Applause)

I just want to make the point that this plan is not going to be funded or supported by Government, it is a contributory plan; and what it will do is that it will allow people who are not working necessarily in hotels, and this is the value of this plan, is that it will be available to the taxi man and the red cap, it will be available to the hair braider if they can contribute. Anyone who is in the industry and working will have an opportunity to contribute and thereby secure their own future and their economic… (Applause)

Mr. Speaker, a critical area of the new architecture of which I mentioned is the incorporation of medium, micro and small entities in the tourism sector. And we recognize that because of the change in the entire landscape and where we have to compete and we have to compete on price and

values and efficiencies are going to be key, some of the traditional relationships in tourism are going to change. And the feeling that you are only involved in tourism if you are a hotel owner, will have to give way as more and more demand for services at all levels emanate from arrivals and additional arrivals. And so these experiences which we are going to create for the visitors will have to be provided by us, the people. And suddenly we are discovering that you need not have to be a university graduate or a rocket scientist to earn from tourism, you only need to have an idea and an idea that can be converted to a material value with pecuniary considerations and you are there. And so we have gone further by providing a loan arrangement with the Jamaica National Small Business Loan Programme to disburse some $175 Million for small, micro and medium-sized entities within the tourism sector. (Applause)

Mr. Speaker, the economic growth that we seek will be facilitated in part by our strategy for investment generation. It is that over the last decade the tourism industry has been responsible for attracting significant foreign direct investment and this has taken the form primarily of accommodation, airport expansions and attractions. Our investment policy is driven by the need to expand our capacity, diversify our product offering and refresh our existing plant, the outcome of which will generate new employment and expanding our earning capabilities.

JDX - JAMAICA DEBT EXCHANGE

As a result of the Jamaica Debt Exchange, and we will have to commend our Minister of Finance and his team for achieving this historic development in Jamaica, (Applause) the subsequent reduction of interest rates and the Government's effort to create better investment climate, tourism is well positioned to be a primary engine of growth. The last few years will attest to this, but there is still much more to be done. The low interest rate environment, of course, will mean that projects that have been shelved will now be able to come onsteam. In addition, new investments will become attractive.

The economies of our major trading and investment partners, we are now receiving reports from all over the world where there was interest in investing in Jamaica that we are now wanting to come back to take a look again at projects which were shelved or to look at new projects because of the growth that has taken place in the Jamaican tourism industry. (Applause) So a number of international investors are keen to establish ventures here in Jamaica despite the global downturn. These investments will bring employment and opportunities to Jamaica through much needed foreign direct investment.

But let us not forget that we have local players who have made a major contribution to our country's tourism product and are still willing to invest in their home country. Existing tourism project injected approximately $14 Billion into the economy for the financial year 09/10. This expenditure took place between **Golden-Eye** in Oracabessa, **HOSPITEN** in Montego Bay, **Secrets Resorts** in Montego Bay and the **Palmyra** Condominium project. Mr. Speaker, two new hotels are to be built in Kingston, one being the **Sandal City**, a corporate hotel which is expected to open in 2013 and the other is a major US chain hotel. They came to

see us a few days ago, asked us not to mention their name as yet, but they came to get signed off with us, so we know that they are on . . .

(*Sotto voce* remarks by Dr Davies)

Mr. BARTLETT: …this major US chain hotel. (Applause) And they are finalizing the land purchase now and we expect that the approvals will be done for construction to start soon.

(*Sotto voce* remarks by Dr Davies)

Mr. BARTLETT: They don't operate that way. I promise you they don't operate that way.

Dr. DAVIES: I have a lot of land in South St. Ann.

Mr. BARTLETT: We had discussions with MICHAEL LEE CHIN regarding the Trident Hotel and Castle, and an indication has been given that those projects are back on track and that Port Antonio is in line again for improvement. (Applause) The Blue Lagoon development is also on track; and together with those, Mr. Speaker, we can look forward to Port Antonio coming back on track as we will also be working with you on a number of other projects, the Member from Western Portland, and the Member from Eastern Portland who is here.

Mr. ROBERTSON: What about St. Thomas?

Mr. BARTLETT: The Burrowes family, Mr. Speaker, have announced plans to open up a second Dolphin Cove Attraction in Lucea. (Applause) Phase 11 of the expansion of the Bahia Principe and the Palladium are on their way. We just had a meeting only a few weeks ago in Nivetha with the owner of Fiesta and he has given us the understanding that within another few weeks they will be here with all the plans for the expansion of the Palladium with 800 suites. In addition, Mr. Speaker, Grupo Excellence has indicated a readiness to move forward with Phase 1 of their 350-room project. And the Member from Trelawny North, I am sure, will be happy to hear that. Falmouth is also coming onsteam. The cruise port development which is to be completed in 20/11 will have an additional Quarter Billion Dollar investments in port side and shore excursions. The Urban Development Corporation and the Ministry of Tourism are deeply involved in this project and the Tourism Enhancement Fund is spending $53 Million on that particular activity. (Applause) In addition, Mr. Speaker, as a result of my recent visit to Spain, two European investors will be here in Jamaica in May to tour prospective sites in Montego Bay and South West St. Elizabeth. (Applause)

Mr. Speaker, we expect representatives from Alcudiamar to arrive in Jamaica soon to look at the potential for developing a marina village in the Montego Bay area. (Applause) Two weeks ago we saw the unveiling of the 350-room **Secrets Wild Orchid Hotel** in Montego Bay. Its sister property, **Secret St. James,** with an addition of 350 rooms will open officially next month during the Annual JAPEX Trade Show on May 12. (Applause) To date the two resort projects are estimated to cost $180 Million and US$100 Million respectively, and will create 1,500 jobs during construction as we have seen and, of course, now that they are ready 950 new jobs will be created. (Applause)

The operators of these hotels AM Resorts say that within their first year - and listen to this, Mr. Speaker, because this tells you about how hot the destination is. The operators of these hotels AM Resorts say that within their

first year the two hotels are projected to receive 52,000 guests with an average occupancy of 70% for the period. (Applause) And that is not a joke because nobody can get a room in **Secrets** at this time, they are booked solid we are advised until December of this year. Mr. Speaker, you will recall that you yourself had some difficulty a few weeks ago trying to get a room in Montego Bay.

Mr. Speaker, the $150 Million **Palmyra**, a Solis Resort and Spa, located in the exclusive enclave of Rosehall in Montego Bay, recently announced that the **Sabal Palm**, the first of its hotel and residential towers, is open and in ful1 operation for unit owners as well as selected hotel guests. The second tower, the **Silver Palm** is expected to open by the end of May, providing employment for 1,300 more workers. (Applause) The end of this year should see the completion of the Montego Bay Convention Centre, which is expected to be another major source of employment. And today, Mr. Speaker, we have some representatives from the Caribbean, because already the marketing is fully on swing, and we have already secured a major event for the very first week of January in 2011. (Applause) And the principals who are responsible for that are actually here with us and tomorrow they will tell Jamaica more about that event.

CASINOS

Casinos. Mr. Speaker, have been given the green light, as you know, from this Honourable House and the legislation is making its way through Parliament, this should help to stimulate two additional billion-dollar projects, Tavistock Group, as you know, and Celebration Jamaica. Indeed, Mr. Speaker, the announcement of the passage through the House of the casino legislation generated renewed interest in Jamaica as a number of mega investors are beginning to query possibilities for coming into **'Destination Jamaica'.**

Mr. Speaker, we are committed to entrancing and building and making more attractive **'Destination Jamaica'**. We are not only working to attract new projects, we are equally committed to improving the products we have.

Mr. Speaker, the TPDCO, guided by the new tourism architecture, will focus on maintaining standards and improving our products.

Mr. Speaker, through the Spruce Up Jamaica (Applause) Programme which was created with the sole objective of strengthening the tourism product, by engaging and ensuring that there was ongoing maintenance and beautification of our resort areas, we have been working with the National Solid Waste Management Authority, and I am pleased to advise this Honourable House, that as a result of that relationship 5,000 jobs were created last year... (Applause) ...in Jamaica. And when you look around, from destination locations to destination locations within Jamaica you see the effect, you see it in Kingston along the corridor from the Norman Manley Airport into Kingston. (Applause) You see it in New Kingston, you see it in Ocho Rios, you see it - the Member from Negril, you see it in Negril and, of course, it is there in Montego Bay.

But the essence of this, Mr. Speaker, is going to be seen in one centre of excellence, and we are moving incrementally from one centre of excellence to another. And the first key one will be the Elegant Corridor in

Montego Bay. (Applause) l think you have already seen that coming together as the landscraping is well advanced and the illumination is coming and when that comes, believe me, people will definitely want to visit Montego Bay primarily to go and to experience that Corridor. (Applause)

Mr. Speaker, the activities of enhancing the tourism product is critical to us, and you know, the Tourism Enhancement Fund has been doing an excellent job in ensuring this enhancement exercise across Jamaica. (Applause)

And, Mr. Speaker, we have a booklet, which indicate all the projects that the Tourism Enhancement Fund has been involved in for which pictorial representations could be provided in this book. But, Mr. Speaker, the fact is that the Tourism Enhancement Fund is fulfilling its mandate, it is faithful to the Act in every form. And its governance, Mr. Speaker, its governance, Mr. Speaker, has not changed since the Minister, the former Minister demitted office. That governance is still there, Mr. Speaker, the governance for the record, just to remind the Member from South St. Andrew, is structured and guided by the Act and the Public Bodies Management and Accounting Act as well as the Financial Audit and Accounting Act. The TEF has a well-defined management structure headed by an Executive Director reporting to a Board to which I provide policy directions only. The Permanent Secretary, the Chief Executive Officer of the ministry and provides oversight to the agency. Not to be involved in the activities of Agency, but rather to provide oversight, so that we can step back and give guidance where necessary.

For good governance I have not appointed the PS to any of the Agency Board, so as to allow for free and independent hand in adjudicating in the affairs of the Ministry of Tourism and its agency.

Mr. Speaker, I find it very strange that it could even be questioned, that where the Tourism Enhancement Fund has its mandate to enable growth and development in the industry, and that marketing and airlift are central to growth and development that there should be any question at all about the fund supporting this lifeblood activity of the industry. (Applause)

And you know, Mr. Speaker, l wondered whether the Member would want us to do something that was done before, which is a strange thing. Because in 2004, Mr. Speaker, the JTB actually had to borrow, borrow money from a commercial bank at commercial rate in order to ensure marketing activities in the area. They borrowed US$10 Million and as a result every year since then...

A MEMBER: Who they borrow it from?

Mr. BARTLETT: From First Global Bank. And for - Mr. Speaker, and every year after that, the budget of the Tourist Board had to be paying back this $10 Billion and the last tranche was last year when $405 Million was paid, as a result of which the budget reflected that and that is why he is saying that the TEF earnings is perhaps larger than the tourism budget.

Mr. Speaker, I maintain that I will not incur debt for marketing when the purpose for which we have established this Fund is to ensure that the industry can grow and it is easier for the proceeds from tourism to fund the marketing of tourism so that more money can come into the Tourism Enhancement Fund. (Applause)

Mr. Speaker, a critical driver in the new tourism market architecture is the development of community tourism within the ten mile radius of the resort towns. And this is very important because this is really how the flow- through effect that tourism wants to have in the economy will be realized. When the people who are around the resort areas, who see the hotels every day and watch the tourists walking through can start benefitting in a serious way.

So it is our intention to ensure that the economic benefits of the tourism sector are distributed to the citizens who live in the resort communities. This Community Tourism Trust, Mr. Speaker, includes ago-tourism, bed and breakfast, art and craft, heritage and culinary activities. And the artisan village concept which we spoke about is going to be critical as the center around which these activities are going to be growing. But beyond this, we are interested in improving the physical communities.

You will remember last year, the Honourable Prime Minister made a call, and responded in fact to a suggestion from the Member from South St. Andrew, to set aside a certain amount for tourism housing support. And the Prime Minister gave the appropriate instruction and the Tourism Enhancement Fund has embraced it and allocated $1 Billion for that activity. (Applause)

This programme, Mr. Speaker, which is expected to be implemented over a three-year period is being spearheaded by the Housing Agency of Jamaica, and in the first phase is focusing now as we speak, on communities: Shaw Park in St Ann, Lilliput and Grange Pen, Norwood and Flanker in the St. James area and will go over into Westmoreland, a critical area that the Member from Western Westmoreland knows about in the process.

So, the abiding principle then, Mr. Speaker, driving this programme is the notion that when citizens own their places of residence, they take more pride in the development and maintenance of their communities. Ownership is evidenced by a title, but for a title to be issued minimum infrastructure must be in place. This programme, Mr. Speaker, will see the construction of roads, water supplies, installation and construction of stormwater drains. Approximately 2,700 households will benefit directly from this programme. (Applause)

This project will result in improved living conditions for residents and reduce environmental degradation. Regularization of land tenure by transferring titles to residents will put them in a position to pledge their titles and obtain financing for business opportunities.

Another benefit will be improved police access and this is an important, another benefit will be improved police access, moving of course towards the reduction of crime and violence in those inner city areas that are around the resort centres of Jamaica. (Applause)

Mr. Speaker, we are also very committed to service excellence. Indeed our objective is to live a come-to-mind service to every visitor, for we know that it is the people in our sector who are the true heroes.

Two years ago we embarked on the Tourism Excellence Programme, what we call the Oscar of tourism in Jamaica.

A MEMBER: The what?

Mr. BARTLETT: The Oscar. The programme has down so rapidly that in the second year, the number of individuals and companies nominated have almost doubled. Last year's winner in the individual categories was FIONA HARTLEY of Beaches, Boscobel. Now Fiona worked in the housekeeping Department of Boscobel and because of her excellence in service, she actually beat managers of hotels to become the symbol of service excellence in Jamaica. (Applause) And the company winner of course, was Island Car Rentals, led by MICHAEL CAMPBELL. And believe me, if you see the transformation that that victory has done for him and for that entire subsector, it's amazing. Jamaica has to distinguish itself by service. And this Minister and this ministry is determined to make Jamaica the centre of service excellence in the Caribbean. (Applause)

Mr. Speaker, as we strive to improve our hospitality standards, we are working to help our partners improve efficiency and effectiveness of their operation so that they can compete in the global marketplace. We are committed to the utilization of new technologies, such as the Tourism Enterprise Management Systems, referred to as (TEMS) which is expected to help in this regard. TEMS, Mr. Speaker, will facilitate the enhancement of service delivery to industry partners in the assessment and evaluation of attractions, hotel properties and tour operators. This is an important step, Mr. Speaker that we are going to insist on in granting licenses by the JTB in the future.

Mr. Speaker, the one area that continues to be of concern to us is domestic crime and the domestic crime rate and this is proving to be detrimental to our investment. We appeal to all Jamaicans to join us. We appeal - this is very important because, you know when we travel, we are all bombarded by it from time to time. It is a great destination everybody love us, wonderful people but. So, I want us to take this one very seriously.

We appeal to all Jamaicans to join us, in tackling this scourge that has marred our image and has made the marketing of this beautiful destination so much more difficult.

As we position Jamaica's tourism for further growth, several key strategies are being pursued including the enhancement of the tourism product and providing for a more diversified visitor experience in areas such as entertainment, duty-free shopping and new accommodations. We are also concentrating on improved efficiency, productivity and competitiveness which can become watchwords in how we manage the economy from here on.

Mr. Speaker, the last area that I want to emphasize is one which has been of great concern to all of us, particularly again in terms of getting tourism wealth to spread to a wider cross-section of the country. And I want you to bear with me on this one because it is so key to us.

I have heard it said that too much emphasis is placed on arrivals and scant regard is paid to tourism spend. I would contend that you cannot generate spend if you do not have adequate visitor arrivals and the infrastructure to accommodate a diversified tourism product. It is imperative that the tourism dollar trickles down, indeed percolates through the wider economy and does not become too concentrated in just a few pockets.

Data from our Jamaica Tourist Board

reveals that 57.3 per cent of the stopover visitor dollar goes to accommodation; 9.8 per cent to shopping; 10.4 per cent to entertainment; 5.8 per cent to transportation and 7.2 per cent to food and beverage while 9.5 per cent to miscellaneous.

Dr. DAVIES: Those are all inclusive or...?

Mr. BARTLETT: All, total, total.

A cursory look at the cruise ship dollar paints a different picture, because here, 58.3 per cent of the cruise dollar is spent on shopping; 3.9 per cent on food and beverage; 2.1 per cent to transportation; 12.2 per cent on tax and tips and 22.6 per cent on attractions. In effect then, Mr. Speaker, 42.7 per cent of the expenditure stays here in Jamaica. One can therefore see how important it is to form linkages between tourism and other sectors in the economy. (Applause)

Tourism has traditionally been viewed as a demand rather than a supply driven industry, but that can no longer be the whole story. With us now able to accommodate two million visitors a year, as we have projected, the question is, how can we meet their demands and can our indigenous industry supply them. It stands to reason that if our homegrown firms can supply a growing tourism industry the entire economy can benefit. (Applause)

In other words, Mr. Speaker, the banana farmer who has lost his competitive edge in Europe can sell his product in Montego Bay and Ocho Rios and Negril, but in order to profit from this opportunity, our companies must be up to the challenge paying particular attention to quality and cost competitiveness.

As a country we must now endeavor to ensure that the demand created by the tourism sector can be met by local production. In essence, Mr. Speaker, tourist can create a third market for goods and services to be exported within our shores without having to treat with cross border tariffs and all the transportation and other costs that are related to it. In other words, you can bring your bananas into Montego Bay and we can use green bananas for breakfast in the morning and ripe bananas for daiquiri after meals.

(Applause)

Mr. Speaker, we have not done enough work, I believe, in quantifying the aggregate demand for goods and services to the sectors. But suffice it to say that the Minister of Agriculture has done some tremendous work in this area and has been able to provide us with some kind of guidelines now as to what the production levels are and we, Mr. Speaker, want to provide him with some quantitative numbers regarding what the demand is so that he can increase his production to satisfy those demands. But, just to give an idea of what we are talking about.

The tourism demand in the agricultural sector is only about 60 per cent met in terms of certain types of commodities. Fresh vegetables and tubers, fresh fruits, condiments and meat. What we are saying, Mr. Speaker, is that there is a total demand for 9.9 million kilos of these particular commodities, of which the industry demand is only met to 26 per cent. So there is scope for more expansion here in the production of these particular items because the demand in the industry is there for it.

Mr. Speaker, we are satisfied that the wider area of demand for tourism besides, of course, the fresh fruits and vegetables and condiments are in the agro-processing area, the food and agro-processing area. There is

demand also in textile and wearing apparel, furniture and wood products; and these can be met because we have changed the Act to allow for an increase in the number of items within the Schedule to allow for our local suppliers to be able to provide free of tonnage tax a number of items to the tourism industry. I have them here. They number somewhere in the region of nearly 40 items, including furniture and bed and bed linen and bathtubs and basins and towels and showers and bar equipment, building material, floor polishers, vacuum cleaners, computer hardware, you name it, they are all here. And they can be provided by our Jamaican suppliers; and we want to encourage more of our Jamaican societies to tap into this lucrative value change that the tourism industry offers. (Applause)

Mr. Speaker, we did a survey and we found that the value of food input in the tourism industry is actually US$500 Million. The question really is, how much of that are we providing here in Jamaica?

(Inaudible comments by Dr. Davies)

Mr. BARTLETT: In terms of the total requirement...

Mr. HIBBERT: Food the man say.

Mr. BARTLETT: Food which includes canned and processed.

Mr. Speaker, the significance of manufacturing to us is critical and full consideration was given to local manufacturing sector in designing the Hotel Incentive Act which now allows hotels to import goods needed for the establishment and upgrading of hotels without paying normal taxes on materials. There are no goods - and I want to emphasize this - there are no goods on the Schedule eligible for duty-free entry which effectively competes with locally manufactured goods. Absolutely none! (Applause)

Indeed, Mr. Speaker, further changes like the removal of GCT payable to local materials, will allow locally manufactured goods to enjoy the same status of imported goods in terms of ability to supply the tourism industry. In other words, Mr. Speaker, what this will do is to place local manufacturers on a level playingfield as far as supplying the tourism industry is concerned. (Applause)

Mr. Speaker, we did a little story about a family that came out of the UK, just to dramatize the effect and the impact that that family has on the wider economy. And since this is the last item here for me I would like us to get a sense of how this dollar flows through and how beneficial it is to the wider economy.

CRAIG COVERMAN from Nottinghill London, Mr. Speaker, decided to take his wife CLAIRE family and two sons to Jamaica to spend two weeks holiday, let's say at the Round Hill in Montego Bay. After a long flight they arrived at the Norman Manley or the Sangster's International Airport where they make their way to the immigration desk. Their passport was processed by Jamaican civil servants. Then they headed to the baggage carousel where Claire lends her husband a hand with the suitcase. They make a bee-line for the customs where they are again met by Jamaican civil servants who determine they have nothing to declare. They then met VERNON the porter who helps them with their bags. He earns £10 for his labour. He bids them goodbye and leaves them in the capable hands of the minibus driver who transports them to the hotel. The driver collects £40.

A MEMBER: Pounds.

Mr. BARTLETT: Or Pounds.

The porter takes the bags out of the.....

(*Sotto voce* comments by Members) Whatever, he said, Pounds so we just say Pounds, whatever: The porter takes the bags out of the back of a minivan and follows the bellman as he takes the Coverman family to their suite. Craig gives the bellman £10 and the porter £5. And that process goes on, Mr. Speaker, until they decide to go to have an evening at an entertainment centre and there it goes again...

Mr. CLARKE: You don't include who pick him though?

Mr. BARTLETT: And the funds continue to flow into the pockets of various people until they go to attractions a similar situation - you know it's funny that we didn't have you in mind.

(Laughter)

Mr. MONTAGUE: Apologize to Roger.

Mr. BARTLETT: He is the culprit so he understands.

Mr. ROBERTSON: Let him apologize.

Mr. PERALTO: Mine him walk out again.

(Laughter/Heckling)

Mr. BARTLETT: The fact is that from the arrival of that visitor to his departure is a whole value chain and to every contact that is made an increment of dollar is passed. That is the pervasiveness of the tourism industry and that is the flow-through effect in the economy that we are talking about.

So, Mr. Speaker, I cannot underscore the importance of acting now to fix the problems that we have indicated exist in our sector. So we will not only be positioning ourselves for growth but accelerating growth of tourism. Tourism is an important driver of our economy and now it is time to treat tourism as a national priority. Every Jamaican has a role to play if we are to improve the product, modernize and diversify the sector, sustain investment and maximize earnings.

Mr. Speaker, considering what is at stake the new tourism architecture is critical to Jamaica's survival and success, however, this will require a collaborative and committed partnership between the public, the private sector and the people. We must seek to strengthen the linkages and align tourism alongside other export industries such as manufacturing and agriculture. As we continue to build a genuine hospitality culture, fostering a commitment to innovation and sustainability of a world class product, we must educate all Jamaicans about the importance and value of tourism and their role as stakeholders in our country's future. Mr. Speaker, we must collaborate to make tourism work for all of us, if we are to ensure the growth and prosperity of Jamaica this blessed land we love.

The words of poet Karen McFarlane in her poem entitled "Jamaica" gives us hope, Mr. Speaker, and I quote:

They stand
A proud people
Of a blessed land
Out of many they are one
They forge where none has gone before
Blazing a trail for many to follow
They are a people who continually
Burst out of the box of the ordinary
Breaking new ground for that

which is to come
After all they are Jamaicans
Little in number
But mighty in influence
Is the Jamaican.

I thank you.

(Applause)

(Heckling)

The SPEAKER: Okay, settle down, Members.

Mr. Paulwell.

(Applause)

Mr. PAULWELL: I thank you very much, Mr. Speaker.

Mr. Speaker, I rise to make this contribution to this year's Budget debate, mindful of the crucial point at which Jamaica sits. And perhaps we could allow the Gallery to be transformed.

(Members of the Gallery begin to leave)

The SPEAKER: No, we are just asking... Members of the Gallery if you are leaving, please leave quietly. Continue, Mr. Paulwell.

Mr. PAULWELL: Yes, Mr. Speaker. I rise to make this contribution to this debate mindful of the crucial point at which Jamaica sits and the need for us as Members of this Parliament to go beyond the mere description of where we are and the continuous analysis of how we got here and move to identifying prescriptive remedies of our nation's problems. (Applause)

I'm also mindful, Mr. Speaker that I continue to benefit from the many kindnesses and support from my parliamentary colleagues, in particular my Leader, the Leader of the Opposition... (Applause) ...and my other colleagues, and of course, Mr. Speaker to yourself. I consider myself one of the best behaved Members inside here. (Laughter) And perhaps if you start to give out awards for good behavior, the overall behaviour might improve.

(Inaudible comments)

Well, in that regard, this is my 16th presentation to the House. (Applause) The exuberance is still there, though some of the youth has dwindled.

(Inaudible comments)

We coming, we coming to you.

Mr. Speaker, the continued support of the leadership and constituents of Eastern Kingston and Port Royal must take pride of place in my acknowledgment of their help and their tremendous support, and I do so now. God knows, life has not been easy for the majority of them as the combination of the severe world economic crisis and our poor local policies take a massive toll on their quality of life and their efforts to improve future generations through education and economic opportunities.

Mr. Speaker, I'm so delighted that the students from Windward Road Primary and Junior High are present here. (Applause) They have won the Schools' Challenge Quiz for the last four years from East Kingston and Port Royal. (Applause) We commend them, we commend their teachers and the parents of both sets of students, the 'A' and the 'B' team who are here this afternoon to listen to their Member of Parliament. (Applause)

I am also pleased to acknowledge that there are some students also from Rollington Town Primary School. And I want to also recognize Rollington Town. They have done very well over the last number of years. They have a very spirited leader in DR. MARGARET

BAILEY. And last year one of our students from one of our poorest communities, Bowerbank, won the Scotia Bank Scholarship to Campion College. And I want to also recognize them. (Applause)

You know, Mr. Speaker, I might not have the best roads, but I do have fine educational institutions in East Kingston because we have spent a lot of time and effort. In fact, our reading programme, mirrored off the constituency of South St. Andrew, is again a model. Seven years now we have determined that we are going to stop the proliferation of our students coming out of our primary system who are unable to read and write. (Applause) And I dare say that that has helped in the overall improvements all around. And I really want to commend Mrs. Bailey who spearheaded that effort and the schools that continue to participate. (Applause)

Mr. Speaker, just two more points on the constituency. Many of you are aware of Bournemouth. And finally, after many years, Bournemouth has been up and planning. In fact, the Mayor and myself met recently and we are thinking of putting a club house on the rooftop of Bournemouth to allow for nightly activities. But we have determined in East Kingston and through the funding of the CDF we want to ensure that every single student...

(Inaudible comments by Dr. Tufton)

...in East Kingston and Port Royal will learn to swim. Every student at Vauxhall, at Dunoon will learn to swim and eventually that's where you get your new Usain Bolt in swimming, from the poorer communities, people who have the facilities, and we are going to ensure that that happens.

I want to say a final word in relation to roads, Mr. Speaker, and I have expressed to the Minister my pleasure that the airport road, the multi-modal road...

(Laughter and inaudible comments by Opposition Members)

...No, no, no, I am grateful, I am indeed grateful that we are going to have a four-lane highway. And I'm so impressed that we are going to have a boardwalk, and all the electrical wires will be done underground. First-class. First-world. And l commend the Minister, and the constituency is fully supportive to ensure that the project comes in time and on budget.

But, Mr. Minister, the roads off the main roads are terrible. And last year I urged and I begged my constituents, don't block any roads. Don't set anything on fire. Let us wait because the Government has promised us better roads through the gas tax. And I'm going to be sending, again, Mr. Minister, a list of the roads. We need our roads fixed in East Kingston and Port Royal. (Applause) Mr. Speaker, as I turn now to the substantive matters, the headlines in one of our daily newspapers recently described this year's budget, and I quote, as: *"Crafted in Washington and delivered in Kingston*." Surely that has to be the reason why this budget is totally devoid of any direction, policy or programme that shows the way forward in terms of economic progress and growth. It is indeed, Mr. Speaker, the *hol ' yuh corner* budget, which offers nothing beyond IMF dictates and a total preoccupation with the fiscal accounts and the collection of more taxes.

As important as those are, Mr. Speaker, we have to ride bicycle and chew gum at the same time, because Jamaica must grow and develop out of the present situation. IMF and

multi-lateral loans and assistance are only helping us along the way. They are not end in themselves. (Applause)

And so this leads me to a major concern that I have with the budget. Mr. Speaker, recall, jobs, jobs, jobs? Is that now an empty promise of the 2007 election campaign? (Cross talk)

Mr. Speaker, what is in this year's budget that would let us believe or even think that the Government is serious in creating an enabling environment for job creation? The economy, Mr. Speaker, has lost almost 50,000 jobs under this Government. (Interruptions) The economy has lost almost 50,000 jobs under this Government with unemployment now at a five-year high of 11.3%, up from 9.8% which the PNP left it in 2007. In all likelihood, Mr. Speaker, this year will see further deterioration in employment statistics, unless the Government begins to take more seriously the issue of providing the structure and sub-structure for job opportunities in Jamaica.

Mr. Speaker, all of the programmes to invest in human capital, build capacity for job creation, expand opportunities in science and technology as well as research and development, have been severely affected. Several key programmes have received no allocation or drastic cuts.

This is so in key economic Ministries, such as Agriculture, Industry and Investment as well as Science and Technology. Programmes such as the Small Business Incubator Project at JBDC are wiped out. JTI and SRC are savaged. The National Commission of Science and Technology is reduced and even the Prime Minister's own adviser on Science and Technology is no more.

We are not aware of the specifics of the technical grant for the Bodles Centre of Excellence, Mr. Speaker. These are important programmes, especially at a time like this. We have significant progress in research and development in areas involving pumpkin, callaloo, tomatoes, the coffee berry borer disease, the pink mealy bug, scotch bonnet pepper and honey. And it is important that funds be provided to continue the tremendous work that was started under the previous Administration.

Look at the impact of the flavours extraction project that we started in St. Elizabeth. During these hard times the investments must go on to allow our people jobs, livelihood and economic development. (Applause)

So Mr. Speaker, I'm going to look at creating a framework for jobs. And I'm pleased to say at the start of my presentation on this section, that all the positive proposals and innovations I will make, are consonant with the emerging progressive agenda of the People's National Party which today forms the loyal Opposition. (Applause)

Mr. Speaker, old ways of thinking about and doing things that are not working must be transcended and discarded. The Jamaican people demand and need a new approach to political practice, policy development and governance that defends and protects the rights and promotes the responsibilities of each individual to live a productive life and to create values for others.

We offer these proposals, Mr. Speaker, with sincerity and in keeping with the developmental needs of Jamaica at this time. And all of these proposals that I'm submitting have come out of a rigorous period of two

years when we contemplate a new approach, a new paradigm for the policies of the People's National Party going forward, embodied under the progressive agenda nomenclature. (Applause)

I'll begin first with the critical issue again of jobs and to note that the micro, small and medium enterprise sectors are key elements of growing Jamaica and providing Jamaica with jobs. (Applause)

Mr. Speaker, based on the 2009 July data from STATIN, 37.6% of the persons who indicate that they are employed are in fact persons who operate one-man or one-woman micro enterprises. Fifteen per cent of these enterprises indicate they employ an additional person usually on a seasonally basis, informally and very much likely a family member. Another 29.2% indicate that they are employers of up to 50 persons. These enterprises number some 33,000.

So, Mr. Speaker, the small, medium and micro sectors account for 67%, or two- thirds of the existing employment opportunities in Jamaica. There can then be no question that there is need for aggressive programmes which ensure that these enterprises receive the necessary support so that they are first sustainable and then for those with potential, that their capacity for further growth and the creation of more job opportunities is realized.

Mr. Speaker, the Minister of Health is my friend so l won't interfere with his conversation at this time. (The Minister is speaking with a Member of the Opposition)

Despite the clear and obvious importance of these sectors there is no coherent government policy to support MSMEs. And in fact there are clear moves to fragment the services provided to this sector.

There is confusion on the direction of this important sector. And we need to ask who leads on policy and issues affecting the micro and small enterprises sector. (Applause) Is it the Ministry of Industry, Investment and Commerce? Or, is it now the DBJ under the Ministry of Finance and the Public Service? Even the Ministry of Tourism, as the Minister just announced, is getting in on the act and is now operating its own credit facility for the industry.

Two things are going wrong, Mr. Speaker. First, there is fragmentation in the provision of financial services. And second, the Jamaica Business Development Corporation, an institution built by the PNP government over 15 years, is being diverted into implementing a hodge-podge of projects and programmes, making the institution unable to achieve the impact necessary to carry out its core mandate.

We need clearly to recognize, as we did in the period when we were in government, that all three sectors, micro, medium and smaller critical to the lfeblood of our economy.

During our administration, from as early as 1990, we established MIDA, with the assistance of the Government of The Netherlands. The EU initiatives which followed focused on creating sustainable and revolving wholesaling credit facilities for the micro and small enterprises.

Our policy and programmes initiatives, such as not intervening in the rate set by private firms and supporting new companies interested in providing access to credit to those sectors, set the stage for initiatives such as the Jamaica National Small Business Loan facility, now the single largest provider of credit to the micro enterprises, and we salute them for that. (Applause)

It also facilitated the emergence of companies such as Access Financial Services, which is not only the second major player in the sector, but do form a new company to become the first smaller Micro Business Funding agency to be listed on the Junior Jamaica Stock Exchange. And we want to commend them for that as well.

Mr. Speaker, we also recognize then, the need for the State to compliment those emerging private sector funding sources to small enterprises and create a window of the National Investment Fund, the NIF, to make credit available at interest rates that small and medium firms could afford. We knew their credit needs differed from that of the micro-enterprises. When we left office, therefore, Mr. Speaker, there was in place $750 Million to finance micro enterprises, and a further $1 Billion to finance small enterprises. And in addition, the EX-IM Bank also had a small business window.

So, with all the talk now, Mr. Speaker, we pretty much have the same amount of funds as we left it in 2007, save and except that some funds from the $1 Billion projects have now been moved to the DBJ for funding. We were very clear on the need for an increased range of financial products for small and medium firms. This is why, despite threats of *don't touch poor people money*, we thought it important to implement a small business facility utilizing funds from the NIF. (Applause)

We were not afraid to do this as we were investing in our future, in small enterprises which were not looking for a political favour, but were in need of capital to move forward. The present Government had complained about the NIF facility, but has continued it and we want to express our support for this. We are not able to see the data of the funds that have been loaned by the DBJ, and I am hoping that when the Minister comes to speak he will explain more to whom and to what institutions those funds from the DBJ are being loaned, and what are the performing rates of those loans.

In the midst of this, Mr. Speaker, the Prime Minister announced last year, right here in this House, *YEP, you can*. One year later, with only $40 Million spent on workshops and promotions alone, and less than $15 Million in loan, the programme has been a failure. Had he consulted, we would have shared some of our experiences in relation to some of the established good practices. This we did and we learned from programmes like the Jump-Start Programme.

What else have they done? They have taken a functioning wholesale programme and move the facility to sit under the JBDC. This is anything but best practice in the development finance sector, as it creates an institution of conflict of interest by having the same entity that is advising and providing business support to MSMEs also seeking to lend them money.

We want to commend the private sector for continuing to increase funding to small firms; BNS and NCB have initiated special lines for small firms. And let us commend them because they have done well for the smaller micro sectors. Commercial banks and Jamaica National now provide some $3.7 Billion in credit, and they are to be commended again for this.

I want to pause a moment, Mr. Speaker, because even in my own constituency we are trying to direct people into business.

Unemployment is high. And you know, some years ago, the Member of Parliament raised some money and established a programme, but it failed, largely because there wasn't an appreciation of the need to understand business, to plan, and to account for loan funds. And so, this year we are very pleased that the Parliament has approved a project under the CDF, $3 Million. It is not the MP money. It is being provided through an arrangement with the City of Kingston Credit Union, $3 Million, and it is a revolving loan fund. Nobody will be recommended by the Member of Parliament. In fact, other institutions will be allowed to recommend. But, before they get a cent to borrow, they will have to go through a training programme to ensure that they understand the basic tenets of doing business. They will have to develop a business plan that shows viability in the various projects being supported. And, in the end, we are going to insist that people who borrow money pay back these loans.

And so, I am expecting, Minister of Finance, as soon as the last tranche of the CDF for last year is in the kitty, for us to have that project implemented. And in the New Year, I intend to seek an increase, so that we will have some greater provisions for the small and micro businesses in my constituency. (Applause)

Mr. Speaker, as much as these very important sectors which provide 67 percent of the jobs need credit they also need technical support delivered at a scale consistent with the size of each MSMEs subsector. While we recognize that it should be provided by the private sector, there was a gap, hence, the formation of the Jamaica Business Development Centre with a core mandate of providing technical support for small enterprises.

The JBDC, through its services distributed from its head office and through the 12 Business Information centres across the island, provided much needed business counselling, marketing support and product development to small enterprises. We also recognize that we needed to complement the JAMBIX with business incubators for small enterprises.

INCUBATOR RESOURCE CENTRE

Mr. Speaker, I want to spend a moment looking at the Incubator and Resource Centre. The Incubator and Resource Centre was launched in April 2008. The facility has not been utilized for its primary purpose. In fact, the design and concept seem to have undergone major changes to the plans we left when we were in office. So much so that one is forced to ask whether the Government really understands the concept and the potential of the Incubator. The IRC is only being used as an internal training facility offering various training programmes...

(*Sotto voce* comment)

...invite me nuh... to clients from time to time on business development and product development at a cost. (Laughter)

It is located in premises that are rented from the Factories Corporation of Jamaica in the Garmex Free Zone for a significant sum, monthly, in US dollars.

(*Sotto voce* comments)

The facilities are being used as an incubator and JBDC instead, seems to be using the facility as an income-generating centre to cover the cost to keep it open, rather than providing assistance to the smaller enterprises that seriously needed...

Mr. SAMUDA: Call me and give me the facts.

The SPEAKER: Mr. Samuda don't interrupt, don't interrupt, please.

Mr. PAULWELL: Mr. Speaker, the Incubator Centre requires significant resources to be properly established. It will also require - and I will await the Minister's presentation because I am certain of which I speak. It will also require considerable promotion to make potential clients aware of the host of services available.

These services range from the utilization of graphic artists to assist with the packaging and designer products, product development officers, food technologists and a fashion department. And of course, I will await the Minister's presentation on this, but I do believe that the Government has strayed from the fundamental concept of what an incubator is to what we now have as the incubator, established at Marcus Garvey Drive.

Mr. Speaker, there are some things that Government need to do immediately and I want the Minister to listen because I want to make some specific recommendations now. Firstly, you need to finalize the policy for the micro and small enterprise sectors.

Mr. PICKERSGILL: Hear, hear!

Mr. PAULWELL: It is our hope that the policy is indeed progressive, and that it recognizes the importance of these sectors. It must address all issues, including access to a range of financial services, the legal and regulatory environment, and business development support.

(Applause)

The Minister of Finance has announced that he will return here with a proposal to lower taxation for that sector. Mr. Speaker, l hope the Minister realizes that there is a step that he must take. He must finish our work on streamlining the process of paying taxes. The issues for micro and small entrepreneurs are not just a matter of how much, but also about making the payments. Micro and small enterprises do not have the luxury of standing in line, and because we still do not have access to online payments of all taxes, they cannot pay online. This means that the sole trader, which is what the majority of our micro and small firms are, is required to take time off, and leave his or her enterprise to pay taxes which is inefficient and it disrupts the business.

We must increase points of access for micro and small...

(*Sotto voce* comment by some Members)

Mr. PAULWELL: Yes, but we have to increase the points of access, so that they can go to a place to pay this, to use the Government online facilities to make payments.

Mr. PICKERSGILL: It can't pay from Christiana.

Mr. PAULWELL: There is no point being online if entrepreneurs still have to get in line at a tax office.

(Applause)

Secondly, Mr. Speaker, a micro entrepreneur - and let us understand who we are talking about. It is the market vendors, the persons who have to sell their Digicel or Claro cards.....

(*Sotto voce* comments by Members)

Mr. PAULWELL: ...or LIME; the dressmaker making uniforms for back-to-school. They don't maintain their records to determine their profits for accounting or tax purposes. Where then will the services come

from to provide support to these entrepreneurs?

Mr. Speaker, it is established, in research undertaken during our watch and which has begun to guide our policy direction, that 42 per cent of our economy is informal. So, there is no point thinking about establishing another tax threshold when people are not even in the tax net. And I repeat, there is international research which confirms that the majority are outside the tax net, not just because of the money they do not want to pay over, but because of systemic constraints and frustration.

(*Sotto voce* comment)

May we suggest the following. Focus on a request for micro and small enterprises over an established threshold to pay the following: to pay the HEART/NTA, to pay the Education Tax, to pay the NHT for themselves and employees, and to pay the National Insurance Fund money. This gets them familiar with the system, and they will also be protecting their rights and that of their employees who cannot access NHT benefits and who are not currently making NIS contributions to assist them when they retire.

Secondly, Mr. Speaker, let us establish tax thresholds which are consistent with the primary subsectors in the micro and small a enterprise sector. This cannot be an across-the-board figure and we have models across the world. If you are a barber, for example, in an urban area, your potential income is X, and you therefore pay Y. And, I think, across the subsectors, you need to adopt that approach in relation to the small and micro business sector.

For small enterprises, we need to acknowledge that a small firm requires a four-to-five-year operational period to attain sustainability. From birth, they will pay their payroll taxes and then at year five they begin to pay tax on profits. Mr. Speaker, a profit of $1.2 Million is not much, and when you have to pay $400,000 over for corporate tax, then there is little to plough back into the business as a starter.

And, finally, under this section, Mr. Speaker, I want to put on the table a recommendation to the Minister of Finance. I want to propose that there be an ease of the GCT burden on the small, micro, and medium enterprises, in relation to their electricity bills.

(Applause)

Mr. Minister, at present businesses with annual revenue less than J$3 Million are not registered taxpayers, and so the imposition of GCT on their electricity bill is an irrecoverable cost that hits their cashflow and their bottomline. They don't even get the 200 kilowatt hours given to residential customers. It is having a detrimental impact on those small and micro businesses that earn less than $3 Million, gross. We are therefore proposing in relation to these businesses, that under rate 20, that the first 200 kilowatt hours for small businesses, be treated in the very same way we allow for residential customers.

(Applause)

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

Mr. GALLIMORE: Mr. Speaker, I move that the Member's time be extended for a period long enough to allow him to complete his presentation.

(Applause)

Dr. DAVIES: You learning man.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the Member

sufficient time to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Mr. Paulwell.

Mr. PAULWELL: Mr. Speaker, I also want to recommend that we get back the JBDC to focus on a core business, which is that of providing non-financial services to its customers, because right now they are only reaching 1% of the smaller micro sectors.

Mr. Speaker, I am also proposing that we revisit the provision of financial support services for young persons starting at the beginning. That is, at the beginning of a school year, we need to identify young persons who wish to choose an entrepreneurial career path and to provide them throughout the school year with the business development training so that upon graduation they are then ready to consider a loan or equity for their enterprises.

(Applause by Opposition Members)

We need to use the lessons from last year's efforts and develop a programme for youths at risk.

(Applause by Opposition Members)

The reports indicate that it is the young persons graduating in the last three years who kept calling to see if they could access the facility. They have been unable to find employment and several of them see the entrepreneurship as a way to build a future for themselves.

Mr. Speaker, I now turn to the ICT sector.

Dr. TUFTON: Your baby.

I.C.T.

Mr. PAULWELL: Yes, and I will slow down now.

Mr. Speaker, both in last year's budget debate and in a Supplement that we published in September last year, I recounted the tremendous impact of the watershed event of the liberalization of our Telecommunication industry in Jamaica ten (10) years ago, and the pivotal effect it had in fostering competition among providers of telecommunication services, which resulted in faster, more reliable and cheaper services and propelled Jamaica's participation in the digital economy.

I don't know how many of us are aware that we are paying much less for telecommunication services than we were doing in the year 1999, today, much less!

And this is in comparison also . . . And you know, I continue to remind ourselves that there was a time when you make a call to me you pay and I pay, those days are done. Those days are done.

That historic event, Mr. Speaker, resulted in our little country making progressively major strides in the development of an enviable ICT infrastructure in what seem to be a few years, an inexorable march towards the establishment of ICT capabilities that could provide the fulcrum for economic development.

Unfortunately, Mr. Speaker, as I indicated last year, that progress has been slowed considerably by inactivity and inattention to critical development elements in the sequence of steps that are unavoidable preconditions for the national realization of all the ICT benefits.

Mr. Speaker, only today in the *Observer* - and the Minister who is responsible is my good friend, so I am not going to be too harsh, but today's *Observer* says: “Jamaica Dips in IT Ranking Again”. And this actually coincides with the time that there is no real Minister for ICTs over the last three years.

A MEMBER: How you sey is yu friend?

Mr. PAULWELL: No, is my friend, is my friend, is my friend.

Opposition MEMBERS: Who is that? (Laughter)

Mr. PAULWELL: The Report published last month stated that Jamaica dipped for the third consecutive year from 46, when we left power and we are now number 66. So we have declined, we have declined, and we have to take stock of that. We have to take stock of that. We at one stage led this entire region, (Applause) and in fact, Jamaica was being regarded as a world model in ICTs. But we have lost that and I am urging that we do some of the things that I am going to recommend to regain that prominence in the ICT world.

Last year, Mr. Speaker, I asked the Prime Minister to reconsider the reimposition of GCT on computer hardware, software and peripherals. Last year I got a no.

Mr. Speaker, the experience is that GCT is retarding the acquisition of computers, and so the government is not getting the revenues in any event, therefore, we are now in reverse. I again today, call for the removal of GCT on computers.

(Applause by Opposition Members)

Mr. BUCHANAN: Call again! Call again!

Mr. PAULWELL: I want to call for the removal of GCT on computers.

(Inaudible comment/Laughter by Mr. Shaw)

(Laughter by Government Members)

Mr. PAULWELL: Mr. Speaker, we are in the Information Age and the basic tool for the acquisition of knowledge must not be taxed.

Mr. BUCHANAN: That is how you laugh after things that are unaffordable by poor people. That is how you laugh.

Mr. SHAW: Bush man, shut up!

Mr. BUCHANAN: That is how you laugh. Laugh after poor people, Shaw, laugh after poor people!

Mr. PAULWELL: Speaker, I just want the Members to bear with me because I want to introduce two areas under ICTs now that I believe are going to be critical for the future growth and development. They are not very easily understood, so just walk with me through this.

I would like to reposition the spotlight on two of the issues that I spoke about during my last sectoral presentation. I am forced to return to them because of the absence of any appreciable attention to them and because of the apparent lack of political leadership and will to establish the implementation mechanisms to make them happen.

The first issue has to do with our progress towards digital effectiveness where we can truly harness the potential of ICT to help provide solutions to our economic problems, and address the myriad of social challenges and to build resilience against our environmental vulnerabilities.

(*Sotto voce* comment by Government Members)

Mr. PAULWELL: I know you don't understand.

The second relates to the lack of progress in advancing the conversation and coming to a decision on the extremely important but little discussed issue of a single regulator, which is the reality in several countries.

Regarding the first, Mr. Speaker, I had outlined last year the progressive stages of digital effectiveness. You have to have awareness and we can all say that most Jamaicans are aware of ICTs. You must have access and again, mission accomplished, over 100% teledensity. There is some diffusion, but we now need exploitation and innovation, that's where the jobs are going to come.

I reminded this Honourable House the last time that while we have celebrated our consistently high ratings in global indices that rank nations for ICT awareness, access and to some extent diffusion, we are being overtaken by a number of countries already. Global indices focus mainly on the first three stages, but the later stages of exploitation and innovation represent the crux of implementation effectiveness. They are the benefit sweet spots. However, in order to attain these benefits, an effective coordinated, implementation blueprint is required. Exploitation refers to the optimal use of established infrastructure and resources to address national problems. Again, Mr. Speaker, these are discussions emanating out of our progressive agenda blueprint. The innovation stage, which has to be facilitated by national policy and strategy, would assist Jamaica to end the cycle of ICT imitation and unleash the creative potential of our people.
This would ultimately help to create a vibrant and viable ICT sector, which has considerable implications for job creation, conserving and earning scarce foreign exchange and other wealth generating opportunities.

I turn to the second issue, that of the single communications regulator. The emergence, Mr. Speaker, of digital convergence and its importance has grabbed the attention of small and large nations alike and has been the perpetual preoccupation of national policymakers and regulators globally.

At the core of digital convergence is the notion of the integration of the value chain of previously independent industries that involve the provision of integrated digital technology products and services. This convergence involves the telecommunications sector, consumer electronics, broadcast and print media and the software industries and results in simplified and flexible ICT-based information dissemination and use.

As a result, there is considerable blurring of the boundaries between the individual industry contributors to the service, to the extent that there is now the view that digital convergence provides a compelling motivation for the idea of a single regulator.

And I want to just pause on that score, because since we left office when we had determined a policy to take us to the next phase of this process, the Minister - the Government has been indicating that they will be completing the work and will be presenting a new ICT policy to the country. And you know, the Minister was kind to involve me in that process. And Minister, last year we were promised the ICT policy, in fact, through the efforts, our joint efforts, there was a final draft in September. Why is the policy not yet in Parliament?

Opposition MEMBER: How come?

Mr. PAULWELL: How come?

And importantly, Mr. Speaker, the question of the single regulator has to be dealt with. There are agencies in Government who love their turf, but if we are going to recognize digital convergence, that everything now is

going through one pipe and that for you to have these various institutions, the OUR, the SMAs, Spectrum Management Authority, the Broadcasting Commission and so on dealing with private sector people who have to come and invest in the sector, it is going to turn people off. The time is now right for the single regulator to be implemented.

(Applause by Opposition Members)

Mr. PAULWELL: Mr. Speaker, I would like to make two concrete proposals. And again, we are making proposals and we are urging for the Government to consider them, on how to achieve digital effectiveness through the exploitation of our ICT assets and through innovation respectively, and thereby how to create some more jobs.

Mr. HYLTON: Just show them the agenda. (Laughter)

Mr. PAULWELL: In the case of the former, for several years organizations in the public and private sectors have invested considerable sums to acquire software they need to run their businesses, largely from commercial proprietary interests.

Increasingly, there is an abundance of free software, what we call Free and Open Source Software (FOSS) that is available as a feasible option, not just for operating systems, but for a suite of mature, robust business applications that are readily available to organizations to adopt and to adapt to support their specific business needs.

Let me explain, that the free in FOSS does not mean no cost, but rather free of the traditional licence arrangements and restrictions that are associated with commercial, proprietary software.

In the last several years, there has been a sustained national interest in Free and Open Source Software. And, in our own time, Mr. Speaker, we were trying to prepare the Government and the country to access this Free and Open Source Software. In fact, when we signed the agreement with Microsoft in 2005, which was to recognize their proprietary rights in the software that we were using as a Government and to pay them for that, we agreed on a three-year period, after which we were hoping that the entire Government would move away from the very expensive software in Microsoft and to move towards Free and Open Source Software. That has not happened and I am urging that this be a priority because it can also create jobs for our people when we develop our own software.

(Applause by Opposition Members)

When we build on the Free and Open Source and enhance those software to provide greater benefits for our Government and our people.

Regarding innovation, in the same way that we have identified the effective deployment of ICT innovation as a catalyst for reaping national ICT benefits and ameliorating our growing ills, Jamaica has long appreciated the tremendous contributions again, of the SMEs, to entrepreneurial creativity. I believe it is about time that we design strategies that will help to maximize the impact of the contribution from the SMEs by facilitating the effective deployment of free and open-source software to expand the scope and capability of its entrepreneurial potential and creativity. Again, national policy and oversight is required, for even if SMEs acquire completely free software, they would continue to be challenged to establish the hardware platform required to run these systems.

Mr. Speaker, I want to turn to another concept, another area where we can create

jobs, we can create value. Because of our well-established ICT infrastructure, we can take advantage of a new arrangement called Cloud Computing. It is a hosted service that makes computing resources available over the internet for typically low subscription fees, without the associated cost of space, electricity, hardware, excess capacity, and obsolescence. This allows organizations to access computing resources on demand in the same way they pay for electricity or for water. For smaller organizations, in particular, this facility helps to remove the capability barrier in establishing and maintaining a robust and affordable ICT infrastructure. In any case, Mr. Speaker, a cloud service is elastic, meaning, subscribers can have as much or as little of a service as they desire at any given time. And the service is fully managed by the providers. Again, it's a new concept for us, but it is one that I think will enable many of our small businesses to benefit from ICTs.

The national ICT drive has to be coordinated, Mr. Speaker, by an agency with the status and stature and the requisite resources to provide leadership in impelling the ICT development process, and to guard the integrity of ICT governance.

Who currently has these responsibilities? The Central Information Technology office was originally conceived as the agency with the national responsibility to lead the drive. We hear that there is a plan to merge CITO with Fiscal Services.

Mr. VAZ: Where you hear all them things?

Mr. PAULWELL: I sincerely hope that this is an idle rumour, for the latter is essentially a software development outfit that serves the Ministry of Finance.

Mr. VAZ: It's not rumour, it's rum talk!

Mr. PAULWELL: And CITO was intended to be the chief instigator of the national ICT thrust, the custodian of ICT strategy, and the chief implementation orchestra.

(*Sotto voce* comment from Mr. Vaz)

Mr. PAULWELL: There is other, Mr. Speaker, persistent evidence of the lack of focus on ICT. Last year I brought to the attention of the Parliament that the bundling of the ICT portfolio with several offices in the Prime Minister's office, and now under the generalized portfolio of Information, cannot begin to provide the focus it deserves as a pivotal enabler of economic recovery and social transformation.

(*Sotto voce* comments from Mr. Vaz)

Mr. PAULWELL: Many opportunities have already bypassed us. Let us begin the recovery now.

Mr. Speaker, we are missing out on opportunities, especially when so many of our trained Jamaicans are losing jobs in the bauxite sector, the financial services sector, and other commercial services areas, in addition to unemployed university students. I think we now have to look more to the ICT sector for the jobs for these people. We should be looking to harness their skills through outsourcing opportunities. The Government should now be moving to enhance the ICT environment for these Jamaicans, for these trained Jamaicans. They could be involved in telecommuting, back-office support services, and other forms of outsourcing. There is need for office space and broadband capacity in areas such as Mandeville in Manchester, Santa Cruz in St. Elizabeth, Ocho Rios and elsewhere across country. (Opposition

Members applaud) I think Linstead too, should qualify. There are so many persons who are well educated now who are unemployed; the ICT sector is the place for them.

This leads me to the question - to the issue, Mr. Speaker, of the Universal Access Fund and the universal service. Mr. Speaker, you know that this Fund was established in 2005 under the 2000 Telecommunications Act. This was to provide universal service for broadband access. It is now generally accepted in most modern developed societies that ubiquitous access to ICT services is a basic necessity of all citizens... (Applause) ...and essential for social mobility and education advancement.

The national e-learning project was established as one of the primary vehicles through which the service is being deployed. You know, when we first started to discuss Universal Access and a definition for it, we were focused at the time, in 1999, on voice telephony, and so the aim was to achieve universal access for voice. And we did that. Mission accomplished.

So the next level, Mr. Speaker - because this fight to open up the telecommunications business in Jamaica to develop the infrastructure was not just for people to talk. And the truth is, it has helped in our business to make it more efficient, the fact that we can communicate better. But beyond that was the objective of enabling Jamaica to become a knowledge-based society. (Applause) And the tool, the tool for that knowledge, apart from computers, is broadband access, broadband. And I am so happy that the former Minister and myself are at one. I wish the correct Minister and myself could be at one on this.

Dr. PHILLIPS: Which is the correct one?

Mr. PAULWELL: Because we work together. I think we were able to ensure that in relation to wired facilities we provided enough incentives, we issued licenses, and we were very pleased to see the roll-out of fiber through Jamaica, so much so that now some of our companies are offering assistance to our Cuban partners, in relation to fiber roll-out. I am also delighted that we are seeing now the roll-out of wireless broadband capabilities. Because for those of you who have chauffeurs now you can travel from Montego Bay to Kingston on your laptops, doing business, earning money and enabling and allowing for broadband communications to be the platform on which we can add value to so much of what we do. (*Sotto voce* comments)

Mr. Speaker, going back to this issue about the Universal Access Fund, about $7 Billion has now been collected and put in the Consolidated Fund, but little progress has been made on the intended projects, due to the lack of funding. You have $7 Billion but no funds. In fact, some of the providers are complaining that they haven't been paid. Indeed, the Prime Minister admitted in the Standing Finance Committee that there was a cashflow problem, resulting from the use of the funds for other government activities.

While the Government has been furnishing schools with computers - and I am sure the schools are grateful - amazingly, the most important aspect of the e-learning project, which is broadband, enabling that force of telecommunications to allow people to connect with the world, with the Worldwide Web at fast speed, that they can engage in so many different activities at same time, that

amazingly, this has not affected the schools as yet. The schools have not yet gotten broadband access. And what is even worse, Mr. Speaker, is that during the Committee sittings it was confirmed that some of the schools where we have placed expensive equipment, that much of that equipment now is being burglarized. So the e-learning project which was to enable our students at the secondary level has floundered.

We wanted to ensure that that cohort of students who were sitting CXC, had ample access to the tools for learning, had access to computers to be able to connect, to be able to do their research, could - we wanted the best math teacher, for example, Mr. Speaker, to be able to be shared with all the schools...(Applause)...by way of video-conferencing. So you find that teacher who could do algebra well, and from a centre, through videoconferencing, all the schools, especially those students who are weak at algebra, could learn from that expert teacher, and so on and so forth. That project is floundering. And I am saddened, because it was a hell of a fight to get the resources to do it. And as we speak, the Americans are very concerned. And remember, we had to fight with them, because much of the levy that we were collecting came from Americans, Jamaican-Americans or others calling back home, $7 Billion.

They have written to the Government to indicate that they are going to resist this levy further. And I want to say to the Government that we are prepared to support you on this. But it can't be that the funds continue to sink in the Consolidated Fund. (Applause) It must be that the funds be used for the purpose for which they were intended. (Cross talk)

Mr. SHAW: You talking nonsense!

(*Sotto voce* comments)

Mr. PAULWELL: Mr. Speaker....

Mr. SHAW: You are talking foolishness!

Dr. DAVIES: It sounds like a threat.

Mr. PAULWELL: Mr. Speaker, we are trying to help, we are trying to help. And the only...

The SPEAKER: (Gavelling) Please! Please! Mr. Paulwell alone is on his feet. Mr. Shaw, no shouting across, please, Mr. Shaw.

Dr. DAVIES: Call his name! Name him!

Mr. PAULWELL: Mr. Speaker, I am not going to move away as quickly as I intended, because this one is dear to all of us. (Opposition Members applaud) We fought for it. In fact, when we imposed the levy our country was locked down for three days, we couldn't get calls in or out. But we withstood the challenge.

Mr. BUNTING: The only thing them fighting is Dudus. (Laughter) That's the only thing them fight the U.S. 'bout.

Mr. PAULWELL: And I tell you, we were supported by our local providers, LIME, Digicel, Claro, they all supported us. But today, I can assure you, the support is not going to be there.

Mr. CHARLES: Claro, too?

Mr. PAULWELL: Let us get back on track. Let us get the e-learning project going. Let us put broadband into our schools. (Applause) Let us get our students learning.

I want to just mention two other matters, in relation specifically now to the communications. And, Mr. Speaker, I want to recognize that telecommunications has become - and it started with our time, and now a cash cow. So every year we increase the taxation on it, and so on. But I think the time

for a break for the consumers is now.

And I want to suggest, Mr. Speaker, that two things be done. Firstly, we now need to mandate number portability, so that when you have your number, your telephone number for whatever network, you should be able to take it - especially in this environment of competition - across networks without having to substitute a new number for the service.

(*Sotto voce* comment from a Member)

No, we want to get it out of the pipeline, because it is in the 2000 Act.

Mr. PICKERSGILL: Not even water coming out of the pipeline.

Mr. PAULWELL: And, Mr. Speaker, I also want to recommend that a network identification feature that will enable users to know before a call is registered the network to which they are connecting, that that feature be put in place now. As you know, it is more expensive to call across networks. But if you have a service with a particular network and you know the people you are calling are from that network, the calls are cheaper. All I am suggesting is that there be a system - and this is easily done - where once you place a call, the network is identified. So if you want to continue with the cheaper call, you do so. If you want not to, you hang up and use another service to make the call.

Mr. PICKERSGILL: Don't give them anymore. Don't bother suggest nutten more. It's falling on deaf ears. Daryl!

Mr. PAULWELL: And this again is part of our progressive agenda.

Mr. Speaker, I want to now turn to the matter of energy. And, Mr. Speaker, we have to restate the importance of energy. (Applause) The importance of energy.

Opposition MEMBER: Where is the Minister?

Mr. PAULWELL: No, no, to be fair to the Minister, he did indicate that he had something to do at this time. But he and I will continue our debate.

Mr. Speaker, energy is the lifeblood of our economy, every facet of life. And, Mr. Speaker, I have to recognize the Minister's father who is in the House, who I am sure will be helping to - in the Gallery - pass the information to his son. (Applause) So, Mr. Speaker, as I have indicated, energy is the lifeblood of our economy, it affects every facet of life and it's critical to the business sector, especially our manufacturing - the Minister must agree with that. Our lack of competitiveness and low efficiency are due largely to the high cost of energy and, in particular, electricity. The current price per kilowatt hour in Jamaica is US$0.30. This is exceedingly high and will continue to rise as the price of crude oil increases.

Now, Mr. Speaker, l was astonished when I saw in the Public Bodies document, Minister, that an agency that ought to know is projecting that the price of oil will be, for this financial year, US$76. Today it is now eighty-four point something.

Dr. DAVIES: Call out the name of the agency.

Mr. PAULWELL: Petrojam. So l am not too sure what price we are using because they are projecting for next year a price of US$79 per barrel. Mr. Speaker, that is unrealistic and it's a clear understatement of what we ought to expect because especially as the world economy continues to rebound it is not going to see the price of crude at this level, it is in

fact going to rise. And I suspect that once the American economy starts moving we are going to get beyond and it is not what we wish but certainly where the facts will lead us, beyond US$90 per barrel. So there has to be some recalibration, I am not too sure if the budget was predicated on this US$76 per barrel, but some change now has to be done because we haven't seen that price in some time and it is unlikely that we are going to go back there.

Along with the recently imposed GCT on electricity, we have reached another major crisis, Mr. Speaker, in relation to energy in this country in a growing number of instances and we have seen it, we have heard it, I don't know if the Minister has, it is becoming cheaper option for businesses to shut off their public electricity supply from the public grid and instead run their private generators.

Last year I introduced into the Sectoral Debate a proposal for the complete review of the situation in relation to the electric grid owned by JPSCo. I likened it to the situation with Telecoms 10 years ago and discounted any notion - Mr. Speaker, in 1999 we were told that the telecommunications is a pure monopoly, it can only exist in a country like Jamaica as a monopoly and we defeated that argument. Today we have been told similarly in relation to the distribution of electricity and again we want to discount that. And that especially with the tremendous improvement in technology, it is now time that we look at this issue of opening up the grid to competition. This will provide greater meaning and benefit to the public to complete the process which we started when we opened up the generation side during our administration, so there is competition on the generation side, a number of companies are now generating electricity but they have to pass through to one source who sells to the final user. The Government is in a stronger position than we were in 1999 because the Government owns 20% of the JPSCo. And we are not urging that we should do so in a reckless way, but as we did to engage in serious negotiations to work with the company to see how we can enable, once more, Jamaicans to benefit from the latest in electricity technology. (Applause)

(*Sotto voce* remarks by some Members)

Mr. PAULWELL: I would urge that we also move, we have to move Mr. Speaker, to eliminate the current practice of allowing the providers of generated capacity to directly pass through the fuel cost to the customers. In a more competitive environment the providers having the ability to interconnect reasonably to the grid, competitive pricing will be achieved with the providers being compelled to utilize improved technologies and fuel sources that relate directly to their cost. So no longer should those fuel prices be a direct pass through. Let the competition choose sources that will make sense to their business and to their consumers.

The Government should no longer be determining the fuel source of preference but rather guided by the policy which did promote the diversification of sources and a strict adherence to our environmental standards. Providers should decide on gas, let it (contend) and l support natural gas as we had as a government. There is now development in nuclear technology. Coal, some of us don't like coal but I believe that there is clean coal, petcoke which is a derivative from the refinery expansion project, diesel and the whole range

of renewables, the whole range of renewables, the sunshine, solar, hydro power, the wind, we have established wind farm, we need to expand it and so on and so forth. Let them all contend but it must be done within a policy framework that will encourage investment in these areas.

The good news, Mr. Speaker, is that in relation to most of the fuel sources the infrastructural requirements are becoming miniaturise, so you no longer have to establish these large scale facilities anymore for you to reap benefits, you can have smaller LNG plants because there are smaller ships now transporting LNG. You can have smaller nuclear plants. And again many of us are not aware that Jamaica has been operating a nuclear reactor for many years safely at the University of the West Indies. We now need to transform that into a much more useful purpose of generating cheaper electricity for our people.

(*Sotto voce* remarks by Mr. Hylton)

Mr. PAULWELL: Mr. Speaker, in all of this the greater deployment of renewable sources must be given priority. In the plan that was tabled recently, the energy policy, the Government is targeting achieving 20% from renewable sources by 2030. That is too modest, too conservative; let us push beyond the 30% of renewable sources in our energy mix.

Within the current paradigm, Mr. Speaker, renewables are not competitive on a strict financial basis. This is cheaply because the full economic cost of conventional electricity sources are not incorporated in their market price and because renewables make use of newer technologies that have not yet achieved optimal economies of scale or learning. These dynamics, however, are changing. And I think one of the good things about President Obama's leadership is his focus now on putting investment into developing the technologies for renewable sources and Jamaica stands to benefit. However, in the meanwhile, the Government has to kickstart the renewable energy sector as renewables have lower environmental impacts this non-renewable fossil fuel sources and, of course, renewables enhance our energy security.

Here are some things the Government must do now. Firstly, it needs now to immediately mandate the implementation of net metering system. (Applause) So. Mr. Speaker, if for example, I have established a photovoltaic system generating . . .

(*Sotto voce* remark by Opposition Member)

Mr. PAULWELL: Okay, solar system. … . and I am generating electricity there from and there comes a point in the day when l have more than I need, l should be able to sell that additional amount to the grid and JPSCo be mandated to pay me for it.

Mr. MONTAGUE: OUR will determine the rate.

Mr. PAULWELL: Yes, but this has been said too long now, from my time. Let us implement it now. Let us put net meter into the system now. (Applause) We need to implement a feeding tariff system that mandates JPSCo to purchase renewable energy sources at a fix favourable price which I recommended to be the actual cost of supplying the energy plus a premium to encourage and incentivise investors in this area.

We need to finalize and implement a carbon credit policy that will provide financial benefits for renewable projects. Mr. Speaker, I am concerned that the Prime Minister has not embraced this particular item as well as he ought to because there is the suspicion that the developed world will want to benefit from our savings down here in terms of the carbon emission of the Caribbean by greater use of renewables and that they will not do what they need to do to improve on their situation. The fact is that there is money to be made. (Applause) There is money to be made.

When we did the Wigton wind farm some years ago, 20 mega watts we earned hundreds of millions of dollars from Carbon credit trading. (Applause) And I am hoping now that we are expanding it, we are going to similarly seek to earn carbon credit trading from that and to encourage private sector companies to get more involved in renewables with a policy for carbon credit lading that will assist them to recover these monies.

(*Sotto voce* remarks)

Sugar cane, Roger is going to talk about that soon.

Mr. Speaker, with the changes being advanced above we could see the creation of many suitable jobs - coming back to the question of jobs - from the new providers of electricity. I refer, Mr. Speaker, to a discussion we had in committee where it wasn't too clear where the Minister was on this issue of liberalization of the grid and in fact he was asked certain questions and had promised to provide us with answers. To date I have not received the answer.

The truth is, Mr. Speaker, is that last year when I made this proposal the Minister accepted it. In fact in his speech he spoke about ending the monopoly. I thought of it wrecklessly because normally as a Minister you need to move a little bit more carefully and before I had made those recommendations I actually met with the company and told them up front that I am thinking this way and 1 was going to speak to it. I am not too sure if that happened with him. But also that in the committee meeting that he was back tracking from that commitment not really realizing that in the policy that was tabled in Parliament in November, the Government has committed to unbundle the services for electricity and that, in essence, means exactly what I am proposing, opening it up, separate the functions of generation and distribution and to allow other providers to access the system as they do. Mr. Speaker, this would be a fundamental shift to where we are at today from where we are coming and I urge that we do so collectively, especially because the Government of Jamaica owns 20% of the company. (Applause)

Mr. Speaker, I was very pleased that the Prime Minister in the Standing Finance Committee has given us the assurance that the expansion and enhancement of the Petrojam refinery that that project is not dead and we have taken it very seriously, in fact, the Prime Minister said there is a proposal with PDVSA, the Venezuelan company, for them to acquire a majority stake in the refinery and even if that is the case, then we support it.

If by that by means they will find the resources to Members continue the project then that is good. Because you know, I don't think we fully understand why we need to do this.

The refinery is an antiquated refinery, basic technology, we are trying to enhance it,

we are trying to produce more of the products that we need here. At the same time we want to - in fact yes, it is clean because the diesel component, right now the diesel that is being produced is not of the quality that we want, it has high sulphur, we want to diminish that and that is one of the reasons why we have to enhance the refinery.

But more importantly, Mr. Speaker, there was a strategy to involve Venezuela, they are our friends yes, but also being a partner in the project. They are not in that regard in a stringency as they are when they sell to third party sources, the stringency of the OPEC regime. So they can sell to themselves at much lower prices. And the aim was eventually, for Jamaica for our refinery to have a throughput that is much cheaper than what you even purchase now through PetroCaribe that was the aim …(Applause)…to get cheaper products out of the refinery and of course, cleaner products. And l therefore, would love for us to maintain that relationship. They have done very well for us. (Applause) We are indeed grateful. And yes, for our Minister of Petcoke, is an important derisive, in fact, apart from nuclear which is probably the next cheapest source of generating electricity.

(*Sotto voce* comments)

Mr. PAULWELL: Of course, we support nuclear. We put this to you last year and I am happy now to see it now in the policy. And Party Leader, it is now in the policy, so thanks to you.

Mr. Speaker, in relation to PetroCaribe, this year is five years since that historic agreement. And I just want to recognize this as the single most important foreign policy benefit that Jamaica has gotten in the last decade or more. (Applause) And we are grateful to the people and to the government of Venezuela. (Applause)

(*Sotto voce* comments by Mr. Bunting)

Mr. PAULWELL: No, no Karl was not in the demonstration.

(*Sotto voce* comments by Members)

Mr. PAULWELL: Was he? I don't remember Karl, but I know of others. But anyway, we are all giving thanks today for PetroCaribe.

But, Mr. Speaker, I want to highlight that one of the objectives of retaining the 40% of the cost of our oil purchases was to enable us to use those funds to invest in areas that result in sufficient earnings so that we can pay back the money after a time. And yes, both sides this has not been done, but I am urging that we now look now to see how we can use these resources to invest them in viable projects that will earn for us some money so that we can pay back over time.

(*Sotto voce* comments by Members)

Mr. PAULWELL: Yes but I wish, that is so. But you know, Mr. Speaker, I saw again in this document - and you know, it is a good document because it spells out a lot. But I am very concerned that out of the PetroCaribe Funds $270 Billion will be provided to the LNG Project. Now, we are now being told that this project is going to be done by the private sector. And when I ask the question what are we going to get for this grant? Are we going to get shares? We were told no, in fact there is no contemplation now.

I want to caution, because, even as - and we support LNG, but this project is pursuing without any clear idea as to where we are going to get the gas from. Contracts are going to be awarded soon and we don't know where we are going to get the gas from. Two

Hundred and Seventy Million Dollars ($270M) to do what, I don't know. We would like to get further information.

But very importantly, Mr. Speaker, I just want to remind the Government and in fact there is an announcement today that Venezuela is now once more looking at their gas resources. We had an MOU with them and that still has currency. They have just borrowed $1 Billion to invest in an area that they want to develop. It is going to take some time but that announcement was made today, and I got it firsthand from our friends. So, I am going to urge that if the Government goes back to the MOU that we signed, to see if we can, with this new development (Sotto voce comments by in Venezuela access some of the gas through that. You have to travel to Venezuela unfortunately...

(*Sotto voce* comments by Members)

ETHANOL

Mr. PAULWELL: There is no direct route to Venezuela.

Mr. Speaker, I want to pause a little bit now on the ethanol refinery because the news that came out of the committee, the Standing Finance Committee that Petrojam Ethanol was not operating today is quite alarming. This is apparently due to the lack of raw materials from Brazil. Now remember, Mr. Speaker, we had an arrangement with a Brazilian company called Coimex. That arrangement was terminated when the Government moved towards this new agreement with Bio Infinity. It cost the Government, to terminate that arrangement, $300 Million. But not only that, it cut our supply of raw materials from Brazil. So the refinery that we re-established that was making money, is sitting down there now doing nothing. It is the truth. They earn a little tolling from it, but they don't have any raw materials processing.

Mr. Speaker, we have not only damaged the relationship with that company, but we have sacrificed the financial viability of the Ethanol plant which was a part of the design...

(*Sotto voce* comments by Members)

Mr. PAULWELL: No, no, it was a part of the foreign policy strategy because we were exporting finished products under the CBI to the US. In fact Jamaica was the largest CBI exporter of ethanol. (Applause) We are no longer as a Government involved in that because they don't have no raw material, Coimex is no longer a part of it, and we are therefore very disappointed.

Mr. Speaker, I see the anxiety in your face as you sense the time. And so as I move to conclude... (Applause) ...1 want to end where I began. Mr. Speaker, this year...

(*Sotto voce* comments by Members)

Mr. PAULWELL: No, no, you and l work well and we will continue to work well. Mr. Speaker, this is a crucial year for Jamaica as a nation. The Government and the people will not be able to traverse the hazards unless we move with unity of purpose, respect, truth and honesty. (Applause) Dealing with the public deficit of trust it is a pre-requisite and a pre-condition. (Applause) Too many times the administration has eschewed good advice because of arrogance or because it emanates from this side. Mr. Speaker, every time the country has paid a price for this. It is a recurring decimal in so many of the subject areas on which I speak. Nevertheless, I want to assure this House that this side remains firmly committed to giving our cooperation to the fullest extent. (Applause)

And Mr. Speaker, it is not weak leadership to accept help. So many areas would benefit from greater collaboration between the Government and the Opposition. The fierce urgency of now ought to give us a reality check and to get us moving. (Applause)

The Jamaican people cannot sit and wait for so-called economic recovery, for while the grass is growing the horse is starving. We need to act, to bring the opportunities and benefits which can flow now if we only work together and to build on what has been done before. (Applause)

Mr. Speaker, in the midst of despair of the hopelessness, Jamaica is still a place with vast potential, if we only grasp the opportunities, implement them and to bring wealth generating project to our people. The Prime Minister once said, Jamaica is too rich to be so poor. It is your Government that must lead the way, you are the Government. (Applause) You have to get creative and bring confidence to our people through work and reward and you have to take some risks, you have to get up off the seats and do something. Do something. (Applause) You know, there is a high chance of failure but you will achieve nothing if you don't take the risk, and we on this side understand that...

(*Sotto voce* comments by Members)

Mr. PAULWELL: Precisely, absolutely.

Mr. Speaker, it is all about jobs, our people want to work. This budget will achieve nothing because we have failed to invest in our people. This budget instead, continues the cycle of decline into persistent poverty. (Applause)

Mr. Speaker, I am still optimistic and confident in Jamaica and our people. We are creative people who will achieve once we provide the level playingfield and predictable policies. (Applause) The task is clear, let us put our shoulders to the wheel.

God bless Jamaica land we love.
Thank you. (Applause)

The SPEAKER: House Leader.

ADJOURNMENT

Mr. GALLIMORE: Mr. Speaker, it is not intended to do any further business today. 1, therefore, move that the House be adjourned until tomorrow the 15th of April, 2010 at 2.00 p.m. at which time we will have the Leader of the Opposition's presentation to the Budget Debate. (Applause)

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Thursday the 15th of April at 2.00 p.m.

Motion put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

Adjournment taken at 5:44 p.m. until April 15, 2010 at 2:00 p.m.

THURSDAY, April 15, 2010

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

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

OTHER MEMBERS

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.10 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome to the sitting of Parliament this afternoon all the members in the Gallery. And also sitting in the Chamber we would like to welcome MR. ERRALD MILLER, welcome to the sitting a constituent of mine; SENATOR NICHOLSON, SENATOR CLARKE, SENATOR WAITE, welcome to the sitting of Parliament and SENATOR FALCONER, (Applause) Also former Members of Parliament MRS. ASSAMBA and MR. AZAN, welcome to the sitting this afternoon. (Applause)

We would also like to welcome from the Haile Selassie High School students sitting in Parliament. Please enjoy the sitting this afternoon. (Applause)

Just to indicate to members sitting in the Gallery, please check on your cellphone at this

time. Make sure that they are either off or on vibrate so you don't disturb the sitting of Parliament. Further, please enjoy the sitting but you cannot participate in any way either by clapping or cheering, but do have a good afternoon. Welcome.

(HON. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment, entered and took his seat.)

ANNOUNCEMENTS

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

- **Ministry Paper No. 34**
  Cabinet agenda issues for April 6, 2010
- National Council on Education
  Annual Report and audited financial statements for the financial year 2006/2007

(HON. ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister, entered and took his seat.)

The SPEAKER: Yes, Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, in respect of Ministry Paper No. 34 which is one of a helpful series of Cabinet agenda issues that are tabled from time to time, will the Speaker indicate what is the appropriate interval at the sittings for us to ask questions on what is laid before us.

And in respect of the Cabinet agenda issues, I note for example that several times including in this Number 34, the Cabinet has approved a series of Board appointments. However, the names of the persons so appointed are not given. Surely the Parliament is entitled to know the names of those who have been asked to serve the public and not rely upon what may be the uncertain and sporadic disclosure of these names in the media. They should be put here.

The SPEAKER: Rev. Thwaites, as I understand it, this is a courtesy of the Prime Minister and Cabinet in indicating to the Parliament issues discussed at Cabinet. If you have concerns or enquiries or questions, you can do so by substantive question to ask, for example, who are the members of these committees. So that my understanding is that this Ministry Paper is a courtesy of Cabinet and you can ask not directly on when it is laid but substantive questions as the case may be.

Rev. THWAITES: Mr. Speaker, courtesies should always be fulsome and never narrowly defined. These are public servants so we should know. We appreciate this. Remember we have a promise that many of these appointments would be brought to us for confirmation. Since that is not happening, the least could happen is for us to be told the fiat of others.

(MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western entered and took his seat.)

The SPEAKER: Well if, Rev. Thwaites, you are requesting that when Board appointments are made you know the names, it's a request that you could put forward at an appropriate time. But bear in mind that to the best of my knowledge that this is presented as a courtesy for the first time since I have been in Parliament.

Rev. THWAITES: And it is appreciated, Mr. Speaker. But when you define how power is exercised in the ways that you have, naturally I yield. It will be necessary then to ask a question with regard to each

appointment? If it is necessary to do it that way, you know I will not flinch. But l would have thought that there would have been a more convenient and more open way of dealing with such a reasonable request.

The SPEAKER: So what you are really requesting of the Prime Minister and Cabinet that he could be more fulsome in detailing the names of the appointments.

Rev. THWAITES: At the very least.

The PRIME MINISTER: Mr. Speaker, if I could crave your indulgence.

It's not a matter that needs to be approached in any contentious way. The Member has raised an issue. It's an issue that we certainly will want to consider. But let me just underscore the point. It is since this Administration came to office that the business of Cabinet is reported here by Ministry Paper. And it is an issue that we certainly will examine. And l see no reason why the Member's suggestion cannot be accepted.

(MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, entered and took his seat.)

The SPEAKER: Thank you, Prime Minister.

NOTICES OF MOTIONS GIVEN ORALLY

RE: MANDATORY DRIVER RE-EDUCATION & TESTING/ROAD TRAFFIC ACT

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, at the next sitting of this House I beg to move the following motions:

Whereas hundreds of Jamaicans are killed or suffer injury and economic loss each year as a result of road accidents;

And Whereas a heavy and unnecessary burden is placed on public expenditure;

And Whereas driver incompetence, indiscipline, incapacity and defective vehicles have been identified as major contributory causes to road accidents:

Be it resolved that this Honourable House recommend to Government:

1. the need for a revised code and appropriate enforcing authority for driver education and testing,
2. to improve the integrity of the prevailing system of vehicle inspection,
3. consider amendments to the Road Traffic Act which:
   (a) would prescribe mandatory driver re-education for traffic offenders at the discretion of the court, and
   (b) provide for the obligatory decertification of all holders of drivers licenses at intervals of 15 years after issue;

   And Be it Further Resolved that all of these measures be undertaken at the expense of applicants.

Mr. Speaker:

Be it Resolved that this Honourable House review the policies governing the relationship between the churches in Jamaica and the State with respect to the sponsoring and support of education with a view to advancing the involvement of and influence of religious organisations

in expanding educational opportunity and improving its quality.

RE: STUDENTS TERTIARY LOAN FINANCING

Mr. Speaker:

Be it resolved that this Honourable House debate the adequacy and affordability of loan financing for students in the Jamaican tertiary education system.

And, Mr. Speaker, finally this time.

RE: PUBLIC EDUCATION SYSTEM REMEDIATION

Be it Resolved that this Honourable House debate the cost of remediation in the public education system and treat with ways in which this can be reduced.

May it please you.

PUBLICBUSINESS

The SPEAKER: House Leader?

Mr. GALLIMORE: Mr. Speaker, it's intended to have the presentation by the Leader of the Opposition to the Budget Debate at this time.

The SPEAKER: Mrs. Portia Simpson Miller.

(Applause)

BUDGET DEBATE

Mrs. SIMPSON MILLER: Thank you very much.

Mr. Speaker, I rise with humility to say thanks **firstly**, to Almighty God for His continued grace and mercy toward me. **Secondly**, I must express my heartfelt thanks to the Jamaican people for their consistent prayers and words of encouragement. (Applause)

To you, Mr. Speaker, l would love to have your tolerance. Despite the challenges over and over in this Honourable House, you can remain calm. I commend you.

To the Clerk of the Houses of Parliament and her staff I extend my gratitude for their continued professionalism and commitment to the administration of the affairs of the Houses of Parliament. (Applause) Similarly, I express my thanks to members of staff at the Office of the Leader of the Opposition for their dedication to the service and their commitment to excellence. (Applause) And I thank the Prime Minister for providing the office. (Applause)

Mr. Speaker, I crave the indulgence of this Honourable House to also thank my husband for his love, understanding and support; (Applause) my housekeeper Marva for her loyalty and devotion; (Applause) the members of my security team for their vigilance, understanding and dedication to duty; (Applause) my Councillors Audrey Smith-Facey, Eugene Kelly and Karl Blake for their love and support. (Applause) I also thank my brother and sisters and members of my family for staying by my side through these many years. (Applause)

To the people of South West St. Andrew I say thanks for your continued love and support. (Applause) I give each and every one of you my eternal appreciation and gratitude

To members of my team, the Spokespersons Council, my Task Force, the officers and members of the People's National Party, thank you for the fine work you continue to do. (Applause) It is this work and

the mutual support that has allowed me to stand here today to address Members of this House and the wider Jamaican family, not just as Leader of the People's National Party or Leader of the Opposition, but as a member of a team that is cohesive, singing from the same notes, on the same page same of the same Hymn Book and performing as a single orchestra. (Applause)

I want to thank Members from the other side as well, from the Government benches...

Mr. PICKERSGILL: Except one. (Laughter) (Referring to Mr. Warmington.)

Mrs. SIMPSON MILLER: ..for support sometimes amid the heckling from time to time, I thank you.

Mr. Speaker, I address this Honourable House today with the words of two songs echoing in my mind. Both songs are called '*Exodus*.' The first is the patriotic classic which I paraphrase today. It says,

> 'This land is ours; God gave this land to us, this brave and ancient land to us. So take my hand and walk this land with me, a land where children can run free."

The second song, Mr. Speaker, is the Bob Marley anthem "*Exodus*" which calls strongly for a movement of "Jah People"

I feel the energy today that calls for movement and activity to take this country forward. Despite all that has been happening around us, although we see the hard road to travel and the mighty long way to go, I feel a positive energy. (Applause) Mr. Speaker, that energy comes from the heartbeats of the Jamaican people who keep striving day after day, week after week, month after month to improve their lives. It is the grit, the determination, the resilience and the creativity of the Jamaican people who want only what is good for their families and their communities, which provide the positive energy that keeps this Opposition working. This land is ours to stand up for, it is ours to defend.

(Applause)

Mr. Speaker, we all have a right to demand answers to questions and seek appropriate remedies to our problems. That we will never cease to do.

So, as I rise today, I wish to urge the Jamaican people at home and overseas, as the Book of Joshua does, to be strong and of good courage. This is a nation that has proven that it is capable of rising to any occasion. It has the potential to unite and the ability to overcome. I call on the Jamaican people today to do both, to unite and to overcome. I call upon the energy that comes from the sure and certain knowledge that Exodus, the classic, tells us resoundingly that when the morning sun reveals her hills and plains with the help of God, we know we can be strong. This land is our land! My message to the people of Jamaica today is that all is not lost. There is still hope. This is the background against which I address this Honourable House today, Mr. Speaker.

On Tuesday, our spokesperson on Finance, Dr. Omar Davies, dealt with the numbers behind the budget. Today, Mr. Speaker, I will consider the impact of the budget on the Jamaican family.

Mr. Speaker, the nation's budget is supposed to point the way forward and to show in clear and specific terms the priority programmes to achieve key developmental milestones. That was what I looked for as I reviewed the budget.

As I considered its implications on the lives of the Jamaican people, it became clear

this budget is incomplete, incoherent and it is incredible. Not credible at all. (Applause) Even more significantly, this budget is unbalanced. Beyond the miscalculations and beyond the clear fiction of much of the numbers, something is missing from this budget. Mr. Speaker, the people are missing from the budget. (Applause)

Four years ago, in the 2006 budget someone in this Honourable House said, and I quote:

> "*We make a mistake if we think it is a choice between balancing books and balancing people's lives. Be must balance the books in order to balance the lives. But painful experience has shown that balancing books does not in and of itself balance people's lives. There is after all no purpose in balancing the books if in the process we destroy people's lives."*

And l agreed with what that speaker had to say. Those words were not my words, Mr. Speaker. Those words were the words of the Honourable Prime Minister, when he was in Opposition. He was agreeing with me with my own commitment to not only balance the books, but to balance people's lives. But that is not what the Prime Minister has been doing.

The Prime Minister is failing to balance the books and he is woefully failing to balance people's lives. (Applause)

Mr. Speaker, those who talk the talk must walk the walk. (Applause) This budget does not even make an attempt to balance people's lives. You see, Mr. Speaker, where the Government sees only figures, we see the impact of these figures on the Jamaican family and on the country. Where they see cuts in programmes, we see the impact of these cuts on the people, many of whom are already buckling under the strain of daily life. Where they see only tax revenues, we see the devastating impact on people's livelihoods.

Mr. Speaker, because a number of the measures have been implemented from as far back as December 2009, the budget is already having a devastating impact on the Jamaican people. The middle-class, professionals in both the public and private sector, the business community, the self-employed, the unemployed, the under-employed, the pensioner, the farmer, the children, the youth, the women, the aged, persons with disabilities, the poor and destitute have been severely affected. No one has been spared.

Let us examine the books. Last year, the Government presented three different budgets. When the Opposition told them that the figures were not credible they scoffed at us and gave more flawed figures. Mr. Speaker, we have been proven right. The Government was wrong and the country is now paying a heavy price for their trial and error. (Applause)

It worries me Mr. Speaker that we still cannot determine whether or not this is the real budget. Therefore, I have a real difficulty relying on the data presented in the budget. Yet, this is what the Government presented. And therefore, this is what we have to work with. This year's budget is $90 Billion less than last year's revised budget. With inflation projected to be more than 10%, this year's budget will purchase 25% less goods and services. It will in reality be far worse, given increases which include 60% in adult bus fares, 25% on children's fares, tax on electricity bills, tax on gas announced in April 2009 and, Mr. Speaker, the tax on top of that

tax which was announced in December of 2009. All these will impact tremendously on the overall cost of living and the quality of people's lives.

It is therefore no surprise, Mr. Speaker, that only this past Tuesday, the Business and Consumer Confidence Survey conducted by the Jamaica Conference Board, an affiliate of the Jamaica Chamber of Commerce, revealed a steep fall in both indices to the lowest since 2003. Consumer confidence is now 57 points lower than it was in the last quarter of 2007. Business confidence has also fallen sharply and is well below where it was in the last quarter of 2007 when we left office. Mr. Speaker, this budget is typified by reductions in Government spending.

This reduced government spending will have negative repercussions on basic services such as education, health care, national security, solid waste management, environmental protection and the development of our young people and so many other areas of national life.

The reduction of the budget will also contract the economy because the reality is, Mr. Speaker that Government is the largest player in this as in many other economies. This Government approach is folding and it is flawed.

KPMG in its recent comment on the budget stated, and l quote:

> "*Reductions in spending on education, health care, water and transport hurt our long-term economic growth prospects and create a less educated, less healthy and less productive society"*

(Applause)

Mr. Speaker, it is estimated that the current budget will lead to a contraction in aggregate demand of some $450 Billion or 37.8% of GDP. Such an outcome is the exact opposite of what is needed if we are to grow out of this recession and back to a path of development. (Applause) Take heed, their approach is folding and it is flawed.

We are all agreed that a balanced budget or more importantly, a surplus budget is the ideal. I know you agree with me. (Applause) The traditional ways of balancing the books have been through increasing taxes and reducing expenditure. But in times of economic challenge such as the country currently faces, Mr. Speaker, this approach is disastrous. More developed economies and progressive governments understand this point. They have taken the route to protect the vulnerable and not to increase the suffering of their people. They have found ways to increase aggregate demands. We are curious to know why this Government has chosen the opposite route. A route that is in clear contravention of the Prime Minister's own eloquently expressed words while he was in opposition.

Mr. Speaker, I take no delight in making these observations. They are not political scores. I'm not here to score cheap political points. If the budget is folding, every single flaw has a negative impact on the lives of the Jamaican people.

Mr. Speaker, I want to look on real lives and real pain right now. Let me give you two examples of the kinds of hardships that the people of Jamaica are facing. Real lives. Real pain! I want to look on the impact on some students and the minimum wage earner.

A young lady was recently seen on the evening news explaining her plight. She is a

tertiary student and is provided with $400 per day to meet her expenses. She usually spends $200 per day for her bus fares from the $400 she gets. With the increase in bus fare she will now have to spend $320 per day leaving her with only $80. What can $80 do? This is one bus. One to work and one back. Not to speak about...

(Inaudible comments)

No, she has to change...It would be. And one young lady spoke to me who had to take three stages to work and three back. I have not dealt with that one. That one is harsh. More harsh!

Mr. Speaker, can it buy lunch, $80 that is sufficient to properly nourish her body and sustain her mind? I think not. Perhaps her mother is a single mother. She too, will have to pay a minimum of $160 per day to and from work. That is $480 per day or $2,400 per week for bus fare for mother and daughter, up from $1,500. If this mother is a minimum wage earner, she is using more the 50% of her salary for transportation alone. Secondly, let me give you another practical example, Mr. Speaker. This time of a police officer. Let us call him squaddie. (Applause)

He earns $115,000 per month before statutory deductions of $14,658.73. He has a car loan of $26,000 per month. He spends $40,000 per month on transportation to get to work and from work, from Clarendon to Kingston. And he gives each of his three children less than $500 per day for transportation and lunch. A total of $28,000 for the month. That is a total of $108,658.73. Deduct that from the $115,000. He has not yet paid rent, nor has he bought food, including his own lunch. He has not paid his utility bills. I ask the question, is he living above his means? How much more can squaddie really bear? Mr. Speaker, these are real persons. They are feeling real pain.

(Applause)

PENSIONERS/NIS

I will now examine the impact of this Budget on a number of groups of persons within the Jamaican family. Mr. Speaker, more than any other grouping, the elderly and the young are most severely affected in a climate such as this. I will begin with our pensioners.

Pensioners exist, they exist, Mr. Speaker, on a fixed income. They have no capacity to be flexible in the case of increased costs for transportation, food, utility bills and medical expenses. They are the retired teachers, police, nurses, and other public servants. They will feel the full impact of the four tax packages which the Government introduced last year, increased GCT on a number of items, increased taxes on phones and phone calls, taxes on electricity, increased taxes on gas, increase in bus fares and other transportation costs, and now increased property taxes.

Add to that, Mr. Speaker, the fact that many of them are seeing their investment income dissipate under the JDX. While some of our elderly will be able to benefit from the PATH programme, Mr. Speaker, there are a group of pensioners that fall out of this safety net and who have already been severely impacted by these tax packages, and the JDX. In January, l spoke of the impact the JDX would have had on pensioners and the pension funds. The Government denied any possible negative effect - impact. Now, the negative

impacts are becoming increasingly apparent. Mr. Speaker, I am extremely disappointed that in developing the JDX, no consideration was given to its negative impact on pension fund, and therefore, on the individual pensioner.

(Applause)

NIS Pensioners, and those on defined contributions will be the main victims. The pensioners are also hearing that the National instance Fund is expected to see reduced investment returns if $2.5 Billion. They are being told that annual contributions to the National Insurance Fund from workers and employers are less that the payout for pension benefits.

Mr. D. PEART: Pearnel say everybody all right.

Mrs. SIMPSON MILLER: Can't say so. The Prime Minister recognizes that, and is concerned about it.

In other words, the current income to the Fund is inadequate to meet current payments.

A MEMBER: That's a fact.

Mrs. SIMPSON MILLER: This has serious implications for pensioners and current contributors. These proud Jamaicans, Mr. Speaker, who have contributed unselfishly to their country's development in the springtime of their lives, are now in the autumn of their lives, finding it increasingly difficult to cope.

A MEMBER: Hear, hear!

(Applause)

Mrs. SIMPSON MILLER: I am appealing to the Government to take a special look at the plight of our senior citizens and pensioners, who have served their country with honour and are now facing hard times. Mr. Speaker, as simple as it may seem to some in this House, even the closure of some postal facilities will add to their transportation costs as they will have to travel further to collect their meagre pensions. Thankfully, in the Finance Committee meeting, the Prime Minister promised that they would look at those areas that are thickly populated... not be affected by any closure.

I will now turn, Mr. Speaker, to the impact of the Budget on the youth. Many of them are unemployed and are at risk.

(*Sotto voce* comments)

Some people begged to be over there, even paid to be over there.

(Laughter)

Mr. Speaker, according to the Statistical Institute of Jamaica the present level of youth unemployment is 24.5 per cent among the 20 to 24 age group. They will find themselves slipping deeper and deeper into hopelessness and despair, as they see those around them and close to them losing their jobs, Mr. Speaker, as they see that happening, as businesses fail and redundancies continue apace, it is hard for them to remain hopeful. For them social instability is too real. Mr. Speaker, our young people deserve more. This is a breach that must be repaired.

A MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: We need a rescue mission for our youth at risk, those at risk. Failure to do this could lead to increased anti-social behaviour. To the young people, I say this afternoon, do not give up hope. As Taurus Riley reminds us, *where there is a will, there is a way*. No matter how hard it may seem, don't give up.

(Applause)

Mr. CLARKE: We are still here.

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: Mr. Speaker, I want to look at the impact on the farmer, and

l hope the farmer that... in the ad...

A MEMBER: Farmer Joe.

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: ...Farmer Joe, who called me on his cell is listening.

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: I hope that farmer is listening to me now. As AJ would say, Farmer Joe. Let us now look at the farmers. We speak of the farmer and his or her importance in helping to keep our economy afloat and feed our people. They are affected by the drought, the high prices of inputs, and they are certainly affected by decreased demand for their products. And Mr. Speaker, one agricultural fork could cost between $4,000 and $8,000, dependent on where they are from and where they go.

(*Sotto voce* comments)

Mr. BUCHANAN: Yes, that is so. I know about that.

Mrs. SIMPSON MILLER: That's a fact. We checked.

(*Sotto voce* comments)

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

Mr. GALLIMORE: Mr. Speaker, I move that the Leader of the Opposition's time be extended for a period long enough to allow her to complete her presentation. (Applause)

The SPEAKER: Members, the motion before you is for the suspension of Standing Orders to allow the Member, the Leader of Opposition to complete her presentation.

Put to the House and agreed to.

The SPEAKER: Mrs. Simpson Miller.

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

Very soon, Mr. Speaker, people will be unable to purchase basic food and ground provisions. Mr. Speaker, this will expose the farmers to the risk of losing their properties if they cannot repay their loans or pay their property taxes which have recently been increased. The very farmers, who in 2006, were promised that they should be driving SUVs instead of riding donkeys...

MEMBERS: Aye! aye!

Mrs. SIMPSON MILLER: ...are now in great danger of losing even their donkeys.

(Applause/cross talk)

MEMBERS: Shame! shame!

Dr. DAVIES: A fighting for yu programme. They fighting you down you know, Hutchie.

Mrs. SIMPSON MILLER: Even with the chip, the donkeys will be banned.

(Laughter/Applause)

Even with the chips, Hutchie, the donkeys will be down.

Mr. CLARKE: I sell mine and buy a donkey.

Mrs. SIMPSON MILLER: Don't be surprised, Mr. Speaker, if the farmer who was supposed to be talking to me on his cell phone...

Mr. CHARLES: Im run out a credit.

A MEMBER: You are right.

(Applause/Laughter)

Mrs. SIMPSON MILLER: Thank you, Pearnel.

Dr. DAVIES: Don't reprimand him, he is right.

A MEMBER: Audley, leave him alone.

Mrs. SIMPSON MILLER: That farmer, Mr. Speaker, who was supposed to be talking to me on his cellphone from his field during the Election Campaign of 2007, may soon call me. I am going to hear my phone ring, "Sista

P, sorry ma'am me an mi neighbour a suffer under Labour."

(Laughter/Applause/(*Sotto voce* comment by the Prime Minister)

I am going to look for him next week.

Mr. Speaker, I now look at persons under the Social Safety Net. The provisions in the Budget for the Social Safety Net...

Mr. PICKERSGILL: Pearnel, listen!

Mr. SIMPSON MILLER: ...are woefully inadequate to address the pressures with which our most vulnerable are faced.

(Applause)

Mr. Speaker, with inflation projected to be between 10 and 15 per cent this year, the pressure on this group in the society will be even more severe. Government must urgently consider re-calibrating the Budget.

(Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: They should, Minister, lobby the multilaterals to increase their contributions to the safety net as we did with the PATH programme, so that our vulnerable brothers and sisters are not left on the scrap heap of poverty, robbed of their dignity.

A MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: This is not unthinkable in light of provisions made under the JDX and other programmes for protecting large financial institutions. Additionally, let me place on record my concern about a worrying trend that has developed.

Many persons would have seen what appears to be the parading of PATH beneficiaries including children in front of cameras. Let us be very clear and I am sure the Prime Minister will agree with me. The intention of the PATH Programme is to assist and provide benefits to people so that their dignity may be preserved.

(Applause by Opposition Members)

We on this side believe that to showcase the beneficiaries as part of a public relations campaign, putting poor people on display is insensitive.

Mr. PICKERSGILL: Yes, it is.

Mrs. NEITA-HEADLEY: True, true!

Mr. PICKERSGILL: Very insensitive.

Mrs. SIMPSON MILLER: This robs them of their dignity and must not be tolerated by anyone in our society.

(Applause by Opposition Members)

When we developed the PATH Programme it was to provide genuine assistance to the needy. It was never intended for vulgar political public relations. This is contrary to the culture and traditions of a proud and dignified people.

(Applause by Opposition Members)

Even the most vulnerable amongst us, Mr. Speaker, deserve some respect from their government. And I would hate to know - we had heard already that some of those who were - when they call the names and the fees were not paid how embarrassed they were.

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: Or if their names were written on blackboards, it is the same thing when you parade them, everybody walking in a community will know that one is being supported by the Government on the PATH Programme. Should never be, because they should never be allowed to feel as if they are different from and less than anyone else in this country.

(Applause by Opposition Members)

I now turn to the Public Sector workers, our nurses and other health sector workers, our

teachers, our security forces, our civil servants, our firemen and women and so many others who have made such invaluable contributions to the development of our country over the years. Mr. Speaker, this budget comes at a time when there is unease in the public sector. For one, the gains made by the public sector worker over the many years have now been steadily eroded. This budget comes after repeated breaches of contractual agreements will the public sector workers and trade unions for 7% increase in salaries for 2009.

Mr. Speaker, it comes at a time when almost $30 Billion is owed to public sector workers. The 7% owed for 2009 amounts to $8 Billion. The 7% that becomes due in 2010 amounts to another $8 Billion. The Government has already conceded that some $13.4 Billion are presently owed to the public sector. Mr. Speaker, such a situation is untenable and is a recipe for low morale and reduced productivity.

(Applause by Opposition Members)

There is no mention of a payment plan for all the outstanding monies in this budget. Mr. Speaker, in this budget the Government has announced a unilateral wage freeze for the next two years. This is in addition to last year's unilateral wage freeze. That is bad, but it gets much worse. Gets much worse, Mr. Speaker, it gets much worse.

The plan presented to the IMF by this Government calls for five years of wage freeze, 2009, 2010, 2011, 2012, 2013.

Opposition MEMBERS: What? Wow! (*Sotto voce* comments)

Mrs. SIMPSON MILLER: That is five years without any increase in salaries for public sector workers.

Opposition MEMBER: What?

Mrs. SIMPSON MILLER: The decision to freeze public sector workers wages for five years cannot be blamed on the IMF.

The Financial Secretary in the Observer of January 20 was reported to have said:

> "*Inflation needs to be controlled as public sector wages would be frozen for four out of five years*."

This is a decision that was made by the Government against the public sector workers of this nation. This wage freeze comes at a time when everyone is being battered and bruised by the policies of this Government.

Mr. Speaker, without the process of social dialogue and more importantly without any agreement all of this took place. These are the same public sector workers whose houses will be sold if they cannot pay their maintenance fees for three months. They are the same people who will have to pay more for Property Tax starting this year. Then there is the private sector, private sector workers are facing the same pressures as those in the public sector. They too need our attention in the development of policy to mitigate the impact of the crisis.

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: Let me look briefly at the JDX. I turn to the investors and other sectors of the society.

Mr. Speaker, this severely contracted budget may artificially balance the books but will make it difficult if not impossible to reap the benefits of the sacrifices made by the Jamaican investors, including those under the JDX programme.

The JDX seeks to provide much needed fiscal space for the Government. We hope it will be successful, it is in our interest for it to

succeed, every one of us, all Jamaicans. (Applause)

But, Mr. Speaker, instead of benefits we have already seen layoffs from the banks. Instead of benefits, the pension funds including the NIF, the NHT and NHF and other Government funds have been experiencing a fall in inflows. The Government has already admitted it forgot to consider the implications of this arrangement on the pension funds and the pensioners. How could they? How come, Mr. Speaker? How come?

Mr. PICKERSGILL: Pearnel, how come? (Laughter) Pearnel, how come?

(*Sotto voce* comments by Dr. Davies)

Mrs. SIMPSON MILLER: We know that it is important to manage Jamaica's debt…

Mr. PICKERSGILL: Hold up yu head.

Mrs. SIMPSON MILLER: ….and have always sought to implement measures to prudently manage the national debt. The Finance Minister's own debt management strategy laid on the Table of this Honourable House confirms this. It highlights 29 significant developments in debt management between 1997 and February 2010. Mr. Speaker, 26 of those 29 strategies identified were implemented by the PNP administration. And according to the same document, the IMF? World Bank Publication Guidelines for Public Debt Management identified Jamaica as implementing prudent debt management practices, nothing new.

(Applause by Opposition Members)

The debt management strategy laid on the Table of this House last Thursday by the Minister of Finance noted that, "concurrent with the launch of the JDX, all three rating agencies placed Jamaica in the default category." Well, the PNP pioneered Jamaica's debt management strategies. The former Minister of Finance and Opposition Spokesperson on Finance has endured years of criticisms. To his credit, during his entire tenure as Finance Minister, Jamaica was never placed in the default category.

(Applause by Opposition members)

Not even for a single day. Not even for a minute. Not even for a second, Mr. Speaker, it never happened under Omar's watch.

(Applause by Opposition members)

We need to face some stark realities. We on this side of the House are quite aware of the economic constraints facing the country. We also know that there is another way than the approach adopted by the Government. The IMF warned, Mr. Speaker, of the risks. Let me again read from the IMF Article 4 Report on Jamaica dated January 2010, and let me quote:

> "The risks of policy slippage are high. The primary surplus targets are high by international standards, and their achievement is by no means assured significant slippage could occur. Moreover the local effort is to be underpinned by structural fiscal reforms that may take more time than expected to yield budgetary savings, given the risk of delays in implementation such as capacity constraints, possible legal hurdles and uncertainties related to their cost".

The Report went on to say:

> "Even if the authorities that are the Government of Jamaica achieve the projected fiscal adjustment, the debt to GDP ratios will remain high, unless

> economic growth picks up substantially"

Why did the Government not choose the Extended Fund Facility instead of the Stand-by agreement? The extended Fund Facility would at least have given the country breathing space to reduce the deficit. What is the rush and why are we going at a rate that will wreck the ship of state and plunge the majority of our people into abject poverty.

Mr. PICKERSGILL: Why? Why?

Opposition MEMBERS: Why?

Mrs. SIMPSON MILLER: Mr. Speaker, the people of Jamaica seem to be sounding a warning to the Government that they must begin to strike a balance in their social and economic policies. The people's actions are speaking loudly and clearly. If the Government does not strike a balance, the people may very well strike for a balance.

(Applause)

Opposition MEMBER: That is right.

Mrs. SIMPSON MILLER: On Tuesday, Mr. Speaker, students of the University of the West Indies journeyed from Mona to protest in the vicinity of this very House. There has been a spate of illnesses affecting both the Jamaica Constabulary Force and the Nursing Corps. Frustration levels are growing. People in the public and also in the private sector are finding it more expensive to go to work than to say home. This is a very dangerous trend.

We are being warned about this possibility even by the IMF itself Mr. Speaker, I quote again from page 20 of the IMF Staff Report 2009 on Jamaica.

> "Significant slippage could occur, particularly, given that a high degree of social and political consensus will be needed to sustain fiscal adjustment over the medium term."

Mr. Speaker, the balance we need goes beyond fiscal considerations. (Applause) The Government must strike a balance in what they do, what they say and how they say it.

Mr. Speaker, what will happen if the Government continues to liken our teachers to extortionists? Every time there is a disagreement, will they be called dishonourable? And I pause to publicly apologize as a leader of this country to the President of the JTA.

Dr. DAVIES: President?

Mrs. SIMPSON MILLER: Yes, for the unfortunate remark that was made in this House. (Applause by Opposition Members) Has the Government withdrawn some of the terrible comments that were made? What will happen if the Government continues to disrespect the nurses labeling them uptown, downtown and midtown?

(*Sotto voce* comments by Opposition Members)

Mrs. SIMPSON MILLER: Mr. Speaker, was this either necessary or appropriate? Does this Government not know that culturally, in Jamaica, these are grave insults? Mr. Speaker, you know and I know that they are. The Government must strike a balance, take the people into its confidence and show respect and civility to public servants, (Applause) all workers and all Jamaicans.

Mrs. NEITA-HEADLEY: Hear, hear!

Mrs. SIMPSON MILLER: Consult not insult. Dialogue not monologue.

(Messrs. Pickersgill and Davies) That's right.

You know, we have - Prime Minister, if

the Trade Unionists, for there are three outstanding trade unionists on the Government side . . .

(*Sotto voce* - comments by Opposition Members)

Mr. M. PEART: Past tense! Past tense!

Mrs. SIMPSON MILLER: …if they are not assisting you, call me. (Laughter)

Dr. DAVIES: Pearnel!

Mr. PICKERSGILL: Pearnel.

Mrs. SIMPSON MILLER: Because I do not understand how they can sit idly by and give no guidance.

Mr. PICKERSGILL: Him want lock up the nurses, that's what he wants.

Mrs. SIMPSON MILLER: And I mean, as a former Minister of Labour, my heart hurts deep within when I see the treatment being meted out to the public sector and other workers of Jamaica. The very labour corps speaks to consensus building and collaboration and the Minister of Labour should know that and understand that.

Mrs. NEITA-HEADLEY: Hear! Hear! (Applause)

Mrs. SIMPSON MILLER: The Minister of Finance in his presentation, opening the Debate, called for understanding from the workers. Minister, what understanding? If you have genuine dialogue with workers and build partnership you will receive understanding.

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: More importantly, you will achieve consensus. I therefore ask, Mr. Speaker, the treatment of Jamaican workers over the past two-and-a half years has been atrocious. How come with three outstanding trade unions leaders who proved their mettle working for the protection of workers' rights, while I served as Minister of Labour and beyond - what happened?

Mrs. NEITA-HEADLEY: How come?

Mrs. SIMPSON MILLER: I quote from an outstanding labor leader…

Mr. BUCHANAN: Hold up you head, Ruddy! (Laughter)

Mrs. SIMPSON MILLER: ...of blessed memory, no longer with us, the MOST HONOURABLE HUGH LAWSON SHEARER.

(Applause)

Mr. KELLIER: Good man! Good man!

Mrs. SIMPSON MILLER:

And I quote:

> "Workers and management must learn to work together for the overall development of the society."

Opposition MEMBERS: Hear! Hear!

Mrs. SIMPSON MILLER:

> "But that cooperation can only be built by our workers being treated with respect, by their inclusion rather than exclusion from the decision-making process; by motivation and justly rewarding them for their efforts, and by consistently sharing information and operating in an open and transparent manner."

(Applause) HUGH LAWSON SHEARER, THE MOST HONOURABLE.

Mr. KELLIER: Give them a copy.

(*Sotto voce* comment from Mr. Samuda) (Laughter)

Dr. DAVIES: Good try, Karl. A good try. But how come? How come? Pearnel, how come? (Heckling)

Mrs. SIMPSON MILLER: Where is the understanding for the worker? You cannot call for understanding after the fact, Minister. There is no such thing as retroactive consultation. (Applause)

Mrs. NEITA-HEADLEY: No, no! That is a fact.

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: How come? One of our former Labour leaders, outstanding labour leader now in the Cabinet, has maliciously and verbally sought to disrespect one of the country's greatest advocates for the rights of the Jamaican worker. P.M., you should give that one an O.J.

Mrs. NEITA-HEADLEY: Shame!

Mrs. SIMPSON MILLER: Not the Minister, the worker advocate.

Mr. BUCHANAN: Apologise to her, Pearnel, apologise!

Mrs. SIMPSON MILLER: How come?

Mr. D. PEART: Pearnel, how come? (Laughter)

Dr. DAVIES: Pearnel look confused. Pearnel looking all around. (Laughter) (Heckling) Audley, tell him what is being said.

Mrs. SIMPSON MILLER: How come the Cabinet with so many trade union leaders is going down in history as having presided over the most rapid dehumanization and deterioration in the quality of life of the Jamaican worker?

Opposition MEMBERS: How come?

Mrs. SIMPSON MILLER: Since slavery.

Mr. PICKERSGILL: You should be ashamed!

Mrs. SIMPSON MILLER: And you know what, SIR ALEXANDER BUSTAMANTE'S struggle for the workers seem to have been forgotten. Well, if I am the one that is to rise to protect the legacy of SIR ALEXANDER BUSTAMANTE and HUGH SHEARER, I am going to do it. (Applause) Sir Alexander Bustamante went to jail in the 1930s, defending the cause of the workers of this country. (Applause) How come! How come!

(*Sotto voce* comment from the Prime Minister)

Mr. KELLIER: Busta turn inna him grave uppa Heroes Park.

Mr. CHARLES: You are no Bustamante.

Mrs. SIMPSON MILLER: How come they treat the nurses with contempt and ignore the cause of the police for consultation? We will not allow the tarnishing of Sir Alexander's legacy. We are going to protect it.

(Heckling)

Calling for understanding is not consultation. The Government must strike an even balance in the decisions they make.

Prime Minister, if the labour leaders on your side not helping you, call me. (Laughter/applause/heckling) I was Minister of Labour. Prime Minister, I have the experience. I was Minister of Labour, Social Security and Sport, and I was Minister of Labor, I think the longest serving Minister of Labour in any one of the governments. Local Government and Community Development, Tourism, I have the - call me! (Applause) Call me. I understand consultation and dialogue. Call me! I will help you if they are not helping you. If they are sitting there and not helping you, call me! I will help. (Cross talk)

Dr. DAVIES: Pearnel look very uncomfortable, though.

(*Sotto voce* comments by Members)

Mrs. SIMPSON MILLER: I wouldn't. If the Prime Minister call me and I do something I wouldn't take credit for it. You mean the farmer man knows. I am going to look for him.

NHF - HEALTH

I want to look, Mr. Speaker, at the NHF, dedicated fund for the health sector. Mr. Speaker, I want to present this House with a clear case of misplaced priorities, the NHF. It is a dedicated fund for the health sector. Last year it provided $1.6 Billion to assist health institutions. The NHF money is not intended for general housekeeping.

Mrs. NEITA-HEADLEY: Not at all! Not at all!

Mrs. SIMPSON MILLER: Would you believe, Mr. Speaker, as the Opposition spokesman on Finance pointed out Tuesday, that this Government continues to raid the barn. Four Hundred Million dollars was removed from the National Health Fund this year to help the Government to meet the IMF test, while the Minister cannot respond when he is called upon. How come?

In addition to that Mr. Speaker, the management of the NHF is taking $400 Million out of the Fund to buy a new office building at a time when the Prime Minister has said there are excess government buildings that need to be utilized. The Prime Minister himself told us last year in this House that, "*In the Corporate Area alone we have 269,000 square feet of government-owned office space, empty and locked up*." Let us use those spaces. If you are not buying any building, well, I applaud. (*Sotto voce* comments) No, not from the NHF. Not from that money. Not from it!

Mr. Speaker, while they are raiding the barn, they are forgetting the promise, because the money that will have to buy the building, if it is being taken from NHF, as we are told, would be able to assist what the Prime Minister promised, to build dialysis centres across the country... (Applause) ...to help the people who are suffering and who need it. And I applaud that announcement from the Prime Minister. Let the money be used to assist to do that and to help in the health area, not to be moved to other areas. That's a dedicated Fund.

Mr. BUCHANAN: You hear Ruddy? Don't double it.

Mrs. SIMPSON MILLER: You cannot at this time invest in fancy buildings when the delivery of health care to our people requires every cent it can get... (Applause) ...particularly at this time.

Mr. PICKERSGILL: Eh, Horace, you better tek over de...

Mrs. SIMPSON MILLER: It is clear, Mr. Speaker, that the Government is bankrupt financially, and this Government is also bankrupt of idea, and certainly faces a massive trust deficit. (Applause) The budget Mr. Speaker is a primary example of that. The budget reflects a reduction in expenditure, but it does not signal any priorities. (Applause) It is a business-as-usual budget but with less resources allocated. Some would want to spin this as success, but in reality it is manifestly delusional. There are no new ideas.

This year's budget, Mr. Speaker, has been cast in the context of a new IMF Agreement and a $22 Billion of new taxes three months before the new Financial Year began. Yet the Government looks the people of Jamaica straight in the eye and seeks to convince them that there are no new taxes in this Budget. But the new taxes came three months ago. The taxes were imposed already. There is nothing else left to be taxed. The poor Minister of Finance searched and searched, he couldn't find anything else to tax. If he could have found it he would have taxed it.

(Laughter/applause)

Dr. DAVIES: But the search isn't over. He is talking on Wednesday, you know, he is talking on Wednesday.

Mrs. SIMPSON MILLER: I am sure he will not fail us in the name of little Christiana.

(*Sotto voce* comments/laughter)

The bankruptcy of ideas has converged in the public relations campaign they call "The New Beginning". Mr. Speaker, ginnalship! (Applause/heckling) This Government has embarked on a glitzy public relations campaign dubbed "The New Beginning." Seems like something we have heard before, didn't we?

Mr. PICKERSGILL: Yes, yes, yes. (Heckling)

Governments normally talk about new beginnings, Mr. Speaker, when they have just assumed office. Governments do not talk about new beginnings in the middle of their term. That very declaration is an acknowledgement that the past two and a half years have represented nothing but miscalculations, missteps and misdeeds. (Applause) Mr. Speaker, when you need a new beginning in the middle of your term it means you are finding excuses and begging for time, for a second chance because you have failed so miserably at the first attempt. A new beginning means you should come with fresh ideas. You know that. New beginnings cannot be launched on the plans, programmes and achievements of your predecessors, it cannot. (Applause) New beginnings cannot be launched on the plans and programmes and achievements of you predecessor. Using the idea of someone else does not make you the innovator; it makes you a copy cat, a copy cat, (Applause) Mr. Speaker.

Mr. Speaker, the only thing that is new about this Administration's new beginnings is that they are newly beginning to admit that the previous Administration's ideas and plans were visionary. (Applause) They are admitting that we were on the right path for the development of the country and the people. We are happy. We are very happy, Mr. Speaker, that the Government has finally come to its senses.

Mr. CHARLES: That's why you were thrown out. (Applause) (Laughter)

Dr. DAVIES: I thought you were knocked out!

Mr. ROBERTSON: Read the speech, go on. Full speed ahead.

Mr. BUCHANAN: Charles, where are you, Uptowr or Downtown?

Government MEMBER: We are giving you an easy ride today.

Mrs. SIMPSON MILLER: Mr. Speaker, while we are setting the records straight, despite all its constant blaming of the previous Administration, let us not forget that this Government inherited interest rate at 11.8%, not 23%, not 12.75%, but 11.8%, Mr. Speaker. (Applause) That's a fact. They inherited, Mr. Speaker, inflation at 5.8%, not 16.8%, not 10.2%, it was 5.8%. (Applause) Unemployment Mr. Speaker, was 9.8%, lowest ever recorded in the history of Jamaica. (Applause) And poverty, Mr. Speaker, was in single digit 9.6%. (Applause) This Government, Mr. Speaker, also inherited the Tourism Enhancement Fund, $5 Billion. (Applause)

Mr. ROBERTSON: Rubbish!

Mrs. SIMPSON MILLER: The National Insurance Fund, $50 Billion, the Universal Access Fund, $4 Million, the - PetroCaribe Agreement, $18 Million the National Road

Fund, $420 Million, the Net International Reserve, $172.8 Billion, (Applause) US$2.4 Billion, the National Housing Trust, $89 Billion and contribution $33.4 Billion - a surplus, Mr. Speaker, of $630.9 Million. (Applause) Mr. Speaker, the Education Transformation Fund, $5 Billion, the National Health Fund approximately $3 Billion, the CHASE Fund $200 Million, the Jamaica Social Investment Fund, $197 Million, the Sports Development Fund, $122 Million, (Applause) over $343 Billion. Mr. Speaker, these are facts. That was management. (Applause)

Mr. PICKERSGILL: Olint and Cash Plus!

Mrs. SIMPSON MILLER: Mr. Speaker, the fiscal deficit was 4.5% of GDP, not the current level of 12.6%. Not only that, Mr. Speaker, we also left the Kingston Metropolitan Region Water Plan, the Caymanas Park Development Plan, Highway 2000 and its continuation project, Eastern Jamaica Development Plan, Harmony Cove, Falmouth Pier, not to mention the upgrading of our airports and seaports. (Applause) And both Government and then Opposition worked on the 2030 Development Plan and so on and I could go on and on.

Mr. ROBERTSON: Go on, don't stop.

Mrs. SIMPSON MILLER: Prime Minister, I want to ask, Prime Minister, that you indicate to us when we will receive the SLC, when will it be published; and I am sure you will do that when you come to make your contribution.

What this so-called new beginning campaign of the Government has confirmed is what we have known all along. They have absolutely no original idea or plan for the development of Jamaica. Mr. Speaker, if we had not left those developments and those plans what would they have to talk about today?

Mr. BUCHANAN: Nothing!

Mrs. SIMPSON MILLER: The truth is this Government is simply making up the script as they flounder from one budget to the other, as they flounder from one miscalculation to the other, Mr. Speaker.

Mr. PICKERSGILL: More to come!

Mrs. SIMPSON MILLER: They have floundered from one mistake to another and then another and then another.

Dr. DAVIES: Audley…..

Mrs. SIMPSON MILLER: Following the footsteps of the Prime Minister.

(*Sotto voce* remarks)

REPAIRING THE BREACH

Mrs. SIMPSON MILLER: I now turn, Mr. Speaker, to the way forward and repairing the breach. We are contending that there has been a great breach, a breach in the covenants between the Government and the people.

Mr. D. PEART: Pearnel, all of we agree with that.

Mrs. SIMPSON MILLER: The country is demanding a new way of doing business, Mr. Speaker. The people are demanding an approach that mainstreams greater participation, accountability and responsibility. They are beckoning for the revaluation of critical institutions of our democracy and our governance. One such is the House of Representatives. Mr. Speaker, the Opposition is committed to the sanctity of Parliament. (Applause) We are committed to

working with all national, social and political stakeholders to ensure a new accord for transparent and open governance.

In his inauguration speech, the Prime Minister committed himself and his Government to and I quote: "*A strong parliament and a more effective political representation*" and I support what the Prime Minister said then. He also indicated the curtailment of the powers of the Executive and strengthening of Parliament, so that it can exert greater control over the Government. Mr. Speaker, this is the time for the real strengthening of Parliament. (Applause) The Parliament must become the place for solutions to the country's critical and urgent problems. This is a time to be inclusive, not exclusive. I therefore propose that the Parliament sets aside two or three days every quarter to focus like a laser beam, Mr. Speaker, on critical national issues. (Applause) We should be able to identify the obstacles in the way of our people's development. It will enable us to find solutions.

(*Sotto voce* remark by Mr. Mair)

Mrs. SIMPSON MILLER: This kind of approach will lead to consensus building, Mr. Speaker.

(*Sotto voce* remarks by Dr. Davies)

Mrs. SIMPSON MILLER: This kind of approach will lead to consensus building through active participation under the watchful eyes of the entire nation through the helpful lenses of the Public Broadcasting Corporation of Jamaica and other media which have taken the Parliament in the homes of the Jamaican family. It is this greater level of participation and the scrutiny that comes with it, Mr. Speaker that we must leverage in order to forge that new and inclusive accord with the people of Jamaica. (Applause)

We are after all, Mr. Speaker, the people's representatives. This approach will help us to utilize every tax dollar more efficiently in achieving the desired results which our nation craves. The approach to these discussions, Mr. Speaker, should be outcome oriented, data driven and in keeping with the nation's long-term development objectives. My proposal is that from this moment onward our approach in this House must be embedded in the principle of participation, accountability and responsibility of the Government and people. (Applause) Perhaps if Parliamentarians were engaged in these meaningful discussions there would be the less likelihood, Mr. Speaker, of the kind of crosstalk and crude behaviour which has characterized this Parliament. We owe it to the citizens of our country to be exemplary in their conduct. The truth is we have not lived up to that obligation. (Applause)

I believe that for this year, Mr. Speaker, there are four areas of priority which demand our immediate attention and targeted intervention. **Firstly**, we must discuss and agree how to provide the taxpayers of Jamaica with a safe, secure and just society. (Applause) **Secondly**, we must address the issues of producing our way out of this crisis and building a platform for growth and development. (Applause) **Thirdly**, Mr. Speaker, we must address development and empowerment of our people by determining adequate human resource development through appropriate education and training policies and programmes. **Finally**, I want to place the issue of water squarely in the halls of this Parliament.

(*Sotto voce* remarks)

Mrs. SIMPSON MILLER: Don't worry he is a good Minister. (Applause) Very good Minister.

(*Sotto voce* remarks by Mr. Pickersgill)

Mrs. SIMPSON MILLER: Certainly, we can all agree that the lack of water is now a major crisis throughout the entire country.

Mr. Speaker, there is a growing subculture of violence and disrespect in the Jamaican society. This is manifested in violent crimes, violence in the schools, domestic violence, gender-based violence, violence in the enforcement of law and order and even in the way we behave towards each other in this Honourable House.

This Administration came to office with the promise of reduced crime. They were armed with the McMillan Road Map. At one point the chief engineer of that Road Map was himself the Minister of National Security. The reality, Mr. Speaker, is that last year there was a record number of murders and other major crimes.

Let me be very clear, Mr. Speaker, and be very honest. Our administration did not always achieve the desired targets in lowering the levels of violent crimes. We, however, believe that together we must find - we must, Mr. Speaker, find new approach to this persistent play. You can depend upon our word, we will not make crime a political football. Our word is our bond. (Applause)

We commit, Mr. Speaker, to an open and objective partnership with the Government so that collectively and on the people's behalf, we can finally forge an alliance of all law abiding citizens and entities to restore safety and security across all the communities of this land. (Applause)

It is purported, Mr. Speaker, that crime robs us of 7% of GDP. Crime increases the number of trauma cases in our hospitals, it reduces the productivity of businesses and it affects the ability of our children to learn. We are, therefore, recommending that we take time to discuss in the Parliament the levels of crime in the country, and the actions that as a people we must take. We must send a strong signal, Government and Opposition, Mr. Speaker, to the country that as a Parliament we are united on this critical issue. (Applause)

This should be done in addition to the debates on the Crime Bills which are pending. This must not just be a onetime affair, but a permanent agenda item of the Parliamentary calendar. We must receive, Mr. Speaker, quarterly reports... (Applause) ...on the progress and agree to the adjustments and the resources required to solving the problem of crime.

We must find ways, Mr. Speaker, to improve the rate of detection, arrest and conviction. We cannot discuss safety, security and public order and not discuss the capacity building of our security forces. (Applause)

In addition, Mr. Speaker, to the human resource development, the application of technology and new techniques in crime fighting are the way to go. I know it can be done if we work together and engage the assistance and support of our local and our international partners. If Parliamentarians on both sides, the media, the church, the private sector, community organizations, the trade union movement and non-governmental organizations commit to solving crime and focus on doing so we will defeat this monster. (Applause)

Mr. Speaker, I believe in the people of Jamaica, I believe in their innate goodness, in

their willingness to choose good over evil and I believe that the overwhelming majority of our citizens are law-abiding people who want peace. They are law abiding people who want peace. (Applause) They are entitled to that peace, they are entitled to security and we must provide them with peace and security. We must, Mr. Speaker, do what is right, we must send the right signals. (Applause)

RESCUE MISSION PROGRAMME

Included in any community-based strategy to solve crime, Mr. Speaker, must be what I have termed a Rescue Mission Programme which will target the youth at risk. We must rescue the youth who is a prime candidate for recruitment by criminals, as well as those who are now in the clutches of criminals. We must rescue them from the fringes of society and facilitate the management of the courts including suitable alternatives that will see them the financial management has not yet reintegrated into the formal society.

We must bring them into a productive life. We must show them, Mr. Speaker, that there is another way a better way. We must find the budgetary support and craft the social intervention programmes which will target the worst crime factories islandwide and systematically, Mr. Speaker, eradicate the conditions which manufacture murderers and turn our playingfields into killing fields. (Applause)

We will not become, Mr. Speaker, a safe and a just society if so many of our young men and women feel that there is no other way. I say today to them, there is another way, a better way and all of us in this Parliament should work to craft and create that better way for our young people, our youth at risk. (Applause)

And, our Member that spoke yesterday afternoon also made some recommendations and spoke to the youth at risk as well. (Applause)

JUSTICE REFORM

Mr. Speaker, we will not become a safe and just society if our justice reform programme remains on the back burner. So I want to say a word on the justice reform.

From what we have been hearing from the judges who, of course, are extremely sparing in their public utterances, the Government has been halting at best in its support to the Justice Reform Programme have to come with a better approach now. A real complaint that is being made is that the management of the courts including the financial management has not yet been removed from the Ministry of Justice and placed in a specialized section headed by the Chief Justice. That is the means by which the independence of the judiciary is best assured, and I am sure the Prime Minister would agree with that.

We urge the government once again to have this implemented and expect that this will be a feature of any budget exercise which is to follow expect that under any administration. I repeat the recommendation first made in early 2007, when the Chevannes Task Force presented its findings to the public at the Jamaica Conference Centre. A broadbased oversight committee, including the Opposition, stakeholders and civil society should be established to guide the reform process and that its work should be kept constantly in the public's eye. (Applause) I made that suggestion, Mr. Speaker, because we fully agree with the Task Force's

recommendation that the Ministry of Justice should take appropriate steps to continue and expand the mobilization process for dialogue and engagement as a permanent feature of the implementation phase of the reform of the justice system.

The public must be encouraged to own the programme based on a full understanding of the link between the proper administration of justice and social and economic development. (Applause) This, Mr. Speaker, will build confidence in the justice system and it is a prerequisite for the attainment of a safe and just society.

NATION GROWTH PLATFORM

Mr. Speaker, the second area of priority 1 wish to discuss is the establishment of a national growth and development platform. As it appears from the review of the budget, and according to the Minister of Finance, he does not seem to believe that growth is his responsibility. That is why there is no indication in this budget on the plans for growth. Perhaps the Prime Minister and the other Ministers in their Sectoral will outline some of these plans so we can be more comfortable.

During the latter part of our tenure, we were criticized, Mr. Speaker, for a growth of between 1.7% and 2.7% *per annum*; it was described then as, anaemic. However, between 2008/2009 and 2013/2014, the Government is projecting net growth of only 1.3% over the 6 years. That, Mr. Speaker, is an average of 0.2% per year. The country cannot take ten more quarters of this performance. Accordingly, this is what the Opposition is proposing.

The issue of economic growth and job creation must be the subject of extensive, intense and ongoing discussions within the Parliament and outside. We must engage in dialogue with captains of industry, the traditional private sector, the financial sector, the small business sector, the self-employed, farmers, artisans, members of the trade union movement and civil society.

Mr. Speaker, there are approximately 400,000 small businesses in Jamaica, and I am firmly of the view that this sector holds great potential for the economic growth of this country. Imagine what would happen, Mr. Speaker, if one-tenth of this 400,000 businesses could be facilitated to each employ one additional person this year that single step forward would add 40,000 jobs and compensate for the over 50,000 jobs lost this year. It will not happen by pronouncements and it will not happen by draconian tax measures. It was Winston Churchill, Mr. Speaker, who said and I quote:

> *"I contend that for a nation to try to tax itself into prosperity is like a man standing in a bucket and trying to lift himself up by the handle*".
>
> (Applause)

Mr. Speaker, we cannot tax ourselves into growth, therefore, we should embark upon a series of consultations with small business operators to ascertain directly from them what needs to be done by them, by the government and by the rest of the society to allow them to expand their businesses.

Mr. Speaker, these are development partners that have been most neglected and who are negatively affected by this 30-month long experiment. They must be brought into the mainstream of the economy. Their active participation in developing progressive

and innovative solutions is crucial. And I am sure that when the Minister comes to speak he will - of Investment Commerce and Industry – he will give us some indication as to where we are.

AGRO-INDUSTRY

We have laid the infrastructure, Mr. Speaker; we must now provide the access, the guidance and the support. (Applause) Let us make this Parliament the place where the people's business takes precedence. Where - there can be no greater priority, Mr. Speaker, than the growing of the economy, achieving sustainable development and securing the future of the Jamaican family. (Applause) Jamaica has far too many fruits that grow in abundance ripens, falls to the found and rots each year. And I am sure the Minister will agree with me. The Agro industry must be strengthened and expanded to make use of the periods of plenty. Minister, I am supporting you. (Applause)

We must export our exotic fruits and flavorings, we must have them ready here in Jamaica for our visitors and our citizens to enjoy in all forms fresh, dried, bottled, canned whatever. There are idle lands and there are idle hands, we must bring the two together with the application of science and technology, so that **Brand Jamaica** is not restricted to a few selected areas of rising stars, but the wide array of possibilities that is Jamaica a constellation of opportunities and possibilities. (Applause)

DEVELOPMENT BANK

Mr. Speaker, a restructured development bank that is accessible in every parish can become the hub for the kind of development which we seek. Let us discuss these issues in the Parliament, let us truly put Jamaica first.

Mr. Speaker, development is the application of human and economic resources to satisfy society's needs through policies and programmes and so I now turn to this area. It. should achieve realizable, equitable and sustainable outcomes that are agreed through participation and consultation with the people.

Mr. Speaker, a critical pathway to achieving this vision is education and training. We in this House know the value of education and training.

EDUCATION

Let me spend a few minutes, Mr. Speaker, addressing a matter that has been dominating public debate in recent times and that is of tertiary education.

It has been recognized that in order to sustain economic growth countries need to have a significant body of post-secondary educated citizens. International research points to a First Degree as the basic requirement for participation in the global economy. Mr. Speaker, I'm disappointed with the Government's commitment in its letter of intent to the IMF and in several communications to students, to apply a nominal freeze to its subsidy on tertiary education. At best, Mr. Speaker, it is an indication of the unenlightened direction the Government intends to go with tertiary education. At worst, Mr. Speaker, it is the development of a tertiary education policy in, as they say, a chaka, chaka manner.

Mr. Speaker, the Government has broken its own sacred commitment to apply a nominal freeze to the tertiary education subsidy. The Minister is on record suggesting that the fee

increases will be no greater than inflation. Mr. Speaker, not only did the Government break its promise to the students, it slashed the tertiary allocation by over one billion or almost 13 per cent.

Mrs. NEITA-HEADLEY: Shame.

Mrs. SIMPSON MILLER: This slash in the tertiary subsidy will have tremendous implications, Mr. Speaker, on the basic aspirations of our middle class and the poor. It threatens the dreams of hundreds of thousands of Jamaicans who aspire to improve their condition through the pursuit of an education.

STUDENT LOAN BUREAU

Mr. Speaker, inflation is 13 per cent. With this 13 per cent slash in tertiary subsidy how will this affect the increases in tuition in the fees? How will the psychology of the poorer students be affected by their high debt and the uncertainty of finding a job after leaving university? How, Mr. Speaker, how will students repay a higher percentage of their already meager salary to the Students Loan Bureau after leaving university? How? How will this affect people's interest, Mr. Speaker, in pursuing tertiary education? Would it have been better to reform the Students Loans Bureau before implementing this regressive policy? What is being done in the immediate term to reform repayment policies at the SLB, Mr. Speaker? Yet this government says, they put education first.

Mrs. NEITA-HEADLEY: Not at all, not at all!

Mrs. SIMPSON MILLER: I'm calling on the Government to rethink this? Mr. Speaker, I speak about it feelingly because a great portion of my Constituency Development Fund is dedicated to assisting high school students to keep them in high schools and particularly those at university. I got a note from one of the students, my councillors and myself that we are assisting, a medical student in her fifth year and she indicated in that report all As and Bs. A little girl from Waltham Park Road in the inner city.

(Applause)

The books are not included in the Constituency Development allocation, that came from my pocket to assist.

Mrs. ROBINSON: It is.

Mr. WARMINGTON: It is, it is.

Mrs. SIMPSON MILLER: It is?

MEMBERS: Yes.

Mrs. SIMPSON MILLER: So I can get books from it, Shahine?

Mrs. ROBINSON: Yes.

Mrs. SIMPSON MILLER: Man, l never know because I have been, up to yesterday I had to send to the bank to get some money so that one of my medical students could get some books.

Dr. DAVIES: The only problem is getting the CDF to pay the money.

Mrs. SIMPSON MILLER: Thank you.

But, Mr. Speaker, this is one of several students we are assisting at the tertiary level and I felt so proud that a little girl from the inner city who went to Immaculate with nine (9) CXCs, now a medical student at the University of the West Indies and doing very well. What I prefer is for us to spend some more money, Mr. Speaker, so that that young lady can remain in the university and graduate as a doctor rather than coming to beg me baby feed, money to buy baby feed, or to keep the young man in the university rather than him

getting money to buy gunshot when he come and say him hungry and the MP don't know that he is involved in anything that is bad and think he is really hungry and give him money and rather than buying the food him go and buy, what you call it?

Mrs. NEITA-HEADLEY: Ammunition.

Mrs. SIMPSON MILLER: Whatever they call it, corn or whatever they call it.

Mr. Speaker, we have to find a way. You know, Prime Minister successive governments come and only PJ went and found some money through the NHT that he was criticized for, for the transformation and then Minister Maxine Henry-Wilson really worked on the transformation process and brought it to a level. But you know, Prime Minister, we borrow money for - cheap money, Minister, and you can find some cheap money?

Mr. SHAW: Yes, I can find.

Mrs. SIMPSON MILLER: You are the man a yard.

(Laughter)

You can find the cheap money?

Mr. SHAW: Yes.

Mrs. SIMPSON MILLER: Prime Minister, the Minister of Finance beside you is indicating he can find cheap money. Why can't we borrow some cheap money to really put into education once and for all, for us to begin to fix education in a serious way?

(Applause)

We need some funds that are going to be going into education. If we can get education right in Jamaica we will get everything right.

(Applause)

We have to do something and this we should have some serious discussion on Prime Minister.

EARLY CHILDHOOD/PRIMARY

The budget, Mr. Speaker, for early childhood education and primary education were also reduced. It was our administration which established the Early Childhood Commission to give greater focus to the Early Childhood education, and this was a baby of the former Minister of Education. All the progress made in this area can be attributed to that development. It is time we change the gear, Mr. Speaker.

I'm making a call for us as a country to invest more resources into early childhood education. In fact, I can declare that any future PNP administration will not leave the future of our young and vulnerable to the chances of nature. We will be playing a greater role in early childhood education because we believe and the evidence shows, Mr. Speaker, that if we start them right we make them bright.

(Applause)

And I believe strongly that no child should be left behind because of circumstance of birth.

Mr. BUCHANAN: That's right.

Mrs. SIMPSON MILLER: Under the progressive agenda we will remove the obstacles to progress so we can have improved outcomes.

(Applause)

TEACHERS/MOU

Mr. Speaker, as l have said before, the Opposition remains concerned by the industrial climate in the public sector particularly the teachers. Teachers are the lifeblood of a good education system. In fact, a recent MCKINSEY survey concluded that the quality of the education system cannot be better than the quality of its teachers. Our

nation's teachers, Mr. Speaker, deserve better remuneration and all of us can agree with this because you know what? Mr. Speaker, everyone of us inside here, on both sides, we are here and are able to make the kind of contribution that we are making because of our parents who saw to it and our teachers that took our hands and took us enough.

(Applause)

We also believe that improved remuneration must go hand in hand with improved performance and greater accountability on the part of teachers. The Opposition is concerned that the protracted negotiations between the teachers and the Government could lead to a disruption in the education sector and we are urging the Government to honour and settle the various commitments they have made to the teachers...

Mr. BUCHANAN: Hear, hear!

(Applause)

Mrs. SIMPSON MILLER: ...or simply meet with them to, talk to them. We had a problem once when we could not pay but we met, we had dialogue, we met with them, we discussed with them, hence came - you were a part of it. The MOU came out of that process and there was an agreement where they did not take any money for a period of time because they were certain there were some bonds and at the end of it they could continue their bonds to grow interest or they could cash in those bonds. Talk to them, dialogue is important and we need to do that. This country.

And I want to say, Mr. Speaker, there is nothing dishonourable about the teachers fighting for their money, they fight every government, successive governments. For years the teachers have been our public servants from time to time and we understand it, it's nothing new. There is nothing dishonourable for JTA to maintain their hard run gains in teacher's remuneration and to protect the value of their money.

You know, Mr. Speaker, it was Norman Manley in the new Jamaica who said that:

> "*the teachers in Jamaica occupy a remarkable and a powerful position, for not only are they teachers in their schools and as such carrying the responsibility of moulding the minds and the character of the coming generation, but they are also invariably the leader of life and thought and activity in the district where they belong. I say this not in any spirit of flattery but because I regard it as a striking truth".*

That was Norman Washington Manley.

(Applause)

I make an appeal to the Government to honour the outstanding work of the teachers. Let us extend a hand of partnership and not one of confrontation. I'm urging the administration to raise the bar, raise the bar man. Remove the ego and display some level of maturity and statesmanship when dealing with these highly sensitive matters.

(Applause)

Mr. BUCHANAN: That's right. That is right!

Mrs. SIMPSON MILLER: Given the impact that these negotiations could have on the education sector, I'm calling on the Government not to politicize this matter. Let us utilize our best industrial relations expense and arrive at a win/win solution.

Mrs. NEITA-HEADLEY: Hear, hear!

Mrs. SIMPSON MILLER: This must

retain the value of the teacher's salary but also ease the fiscal constraints being experienced by the Government. Mr. Speaker, financing of education must also be treated in a bipartisan manner. It is one of those areas of national life that we cannot afford to politicize. There needs to be consensus on the financing of our education system. We cannot continue like this. We are living in the information age.

Mr. Speaker, the approach I have just outlined ensures that we are able to achieve a culture of innovation, science and technology in our schools. We should begin from the First Grade - and when our spokesperson spoke yesterday afternoon he was very strong on the science and technology. We should begin from the First Grade. This is critical to the increase in the knowledge of science and technology and their application to production and agriculture.

(Applause)

It was with this in mind that the Universal Access Fund was conceptualized and established. Mr. Speaker, we were thinking long term because we recognized that human development is not only personal, it is national.

(Applause)

Education, Mr. Speaker, is one of the most important tools of productivity and upward social mobility. Every target set out in the Vision 2030 Plan as well as the National Exports Strategy assumes a well educated, well nourished and healthy workforce; and I know you support that.

(Applause)

(Inaudible comment by Mr. Samuda)

Mr. PICKERSGILL: While you were with us?

Dr. DAVIES: When you were with us?

Mr. PICKERSGILL: Yes, man, when you were here you took part in it.

AIR JAMAICA

Mrs. SIMPSON MILLER: Before I leave the question of workers, Mr. Speaker, I want to pause. My colleague when he spoke did the same on Tuesday. I want to congratulate the Air Jamaica workers. We possess the best pilots, the best airline workers, the best by any test.

(Applause)

And while I have seen in the media that a number of them are leaving, I want to commend them and thank them for their years of service to the **Love Bird**, to their beloved country, Jamaica.

(Applause)

SPORTS

Mr. Speaker, one year of hope and joy over the last year has been the performance of our sportsmen and women. (Applause) And I'd like to congratulate our sportsmen and women. We are proud that it was our administration which laid the foundation that enabled the sportsmen and women, their peers, their communities, their associations and the entire Jamaica to beam with pride whenever and wherever they graced the sporting arena and to commend their parents, their teachers, their communities, their coaches and their managers.

Against this background, I call upon the Government to ensure that the resources earmarked for Sports Development Foundation remain dedicated to the development of sports. (Applause) Ah warn the Government. (Applause) Don't raid the barn, when you didn't put any corn in there.

(Applause) Leave Sports Development Foundation alone. (Applause) It should not be raided. Can't raid the barn when you plant no corn. Mr. Speaker, I call on the Government to implement...

Miss GRANGE: The barn is for all of us.

Dr. DAVIES: We supporting you, you know, fight for it. Fight for it. Defend it.

Mrs. SIMPSON MILLER: Imagine, l'm supporting you and you are not even taking the cue so that you'll have more money.

Further, Mr. Speaker, I call on the Government to implement the plans which were made for the Sports Centre, for the hosting and management of our athletes as well as for the treatment of our athletes if they should get injured. I call on the Government to immediately establish and implement the Sports Museum. (Applause) The plans were completed and research done by MR. JIMMY CARNEIGE of blessed memory. And this sports museum will not only showcase Jamaica's rich history of sporting prowess, but will provide inspiration for future champions. (Applause) Let us honour our sportsmen and women. (Applause) It could also be a source, Mr. Speaker, of income, recognizing that sports is indeed a multi-billion dollar source of revenue for the country.

In talking about sports, I want to call on the Minister. There is a matter I see now in the media that is of great concern to me and I'd like to comment on it. It's really a troubling news that a number of our talented high school athletes are being denied entry visas to compete in the upcoming Penn Relays. And it is of great concern...

(Cross talk)

No, no, it's not the first time athletes are...

(Inaudible comments by Mr. Charles)

Dr. DAVIES: You must learn to reason beyond your limit. You are talking about a national ...(Inaudible) You must learn to reason beyond your limit.

Mrs. SIMPSON MILLER: I am sure the Minister of Sport could not be happy, if you are happy as a Member here. And if because one and two would have been refused before, you are happy about it, then the Minister could not be happy, nor the Minister of Tourism, nor the Prime Minister of Jamaica. It must be a concern to all of us. So many. Because there is a larger number than before and it is of concern. And it is something we should raise.

(Cross talk)

Minister, you can speak to me quietly and I will tell you what I used to do when it happened. And I reaped some good success. You can speak to me. The other matter I would like to raise, Minister, what I've heard in the media that concerns me. Sports is the most powerful unifying force in the entire world. Most powerful unifying force. People at war will put down their weapons to watch World Cup.

I saw in the news media where the Sports Development Foundation is withdrawing support for the National Invitational Meet, supposedly that the particular sporting association did not discuss with. At no time should government interfere with the Sports Development Foundation on its proper running. The invitational meet is government. Is government. So when government gives it, you're sponsoring yourself You're making your contribution because it is government. The meet was discussed and got certified by the IAA because of government, government's intervention. And I'm just asking that nothing

be done to be seen as if politics is creeping into the sport because every year since that meet we have never seen a billboard in the stadium marked Sports Development Foundation. Never. We always made the contribution but we have never gone up to front as if to say, yes, Sports Development because we are giving the money what... And the Sports Development Foundation is a dedicated fund.

And I speak feelingly, Mr. Speaker, because the Sports Development Foundation, all of those things were established when I was Minister of Sports. And so I speak feelingly about it. And the Chase Fund. All of these funds are dedicated funds. And I am just asking that we treat it... And I am making an appeal to the Minister, to the Government to ensure that the support for that international meet will be given.

(Applause)

WATER/NWA

Mr. Speaker, I now turn to the pressing issue of water. The National Water Commission's slogan is, *water is life*. This is not just a slogan. Water is indeed life. In 2004 the Government developed a Water Sector Policy strategy and action plan which focused in on ensuring universal access to potable water by 2015. I know that this Minister is serious in trying to deal with a number of issues despite the limited resources. But the **2009 Economic and Social Survey of Jamaica n**oted: *The water sub-industry sector continues to be guided by the Rural Water Master Plan*. The current violation, Mr. Speaker, however, warrants that in addition to what was started by us, some new and immediate action must now be taken (Applause) And the Minister needs to get the support for it to be done. A progressive approach that measures our net water resources against projected needs for domestic, agricultural, industrial and commercial purposes needs to begin in earnest. More importantly, it should facilitate an understanding of the infrastructure that needs to be put in place for harvesting, storing, distributing and recycling. From that, Mr. Speaker, comes the blueprint of the nature of state agencies that need to be established or retrofitted with appropriate policies for this sub-sector.

Mr. Speaker, water must be treated as a national development priority. And so I give support and call for support to the Minister to handle. Every section of Jamaica right now is crying out for water. And it is very difficult. And if we are not careful, the Minister of Health is going to be affected by having to spend more money because of the outbreak of all kinds of disease because of this. And I'm asking that we look into this area seriously.

Mr. Speaker, as we have seen, Jamaica is in a time and at a place where we are hitting new lows. It is a time when the very pride and dignity of our people have been eroded. The most basic activities are met with a wave of indignity, fear and anxiety. The indignity now associated with going to the supermarket or the shop; the indignity of wanting to pay your bills and being unable to do so; the indignity of trying to prepare a payroll by calling to beg for an extended overdraw again; the indignity of Jamaican travellers holding their breaths when checking in at the airports because their visas may have been cancelled; (Applause) the indignity of workers being insulted simply for asking that their Government keeps its

commitment; and the further indignity of being unable to pay their bills because the Government won't keep its commitment. (Applause)

The indignity, Mr. Speaker, of facing the landlord, the banker and the bailiff. The indignity of a tax team and TV camera showing up at your church, office or business. The indignity of Air Jamaica workers learning that this is their last flight on the day that they turn up for work. The indignity of students being de-registered and not being able to take their exams. (Applause) Mr. Speaker, the great indignity of simply wondering which might be the day that you and your children will not be able to take a bath.

We know that as Jamaicans, our forebearers fought to maintain their dignity, from the plantation to the picket line. From farmlands to factory. From being unemployed to business owners. And they did so by maintaining a sense of community. Within communities, Mr. Speaker, we learnt to keep our heads high. To polish our shoes brightly even when they had holes. To farm my land today and your land tomorrow because there is strength and power in number and unity. To reap the last hill of yam and to take a piece for our neighbours. To cook the little we had and still take a plate of dinner for the elderly neighbor around the comer or someone who is ill.

Through communities, Mr. Speaker, we learn to throw a partner and run-a-boat. Mr. Speaker, we still believe in the power of the family and of community. Our philosophy has always been, together we can. So, Mr. Speaker, although it seems as if in this glorious land of wood and water, the river of hope has run dry, it is in this very time of great indignity that we call on the leaders at all levels of the society to create that sense of community.

We call on the leadership of our country to help our people to pull themselves up to full height and with all the dignity, pride, resolve and determination we can muster and move this nation forward. With each step, hope must be regained. Each bead of sweat along the journey must represent honest, dignified effort. (Applause) We stand here today in the dry river bed, but we know that there is a fountain on the other side of the mountain. And, Mr. Speaker, we know in our hearts of hearts, how to get there. We will take the journey up the steep and treacherous mountainside to get to the wellspring of pride, dignity and prosperity once more.

But, Mr. Speaker, effective leadership on the journey is as important as our collective will. (Applause) And as we go on that journey, both sides along with the people, we must not be threatened and beaten, insulted or injured. That mode of leadership will not take us there. As leaders, it is our role to build up, not break down the resolve, pride and dignity of the Jamaican people, Mr. Speaker. (Applause) It is our job to encourage, not whip, to discuss not punish, to consult not insult, to build up not destroy, to empower not to embarrass. The route chosen by our leaders, Mr. Speaker, must take us closer, not further from the wellspring. (Applause)

Mr. Speaker, we know that this nation can only get to the fountain hand in hand, Government and Opposition and the entire nation, with the strongest helping the weakest among us. As a community, Mr. Speaker, we need to tell each other, we can do this, one step at a time, even when there is no end in

sight and our heart throbs, our legs burn and we get dizzy and out of breath. As the tears well up in our eyes and things seem impossible. Even if some fall by the wayside, as people will, just to have someone to stop and encourage, you can do this, we can make it, will make all the difference.

Mr. Speaker, we can, we can make it. We can do it. Mr. Speaker, even in this land of wood and water, when the river of hope has run dry in this time we know that if we unite as a people, and recapture the strength and determination of our ancestors, we can do it and we can make it right. And so the words of the poet Jean Wilson as she reminds us that:

It is a strange kind of time
A born again time
A looking up time
Give thanks for this feeling
Of healing
Love on our faces
Light for dark places
Shining so bright
Erasing the night
What a strange kind of time
A looking up time
What a beautiful dawning
Hope in the morning.

Yes, Mr. speaker, a new day is dawning and we see the rising sun. (Applause) We will repair the breach and we will restore the dignity and pride of the Jamaican people.

Mr. Speaker, let us all work together for the good of this country and for all our people. May God bless Jamaica, Land we love. (Applause)

ADJOURNMENT

Mr. GALLIMORE: Mr. Speaker, it's not intended to do any further business today. I therefore move that the House be adjourned until Tuesday, April 22nd at 2:00 p.m. when we will have the presentation of the Prime Minister to the Budget Debate.

A MEMBER: Twentieth.

Mr. GALLIMORE: Twentieth. My apology. Yes. Thank you.

The SPEAKER: (Gavelling) Members, the motion before the House is that this Honourable House do adjourn until Tuesday, 20th April at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavelling) This Honourable House stands adjourned.

The House accordingly adjourned at approximately 4:57 p.m. to Tuesday, April 20, 2010 at 2:00 p.m.

TUESDAY, April 20, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.12 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Finance and the Public Service.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry and Commerce.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Culture, Sports and Culture.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

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

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.12 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome all the persons sitting in the Gallery, members of the Prime Minister's staff who are here, the Cabinet Secretary, the Permanent Secretary. Also welcome to the Prime Minister's family, MRS. LORNA GOLDING and his daughter who are sitting with us in the Well (applause). Also I see the Prime Minister's son is sitting in the Gallery and all the members of his family.

(HON. ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning, Development and Defence, entered and took his seat.)

(HON. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security, entered and took his seat.)

(HON. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works, entered and took his seat.)

(HON. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister, entered and took her seat.)

(HON. MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Commerce, Industry and Investment, entered and took his seat.)

(MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, entered and took his seat.)

Please enjoy the sitting of the Parliament this afternoon.

I just would like to urge everyone to just check on your cellphone to make sure it is either off or on silent or vibrate. And please you cannot converse or participate in the sitting of the Parliament. You cannot clap or cheer. You must just enjoy the sitting from

where you are. But do enjoy the afternoon's sitting of Parliament.

Thanks.

(HON. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy, entered and took his seat.)

ANNOUNCEMENTS

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

- **Ministry Papers 35 to 40**
  Agricultural Development Corporation Annual Report and audited financial statements for the period 1999 to 2005
- **Ministry Paper No. 41**
  Reforms to the National Insurance Scheme
- **Ministry Paper No. 42**
  Office of the Cabinet
  Annual Report for the financial year 2009/2010
- **Ministry Paper No. 43**
  Office of the Prime Minister
  Annual Report for the financial year 2008/2009
- **Ministry Paper No. 44**
  National Housing Trust
  Changes in lending policy
- The Income Tax Act
  (Rate of Interest) Order, 2010 under The Income to Act

BILLS BROUGHT FROM THE SENATE

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

To the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives that on the 26th day of March, 2010 a Bill entitled, "**AN ACT to Provide for the establishment of a department of Government to be known as The Financial Investigations Division for the investigation of financial crimes; and for connected matters"** was passed in the Senate without amendment.

I also have the honour to advise the Honourable House of Representatives that on the 16 day of April, 2010 a Bill entitled, **"AN ACT to Provide for the sharing of credit information between specified bodies, the licensing of Credit Bureaus; and for connected matters"**, was passed in the Senate with seventeen (17) amendments.

Signed: Oswald G. Harding
President of the Senate"

(MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central, entered and took his seat.)

(DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, entered and took his seat.)

(MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern, entered and took her seat.)

(MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, entered and took his seat.)

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

(MRS. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, entered and took her seat.)

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I signify my willingness to take charge of the Bill.

The SPEAKER: Thanks.

Bill shortly entitled:

''The Credit Reporting Act, 2010''

read a first time.

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

(MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker.

The SPEAKER: Sorry.

INCOME TAX (RATE OF INTEREST) ORDER, 2010

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I beg to suspension of the Standing Orders to give notice that at the next meeting of the House I will move:

> Be it Resolved that The Income Tax (Rates of Interest) Order, 2010 under The Income Tax Act which was laid on the Table of the House on the 20th day of April, 2010 be referred to the Regulations Committee of the House of Representatives for consideration and Report.

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

(MR. DERRICK CHARLES SMITH, (JLP), St. Andrew, North Western, entered and took his seat.)

(MR. KERN O'MAR SPENCER, (PNP), St. Elizabeth, North Eastern, entered and took his seat.)

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business today we will receive an address from the Prime Minister. But before we do so we will take the matter, notice of which the Member gave earlier.

The SPEAKER: Mrs….

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

I now move for the suspension of Standing Orders to allow me to take the motion, notice of which was given earlier.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the Member to take the motion, notice of which was given earlier

Put to the House and agreed to.

The SPEAKER: Mrs. Marisa Dalrymple-Philibert.

(DR. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, entered and took his seat.)

(MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, entered and took his seat.)

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I ask that the motion be approved.

The SPEAKER: Members, the motion is before you.

Put to the House and agreed to.

The SPEAKER: Motion approved.

Prime Minister? (Applause)

BUDGET DEBATE

The PRIME MINISTER: Mr. Speaker, there are many persons to whom I owe a great debt of gratitude for the hard work that they do, for the tremendous service that they render, for the assurance that they give me every day that I can rely on them. Time doesn't allow me to acknowledge and recognize them individually and by name, but I want them to know how appreciative I am of the support that they continue to give me.

Mr. Speaker, every government in presenting its budget desires to be able to offer more, to do more, to spend more. Budget debates are traditionally the occasion for grand announcements of projects and programmes to address every possible need, to satisfy every important segment of the population. And, you know, for many people that is the standard by which governments are judged. That is the standard by which budgets are assessed. A good budget is one that is loaded with goodies and a good government is one that presents good budgets. We are not short of needs, Mr. Speaker. We need to fix more roads, we need to provide more water, build more schools, do more for health care, more for our pensioners, more for our children that are at risk.

The Leader of the Opposition spoke passionately about the needs of the poor and vulnerable and of the difficulties faced even by those who are not so poor, but still vulnerable. She is absolutely right. I say with absolute respect and with no offence whatsoever intended, that she has no monopoly on compassion. We know that many people are having it hard and there are needs to be met. That is what budgets year after year have tried to do, spending more, trying to do more.

Our noble intentions were hardly deterred by the fact that our revenues were not sufficient to cover our spendings. We simply borrowed the difference. And we kept on borrowing the difference. For the last 14 consecutive years we have been spending more than our revenues can cover.

Up until 1995/96 our revenues and grants were sufficient to cover our recurrent expenses, including interest payments. We did have to borrow to meet our capital expenditure and the principal repayment on our debt, but we didn't have to borrow to pay our bills.

I have noted the fact Mr. Speaker, significant or coincident, we don't need to try to determine that here, but I have noted the fact that that was the year we said goodbye to the IMF. Every year since we said goodbye to the IMF we have piled up deficit on top of deficit with an accumulated shortfall of almost $480 Billion. Our recurrent expenditure has grown at a rate three times as fast as our revenues: 76% as against 24%. Yet our needs, ostensibly the object of all these "good budgets" loaded with goodies have still not been met. We still have bad roads that need to be fixed; we still have water supply systems that need to be upgraded; new schools that need to be built and poor people still crying out for assistance.

It is in that context that this budget has been gamed, Mr. Speaker. It is not the traditional budget promising to do more and to spend more leaving the revenues sputtering behind. This year for the first time ever the budget is substantially less than last year's budget and we have started to shrink the gap between what we earn and what we spend. It is a fundamental change in how government does business. (Applause)

Government's business is to govern, not to run the private sector out of business by gobbling up all the money that the private sector needs to do their business.

(Applause)

The Leader of the Opposition says that that is exactly the opposite of what we should be doing. She says that, and I am quoting from her speech, she says that

> "more developed countries and progressive governments have been spending more in order to boost aggregate demand, or to put in language that the ordinary man understands, to make money run". (Cross talk)

And she says that that is what we also should be doing. The important difference, Mr. Speaker, is that those countries had built up surpluses that they were able to use to finance the big spending to boost aggregate demand and to make money run.

I note with some interest that this was not the position taken by the Opposition spokesman on finance. He pointed to the impact that the budget cuts would have but he didn't suggest that what we should do is to spend more. The Leader of the Opposition on the other hand says we must spend more, make money run. How come?

Government MEMBERS: How come? (Laughter/Applause)

Mr. HOLNESS: That's how come we are here. (Laughter)

The PRIME MINISTER: Yu disturbing mi speech.

Mr. Speaker, we might have been tempted to do just as we have done in the past, so long as we could keep borrowing to pay for what our revenues would not cover. When we got clobbered by the global recession, that game was over. The fallout in bauxite, in remittances, in exports, in revenues and in the financial markets changed that ball-game. We were facing a crisis of monumental proportions.

The Minister of Finance has recounted the strategies we used to head off the crisis. The support we were able to mobilize from the multilateral, the painful tax increases that we had to impose, the fiscal compression that we had to apply, the necessary re-engagement with the IMF, and the strictures that come with that.

We weren't able to mount the massive stimulus packages that some countries did, as I said, they had surpluses, we didn't find any when we got here, and we weren't able to build up any in the few months that we had before the recession hit us. We did as much as we could in terms of stimulus and it helped as much as it could. What we couldn't do was to try to spend our way out of the crisis because we would have had to borrow every single dollar of what we spent, digging ourselves deeper into the hole.

As the data showed, Mr. Speaker, the economy registered a 2.7% decline last year. Unemployment rose from 10.6% to 11.4% that is a matter of real concern to us. The statistics are bland and impersonal, but the impact on the people, the effect on people's lives is cold and harsh. People have lost their jobs, the small traders who spend their whole day in the sun and hardly are able to make a sale, the struggling families that have to juggle between paying the rent and buying food. No one needs to dramatize to us, Mr. Speaker, the hardship that people are going through.

And you know, I know, 1 know, that this is grist for any Opposition mil. I neither begrudge them that nor do I deny them their moment in the shade. I also know it is no comfort to those who are suffering, but the performance of the economy last year must be put in perspective. Is it not remarkable, Mr. Speaker, is it not remarkable that in her two-hour presentation, not even once did the Leader of the Opposition mention the global crisis and the impact that it has had on Jamaica, not even once. And, therefore, I ask, how come?

We are an island, but in this economic turmoil we are not an island unto ourselves. And let me use one illustration, just one. We don't consume one ounce of the bauxite or alumina we produce, every grain of it is exported. It accounts, Mr. Speaker, in normal times for more that 50% of our total export earnings. So when the global market for bauxite and alumina collapses as it did, and three of our four alumina plants were shut down, one-third of our export earnings was just wiped out before our very eyes. Not to mention the substantial loss in revenues. Do we understand what that means? Does the Opposition understand what that means?

Indeed, of the 2.7% that we - that the economy declined last year, bauxite and alumina account for 1.9% of that 2.7%, to just indicate to you the impact that that industry alone had on economic fortunes.

Yes, our economy fell, last year by 2.7%, but you know - and it is important that we know these things, you know, because we have a tendency sometimes to beat each other into the ground. You beat me into the ground and I beat you into the ground. We fell by 2.7% last year, but despite the massive stimulus packages that some countries were able to mount, the economies of most countries of the world also fell, some of them worst than ours.

Let me give you some examples. We fell by 2.7%, the United States fell by 2.4%, did better than us. Trinidad with all its oil and gas fell by 3%, Spain fell by 3.6%, Puerto Rico 4.5%, the United Kingdom, their economy declined by 4.9%, Germany 4.9%, Italy 5.1%, Barbados 5.3%, Japan 5.1%, Antigua 6.5%, Mexico 6.8%, we fell by 2.7%, and the Opposition wants to crucify us for that. How come?

Government MEMBERS: How come?

The PRIME MINISTER: Now, seen in this context, Mr. Speaker, our 2.7% decline last year is nowhere as bad as it could have been. And for that we must acknowledge the significant contribution made by the agriculture and tourism sectors. (Applause)

AGRICULTURE

Agriculture, Mr. Speaker, grew by 12.1%, an outstanding achievement in a time of weak purchasing power. (Applause) And there are at least some persons who appreciate the significance of that achievement.

Farmer Joe didn't call me on phone, he came to see me. (Laughter/Applause) He said to me, Mr. Speaker, he said to me, in his own inimitable style, "me and mi neighbour, voted for labour, and we are a part of that 12½%. (Applause) And he was so, determined...

Mrs. SIMPSON MILLER: That is not what he told me on Sunday.

(Laughter)

The PRIME MINISTER: Well, we are

going to put that to the test because so proud is he, that he is part of the 12½% that he is here today. Farmer Joe. (Farmer Joe stood in the Gallery) (Laughter/Applause)

Next year, I want you to step it up, I want you to make it 15% for me next year. (Applause)

TOURISM

In tourism, Mr. Speaker, Jamaica led the entire Caribbean with a 3.6% growth in stop-over arrivals, despite the global downturn. And for the performance of these two sectors, I want to publicly commend-the work and the leadership of the Minister of Agriculture and the Minister of Tourism and the team that they lead. (Applause)

Mr. Speaker, the Opposition has attacked the budget as not being credible, that is what they say, it rings, not like a bell, but it rings like a - and you know, they based that assertion on the fact that our targets and projections had to be revised more than once, and in the outturn some of those targets and projections were not met. If that charge is to be upheld, Mr. Speaker, it could not be confined to this Government alone, it would have to be directed at many leading economies of the world and institutions such as the World Bank, the IMF, the Federal Reserve. They too would have to be declared as not credible. The World Bank, and the IMF and the Federal Reserve were all forced to revise their projections for GDP growth last year, downwards, not just once, but in the case of the IMF three times in the course of the year. We did not meet, and even then two of the three still ended up getting it wrong, notwithstanding the fact that they had made these consecutive revisions.

REVENUE COLLECTIONS

We did not meet our revenue target last year, it fell short by 10%, but we did increase our revenue collections by 8%, due in part to the tax increases that we had to impose.

The United Kingdom on the other hand, listen to this, the United Kingdom saw a fall in their revenue collections of 8% and in the United States revenue collections fell by 14.6% as a percentage of GDP, the worse that they have seen in 50 years. And yet they say that we did not manage the economy as best as the circumstances would allow. How come?

MEMBERS: How come?

The PRIME MINISTER: Our fiscal deficit, Mr. Speaker, ended up at10.9% due to the fallout in the economy, but in part to the payout that we had to make in relation to the Debt Exchange programme. Our deficit 10.9%, the deficit in the United States was 12.9%, and in the United Kingdom 11.8%. But, how come?

The number of unemployed in Jamaica rose last year by 22%, again something that we worry and concern about, 22% increase in the number of unemployed persons. In the United Kingdom it rose by 35%, in the United States 60%. Can you imagine 60% increase in the number of unemployed persons in one year? That was what America experienced last year. And we can't discuss what happened in the Jamaican economy as if we are isolated, insulated, separated from the rest of the world.

PUBLIC DEBT

The Opposition highlights the fact that the public debt has grown by 55% in the last two years again, something we worry about worry about. The Minister and myself we talk about it almost every day and we watch it. But when

a country suffers the kind of body blows that we have, even as you cut your expenditure, you have to borrow to fill the gap. We can't say to the policemen, we can't pay you your salaries this month, we have to wait until the bauxite sector gets back to normal. We have to go and borrow the money, and hope that the bauxite sector gets back to normal quickly so that we can pay back the money that we borrowed. But again we are not different from many other countries. In the last two and half years, I am using the same period. In the last two and half years during which time our debt went up by 55%, the debt in the United States went up by 60%, and in the United Kingdom by the same as us, 55%.

In this unprecedented global crisis, not even the most respected economist could see through the storm with any accuracy. If that is the Opposition's measure of credibility then we are in incredibly eminent company, and it is the Opposition that is incredibly out of step. (Applause)

All of what we seek to do, Mr. Speaker, reflected in the structure of this budget is part of a process of change. We cannot change the fortunes of the country overnight especially in face of the difficult times the global economy is going through. We did not get into this predicament overnight, and it will take time to get out of it.

Yes, we have been through tough times and it is not yet over. It has not been easy. It still is not easy, but with God's help we have guided this country through the worst economic crisis it has ever faced. And this Government, the Ministers who work hard, the Members on this side who support us, are prepared to stand by that process of change and to see it through, no matter how tough and challenging it gets. (Applause)

We may have faltered at times, Mr. Speaker for the road has many dangers, toils and snares. At times when the nation demanded immediate action we may have appeared contemplative because the country has never been on such a battlefield before. We may not have communicated with the people as well as we should have because the heat of the battle doesn't always allow for extended conversation. We are working to improve that, so much so that it has attracted the attention of the Leader of the Opposition.

(Applause)

We may be battered and bruised, such is the inescapable casualty of a fierce battle. But our courage his never wavered, our resolve is firmer than ever, our troops are advancing. It was Winston Churchill who said, "if you are going through hell don't pause, don't stop there, keep going" and we have kept going and victory, Mr. Speaker, is in sight.

(Applause)

The Minister of Finance, despite his detractors, the many detractors who pounced on him from the very day he took office, he has done well.

(Applause)

He has faced the most difficult task of any Finance Minister in the history of this country.

(Applause)

And he and his team deserve our respect and our condemnation - our commendation.

(Laughter)

A MEMBER: Hear, hear!

(Applause)

The PRIME MINISTER: I need some more juice.

(Laughter)

Dr. DAVIES: They can't do that to you

publicly, Audley. I gwine back you.

(Laughter)

The PRIME MINISTER: I know of some people who are not far from me right now who deserve a little condemnation.

(Laughter)

Mr. GALLIMORE: Give it to them.

The PRIME MINISTER: No, no. I not going there today.

(Laughter)

The Opposition spokesman on Finance questioned the delay in the publication of **the Survey of Living Conditions**. A legitimate question, a legitimate concern. The delay is due to a variety of factors including the fact, which I think he knows, that periodically you have to do a massive sample which was what became necessary for the 2008 survey. It naturally involves more time. In addition we went into the field late and it was impeded by some other problems including weather problems at the time. All the material is in. It's being processed, I think it's being reviewed now and I have been given the assurance by the PIOJ that it will be published in July and then, because it is coming so late, the SLC for 2009 should be ready for publication in October.

Mr. Speaker, we have asked the people of Jamaica for their patience and their understanding. We know how tough it is, especially for the poor and the unemployed, the low wage earner and even for the middle class. We see them in our constituencies; we know the difficulties they are facing. Despite the tight fiscal constraints and our obligations under the IMF Programme we have sought to provide support for the most vulnerable by significantly expanding our social safety net programmes. The Minister of Finance has already enumerated the figures but they are worth repeating.

PATH PROGRAMME

We have more than doubled the allocation for the PATH Programme since we came to office and increased the number of persons receiving benefit by 50 per cent. So what we have done, we have increased the number by 50 per cent, we have doubled the provision so that the people are getting more and more people are giving than was the case in the past. And 1 don't know how this can be looked at as something that is so incidental, when at a time like now it means so much to people who are in need.

We are going to create a new category of beneficiaries, Mr. Speaker, for the very old and disabled. We have a concern. There are persons who are very old, disabled persons who are not on the programme for a variety of reasons, including the fact that when you apply the standard criteria many of them are rejected; maybe because when you add up the points that you give because you have a fridge, you have a stove and you have a TV set the process rejects them and yet these are persons who have special needs because of their infirmity or disability.

The World Bank last week approved a grant of US$2.6 Million funded by the Japan Social Development Fund to enable us to target this vulnerable group. We estimate, Mr. Speaker that some 10,000 persons will benefit through this intervention. (Applause)

How come you say we don't care for the poor?

Many children, Mr. Speaker, children of the poor go to school without having had a proper meal. Hungry children cannot be

expected to learn. In two and a half years we have tripled the allocation for the School Feeding Programme, we have doubled the number of children who are benefiting under the Programme and yet they say we don't care for the poor. How come?

(Applause)

MEMBERS: How come!

SCHOOLS/TUITION FEES

The PRIME MINISTER: We gave a commitment to abolish tuition fees in high schools so that no child would be kept out of school because his parents who have to find the bus fare and who have to find the uniforms can't find the school fees. We have kept that commitment and despite the financial constraints we are going to keep on keeping that commitment because education is the ladder for the poor to escape from their poverty.

(Applause)

COST SHARING

I'm a little perplexed, Mr. Speaker, because the Opposition spokesman on finance says, we should reinstitute the Cost-Sharing Programme so that those who can pay are made to pay. He says what we should do is we should apply a means test to determine those who can afford to pay. There are some questions I really want to pose. How is that means test to be conducted? By interviewing the parents at school? What sort of accuracy can you hope to get from that? What means of validation will you use? Do you check to see whether they have a fridge or a TV, or how many cellphones they have in the house? Who is going to do the checking?

(Laughter)

(At approximately 2:53 p.m. the Speaker indicates that the Prime Minister's time for speaking had expired and a motion was moved by the House Leader for an extension to allow him to complete his presentation.)

Motion put to the House and agreed to.

The SPEAKER: Prime Minister.

The PRIME MINISTER: I'm much obliged to the House Mr. Speaker, and to you. What is the yardstick we going to use to try and determine who are the people who can afford to pay. And after we do all of that, what percentage of those children will eventually be deemed to be able to pay, ad how much will you be able to collect from those and how much of what you collect from those you are going to have to use to pay for the cost of the expensive means test that you have had to do? We are not going back there, Mr. Speaker. And you know, come to think of it, I don't recall hearing the Leader of the Opposition say that we must go back there either.

A MEMBER: How come?

The PRIME MINISTER: So how come the Opposition spokesman on finance is saying we must put back the school fees?

(Applause)

ABOLISH HOSPITAL FEES/USER FEES

We have kept our promise, Mr. Speaker to abolish hospital user fees because when people get sick they must not be forced to stay home and die because they can't find the money to pay the hospital charges. (Applause)

And although funds are tight that commitment is here to stay.

Sure it posed challenges. Yes, more people are coming to the hospital seeking medical attention, seeking medication, but is

the Opposition concerned enough to try to figure out where they used to go when we used to charge them at the hospital?

A MEMBER: Nowhere.

The PRIME MINISTER: Yes, Mr. Speaker, the removal of user fees has put strain on the supply of drugs. We have responded. Since user fees were abolished we have doubled, doubled the allocation provided for the purchase of drugs for our hospitals.

(Applause)

We are sourcing cheaper drugs so that the money that we have can stretch even more to buy more drugs. Tomorrow the Minister of Health will be signing contracts with 44 suppliers valued at $2.3 Billion for the purchase of drugs, representing a savings to the country of more than $400 Million to make sure that the people can have access to drugs.

(Applause)

Mr. SHAW: Management.

The PRIME MINISTER: The Opposition spokesman on Health insists that we must re-impose hospital user fees.

Dr. FERGUSON: That's not true.

The PRIME MINISTER: Well, that's the only interpretation that one can get from the statement that you make.

Mr. SHAW: And repeated it several times.

Dr. FERGUSON: Not true.

Government MEMBERS: How come, how come?

The PRIME MINISTER: Those, Mr. Speaker, who perhaps use the cleverness of language but who want to rollback this progressive agenda.

(Laughter/Applause)

I say, I say in the words of a mutual friend of ours, faget it!

(Laughter/Applause)

(Heckling)

We need to try and see if we can understand some things here. I've never heard the Leader of the Opposition say we must start charging people in hospitals; I've never heard that out of her mouth. But when you listen to the questions that are posed in Standing Finance Committee and the statements that are made out there in the news releases that are issued, the impression that we have - let me not put it any stronger than that - the clear impression that we have is that the Opposition spokesman, notwithstanding the Leader of the Opposition's compassionate approach...

Mr. GALLIMORE: Which leader?

The PRIME MINISTER: The Opposition spokesman on health seems to us to be suggesting that we should put hospital charges. How come?

MEMBERS: How come, how come?

(Heckling)

DIALYSIS CENTRE

The PRIME MINISTER: Mr. Speaker, the Leader of the Opposition reminded me that we have not built the Dialysis centre as we had promised. True, true. Conditions have not allowed us to do that. What we were able to do, despite the conditions, was to increase the number of dialysis machines in our hospitals from 38 to 63, we did that. (Applause) Including six (6) machines at the Spanish Town hospital that never had any before.

(Applause)

And the Member for Central St. Catherine, and I would say too the Member for South

Central St. Catherine as well, they know how that one come. We are doing everything possible to ensure that as many kidney patients as possible can receive the treatment they need to keep them alive.

N.I.S./NI GOLD

Mr. Speaker, let me turn to the National Insurance Scheme because that is a lifeline for thousands of persons when they get old and can no longer work. The Opposition spokesman on finance has expressed concern that the cost of NIS benefits as well as its contribution to the National Health Fund and the NI Gold Programme exceeds the inflows from NIS contributions and he says that this is because of the Debt Exchange programme. That's not true, back that's not entirely true.

In fact, contributions have been falling below benefit payout, first in 2004. It got back over the line in 2005. But from 2006 it has been below the line again, every year, growing. And we acknowledge that. And it is something that we have to examine very carefully. So, it's not just the Debt Exchange programme.

Now, the point had been made about the loss in interest income that the National Insurance Fund will experience as a result of the reduced interest rates arising out of the Debt Exchange programme. The fact of the matter though is that interest income fluctuates with changes in interest rates. It will decrease if there is a fall in the rates and it will go up if interest rates increase. And those fluctuations can come about not just because of a debt exchange propamme. They can come about as a result of normal monetary policy. Even fixed rate instruments. If the Fund buys fixed rate instruments and feels that it is safe in that fixed rate, and then we find that in a year's time interest rates go above the rate at which you are fixed, it means that the Fund is losing the opportunity value of that money. It is the nature of the money market.

The Government has taken the decision, Mr. Speaker, to increase the wage cap that is used in calculating NIS contributions. We are lifting it from $500,000 to $1 Million. What happens up to now is that anything you earn over $500,000, no NIS calculation is done. We are lifting that cap to a million. Although this will increase the value of the contributions and mitigate the reduction in interest income arising from the debt exchange, the Member - the Opposition spokesman on finance knows from discussions we had at Jamaica House from May last year that this is something that had been planned, not brought about because of the debt exchange. And the increase in the cap...

(*Sotto voce* comments)

And the increase in the cap...But let's be logical. Let's be logical. The increase in the cap is necessary to simply restore the value that has been lost through inflation. The cap was last set in October of 2003. Inflation between October 2003 and now is 115%. We have doubled the cap, which means that even with a hundred per cent (100%) increase in the cap, we are still below the real value of what the cap was when it was last increased in 2003.

There are issues of concern. The widening gap between the benefits that are paid out and the contributions that are paid in. The fact that people are living longer and therefore require more extended periods of pension payments. And importantly, Mr. Speaker, the fact that persons who joined the scheme at an early

stage in their working life, but joined the scheme when it was formed in 1966, those are now reaching pensionable age. So we are now getting the full pension load. Even from the young people who were in the scheme in 1966 who are now arriving at the age where they are entitled to pension.

The last actuarial review was done in 2005. The next review is to be carried out this year, Minister, I believe I was told. And that will provide us with the basis for determining what changes need to be made in order to ensure the sustainability of the Fund over the long term without diminishing the value of the benefits to contributors.

Let me assure the House; let me assure the Member that the Fund remains robust with a net asset value as at the end of February, of $61 Billion. (Applause)

Mr. Speaker, NIS benefits were last increased in 2008. The increased contributions arising from the lifting of the wage cap will enable us to increase the benefits to pensioners and other beneficiaries without impairing the value of the Fund.

It will also increase the flows to the National Health Fund which commands 20% of NIS contributions.

The increase in the wage cap from $500,000 to $1 Million will take effect on June 1, 2010. NIS flat rate contributions payable by domestic workers, self-employed persons, voluntary contributors, which has remained at $20 a week for many, many years, that will be increased to $50 per week effective June 1, 2010. And effective the same date, Mr. Speaker, pension benefits payable under the National Insurance Scheme will be increased by 20%. (Applause)

MATERNITY ALLOWANCE, ETC.

Other benefits, including maternity allowance, employment injury disablement and death benefits, funeral grants, old age grants, invalidity grants, widows and orphan grants, will be increased by rates ranging from 11% to 33 1/3% (Applause)

Benefits under the N1 Gold Programme such as payment for prescription drugs, diagnostic procedures, dental and optical services, those will be increased by rates ranging from 25% to 50%, (Applause)

The details of the various increases are set out in a Ministry Paper which was tabled today by the Minister of Labour and Social Security. The NIS provides for pension eligibility at age 65 year for men and 60 years for women. This is a matter that has been under consideration for a long time. Typical pension schemes make no such distinction. In the public sector, for example, the eligibility age for pension is the same for men as it is for women. It is proposed, Mr. Speaker, to unify the eligibility age for NIS pension on a phased basis. Commencing in 2011, the pension age for women will be increased by one year each year, until it equates with that for men, that is, 65 years in 2015.

PENSIONERS

Mr. Speaker, Government pensioners are not to be left out. There are over 25,000 persons currently in receipt of government pension. The adjustment to the budget that the Minister of Finance sought during the Standing Finance Committee included a revision of $500 Million for increases to Government pensioners this year. There is a normal process of consultation with the Jamaica Government Pensioners Association

before a final decision is taken as to how the increased amount is to be applied. These consultations will commence shortly and the Minister of Finance will provide the details to the House in due course as to what will be the rate of increase for government pensioners.

N.H.T.

I turn now, Mr. Speaker, to the National Housing Trust. The ability of the NHT's homeowners to meet their mortgage payments is a matter of concern, the Leader of the Opposition raised it, particularly in times when they are faced with as many challenges as confront them today. The Board of the National Housing Trust has approved the following new measures.

Mortgage rates will be reduced by 1% across all four (4) income bands. (Applause) And let me just explain quickly what this means. Persons who are earning more than $20,000 a week who now pay 8%, that will be reduced to 7%. People who earn between $10,000 per week and $20,000 per week and who pay 6% now, that will go down to 5%. Those between $7,500 and $10,000 a week who are now paying 4%, that will be reduced to 3%. And those who earn less than $7,500 a week who are now paying 2% on their mortgage, that 2% will be reduced to 1%. (Applause)

There is another category of NHT contributors, Mr. Speaker that we feel we need to do something special for. There are many contributors who are past the prime of their lives, who do not own a house, have never owned one and whose hopes of ever owning one are fading as fast as they get older. We must do something to improve their chances.

Accordingly, first-time applicants to the Housing Trust who are 55 years and over, and who have contributed to the Trust for at least 10 years will qualify for a 2% reduction in their mortgage rates. (Applause) Which means at the high end if they would otherwise have paid 7%, they will pay 5%. And in the middle, if they would otherwise have paid 5% they pay 3%. It will not apply, of course, to the very low end because you can't take away 2% from 1%. Right? But it means that those who would have been above that benchmark will be able to benefit.

Thirdly, Mr. Speaker, the Housing Trust will allocate 40% of its pre-tax profits - pre-tax surplus at the end of each quarter to provide subsidies to selected mortgage applicants who earn less than $10,000 a week, (Applause) and again, who have been contributing to the Housing Trust for at least 10 years.

Let me try and explain - don't want to take up too much time. You have a scheme and you have people who have applied, and there are persons who having been processed and assessed cannot afford the house. But on the same points system, if they were provided with a subsidy, then it means that they would be able to benefit from - they would be able to purchase the house. As I say, it will be limited to those who have been contributing for at least 10 years and it will be limited to 40% of the pre-tax surplus declared at the end of each quarter. And therefore, they have to use the points system to see now... because there will be more people than the funds will be able to provide for. So you'll have the points system to do that selection. (Applause)

Fourthly, Mr. Speaker - and this one I think is going to make quite a difference. Some first-time home buyers find that even

though they may be able to manage the mortgage payment they cannot find the cash to make the downpayment. But these are persons who have been contributing to the scheme, so they have already invested in the Trust through the contributions that they make.

In order to enable them, Mr. Speaker, to own their own home, we have decided to abolish the requirement for a downpayment when purchasing a scheme unit for the first time. (Applause) They will however, be required to pay the legal costs, the lawyer fees and professional services. (Applause)

And let me also point out, Mr. Speaker that this provision is only applicable up to the ceiling that exists for a NHT mortgage loan. So, if somebody is buying a house that exceeds the ceiling, this only covers that portion of the cost of the house up to the ceiling that is prescribed by the Housing Trust.

Mr. Speaker, in order to keep down the price of housing units, and to encourage private developers to build affordable houses for NHT beneficiaries, the interest rate charged on interim construction loans will be reduced from 8% to 3%. (Applause) But let me indicate the *caveat*. This reduced interest rate loan to developers will only be made in relation to 2-bedroom units that are delivered at a cost not exceeding $5.5 Million and studio units... (Applause) ...and studio units where it is delivered to the Housing Trust at a cost not exceeding $3 Million.

We are saying to private developers, use your expertise, your creativity to see how you can reduce the cost and to the extent that interest rates, even though they are coming down, may contribute to the cost, we will help through these special rate loans. But understand, we want it for those persons in the Housing Trust pool who have difficulty in buying a house because the price is too high. Help us to bring down the price and we will help you to build the house. (Applause)

Mr. Speaker, we are trying to do some more. And this one is going to have - again I believe it is going to have a significant impact on...

A MEMBER: On the poor.

The PRIME MINISTER: ...on those persons who have longed to buy a house and applied and they are not qualified, and so on. There are many NHT contributors who cannot buy a house because their income cannot support the mortgage. They look at a house, two bedroom house, they have three children, four children, they may have a mother - sick mother living with them, they need a two bedroom house, but they cannot afford it. Their money, their income, their wage cannot support it. We are going to be introducing a Deferred Mortgage arrangement.

And let me explain how this works. If that applicant can qualify for a mortgage that would be the equivalent of 60 per cent of the cost of the house, what we will do is issue two mortgages, one for the 60 per cent that they will have to service and one for the 40 per cent that we are going to suspend until some time in the life of the mortgage when, maybe, their circumstance is improved and they can take it up.

(Applause/*Sotto voce* comments)

A MEMBER: Brilliant, brilliant!

The PRIME MINISTER: Mr. Speaker, it is a limited benefit, and let me hasten to explain why. Because there is a limit to how much of the Fund's resources it can use to do that because what you are doing is deferring the recovery that you need. And therefore, it is

going to be limited to 10 per cent of the units in any scheme. So that if you are doing a scheme of 300 houses, thirty of those will be the subject of deferred mortgage for those persons who need it.

(Applause)

MEMBERS: How come!

The PRIME MINISTER: In effect, Mr. Speaker, in effect, it means that they will be able to buy a part of the house now, occupy the whole of the house now, and pay for the rest of the house later on. That's what it means.

(Applause/*Sotto voce* comments)

Persons accessing Build on Own Land loans and Construction loans are currently required to start repaying the loan six months after they have got it in month seven. We are going to extend that period to 12 months; so they won't have to start until the 13th month. They must go and build their houses...

(Applause)

We are increasing, Mr. Speaker, the maximum - the ceiling for loans that can be granted by the Housing Trust. The ceiling for scheme units, openmarket purchases and Build-on-own-land units, is now $3.5 Million, we are increasing that to $4.5 Million.

(Applause)

Service lots will move from $1.2 Million to $1.5, Construction loans will move from 2.3 Million to $3 Million and Home Improvement loan to fix up what you already have, the ceiling for that will move from $1.2 Million to $1.5. And, of course, appropriate adjustments will be made in cases where you have two persons - two joint applicants for the houses. There are various other changes in the housing benefits policy, details of which are set out in the Ministry Paper which was Tabled earlier.

Some of the measures, Mr. Speaker, will take effect, or have already taken effect as of 1st April. There are others that require more detailed administrative changes; those will become effective on 1st July of this year.

In facilitating these changes, Mr. Speaker, we must ensure that we don't impair the sustainability of the Trust. When the higher-end mortgage rates were increased in 2008, it was because the average interest rates charged on NHT loans were reduced below its cost of funds. In order to ensure that we don't return to that position which is unsustainable, interest rates paid on contributors refund will be reduced from 3 per cent to 2 per cent.

And just before I move on, Mr. Speaker, can I just congratulate and welcome MRS. CECILE WATSON, who has been appointed the new Managing Director of the National Housing Trust.

(Applause)

I want to turn, Mr. Speaker, to an issue that has taken up quite a bit of attention that has to do with outstanding payments due to public sector workers. There are various groups of public sector workers that have been agitating, not without a cause. There are monies owed to them that we know we have to pay, but we simply cannot find it at this time. The amounts agreed, but still outstanding, for various groups of public sector workers, total $13.4 Billion of which $9.4 Billion was due to be paid this year, and $4 Billion over the two subsequent years.

These outstanding obligations represent commitments made before the deterioration in our fiscal situation, and before the compression measures that we had to apply. The provision in this year's Budget to meet these outstanding payments is only $2 Billion, hence, the dilemma that has led to unrest

among public sector groups. We understand their anxiety. We have asked them to understand the predicament that the country is in.

The Opposition has accused us of showing disregard to public sector workers. That is simply not true. The Government has not been stingy or unreasonable. As the Minister of Finance has already pointed out we increased public sector wage bill by 50 per cent in the last two years, 50 per cent in the last two years. There cannot be anything stingy or unreasonable about that. It is the retroactivity, the back-pay that we are grappling with. And it is that that requires more money than we are able to find at this time. We have had to freeze wages until we recover sufficiently.

Some countries like Ireland, and Greece, and even Turks and Caicos, applied more severe measures. They reduce sector wages. They just went and sliced something right off the top. Other countries have reduced the work-week for public sector workers in order to contain expenditures. We cannot afford, Mr. Speaker, to jeopardize the recovery programme or else all of us, not just public sector workers, all of us are going to suffer.

You now, let me say this. There have been times when in the heat of contentious discourse, words have been spoken on both sides - on both sides, that have caused - and 1 am not talking here, with public sector representative groups, and so on, but words have been spoken that have caused offence. And to the extent that I, or any of my Ministers, have been guilty of that, whether in reference to teachers, nurses, police, whatever, to the extent that we have been guilty, Mr. Speaker, we apologise, and we recommit ourselves to working with them constructively and in a spirit of harmony and mutual respect for the good of the country. For we are all public servants, whether elected or appointed, we are all sonnets of the people.

(Applause)

We are committed to finding a way out, finding an amicable way to resolve the impasse. And to that end, I have invited the leaders of the respective public sector groups to a meeting on Thursday to see how, together, we can find a way that will enable us to move forward.

Mr. Speaker, apart from the context in which the Budget is constructed, it is important to understand its purpose and the direction in which it points. A criticism that has been made, not unexpectedly, is that the Budget is not desired to stimulate growth. I challenge, I challenge that assertion. Budgets that continue on a path of recurring deficits can't stimulate growth. They are the enemy of growth. Budgets that depend on ever-increasing borrowing, crowding our private sector investment, driving up interest rates, and making Government Paper for the most lucrative business in town, can neither stimulate nor sustain growth.

(Applause)

What this Budget seeks to do is to make a paradigm shift, to replace fiscal disorder with a new sustained order of fiscal discipline...

A MEMBER: Hear, hear!

The PRIME MINISTER: ... to contain Government spending, reduce borrowing, cut interest rates and wean money off the breast of Government Paper...

(Applause)

... because it is only when you can do that, that

money will have to start chasing investments, or else it will die. This is what change is about.

Mr. WARMINGTON: Hear, hear!

The PRIME MINISTER: We won't get there, Mr. Speaker, in any one year. Even as we embark on this programme of fiscal transformation, we expect to end this year with a fiscal deficit of 6.5 per cent, down from the almost 11 per cent we had last year, but firmly set to achieve zero deficit by 2014.

The Minister of Finance has enumerated the important policy measures on which this transformation is anchored. There is no need for me to recite them here. I just want to - there are two initiatives, however, that I want to comment on.

A major bugbear in doing business and investing, the things that are needed to facilitate growth and to create jobs, is the frustration posed by government bureaucracy.

Mr. WARMINGTON: Hear, hear!

The PRIME MINISTER: It is not as bad, Mr. Speaker, as some make it out to be, but it is nowhere as good as it needs to be. It still takes too much time to get things done. There are too many unnecessary procedures that have to be gone through, too many forms that need to be completed, too many people that you have to speak with, and too much time to get responses or decisions on simple matters.

PUBLIC SECTOR TRANSFORMATION UNIT

The Public Sector Transformation Unit has completed its review of the structure of government how ministries, agencies and functions can be rationalized for greater efficiency. The next phase involves determining how best to deploy the available human and material resources to support the effective operation of the structure. The third phase, perhaps the most important phase, is to transform public sector practices to align, to calibrate responsibility with authority, and with accountability.

Our philosophy, Mr. Speaker, is for every public sector employee, whether you are at the top, you are at the bottom, or you are in the middle, for every public sector employee to be fully aware of what his or her responsibilities are, and how those responsibilities relate to our national goals for them to have the requisite authority to effectively discharge those responsibilities and to be held accountable for his or her performance in the fulfilment of those responsibilities and the exercise of the authority that goes with it.

It will require more than just a change in management system. It involves a cultural change that will take time to be fully inculcated, but we are beginning the process. Government is the biggest business in the country. It is the most important business in the country, and it must therefore, become the most efficient business in the country. That's the change that we are talking about.

(Applause)

The Privatization Programme is critical for - this is the second of the two issues l said I wanted to comment particularly on. The Privatization Programme is critical for two important objectives. **Firstly**, to relieve the burden of commercial activities that have drained the public purse. And **secondly**, to allow for private capital to make the kind of investment in these entities that the Government is not in a position to make. The

billions of dollars that we have lost in these entities, Mr. Speaker. over the years, are part of what has caused us to be in the predicament we are in today.

AIR JAMAICA

Uppermost on that list, of course, is Air Jamaica. And you know, I appreciate the sentimentality that is attached to Air Jamaica. It is not lost on me. I, too, am proud of the staff of Air Jamaica, the pilot, the flight attendants, the ground staff and maintenance crew. When we look at some of the tragedies that take place involving aircraft from large, well-established airlines, and when we look back at the record of Air Jamaica and see how those pilots and the maintenance crew that support them, put that plane up in the air and put it down on the ground, day-after-day-after-day, and do it with the kind of safety record that they have, it is something that we have to respect.

(Applause)

So we want to commend the pilots, the flight attendants, the ground staff, the maintenance crew. They are not to be blamed for the losses that Air Jamaica has wracked up. Ever since the deregulation of commercial aviation, the airline business has become a cutthroat business, and our throat has been cut. We have run up over US$1 Billion of losses since Air Jamaica was formed. It is just not possible, Mr. Speaker, to sustain these losses any longer, they will kill us. It would have been ideal to keep it in Jamaican hands, but no credible offer was forthcoming. And every study that was done suggest that its chances of success hinges on it being merged with another carrier, in order to achieve the economies of scale that it needs to survive.

CARIB AIR

Caribbean Airlines is committing itself to service the routes that are vital to Jamaica's interest. They will fly these routes under the Air Jamaica flag for at least the initial period and under license from the Government of Jamaica.

We have made provisions in the budget to satisfy promptly all our obligations to the staff of Air Jamaica, some of whom will be offered emploment by Caribbean Airlines. Our recurring losses in Air Jamaica, Mr. Speaker, will finally come to an end. The House will be fully informed of the details of the agreement as soon as it has been concluded. I turn briefly to sugar.

SUGAR DIVESTMENT, ETC.

We have already sold two of the five Government-owned sugar factories. Our attempt to dispose of Frome, Monmusk and Bernard Lodge have so far failed to materialize. We have been able to continue operation at the three factories and preserve the jobs of 2,300 sugar workers through a financing agreement with **Eridania Suisse of Italy,** under which it made an advanced payment of US$15 Million against the delivery of 79,000 tonnes of sugar, which was then used to plant the crop and to get the factories ready. And through that arrangement, a. Speaker, the Government of Jamaica did not have to find a single dollar of subsidy or loan at a time when we would not have been able to find it.

(Applause by Government Members)

For the 2010 crop, the Cabinet has approved a similar arrangement with Tate & Lyle for the provision of 100,000 tonnes of sugar with prepayment of US$26 Million in

year one, that is this year, and a further US$20 Million next year, to again enable us to plant the crop and get the factories ready. This last crop, Mr. Speaker, I don't think there is any time that I can recall when the crop was able to start and you didn't hear that the factory not ready, the machine broke down, the rollers not in place, we were able . . .

Mr. SHAW: And I didn't draw a cheque.

The PRIME MINISTER: …and you didn't draw a cheque.... we were able to move in smoothly.

(Applause by Government Members)

The agreement we had with Tate & Lyle is based on a reserve price of 370 Euros per tonne and a 50/50 share of the profit that is made from the final sale of the sugar. And let me just point out, Mr. Speaker, that Tate & Lyle was selected because it was the debt, it made a better offer than Eridania. Eridania has also made an offer, but when they were evaluated Tate & Lyle's offer was a better offer. And therefore, we are able to say today that the sugar workers can be assured that for the next crop their jobs are secure.

(Applause by Government Members)

But there is more encouraging news, Mr. Speaker, there is renewed interest in acquiring these three factories. Discussions with a potential buyer with strong irrefutable financial credentials are well advanced. This would involve significant investment in factory capacity and in additional acreage. It is not possible to make a definitive announcement at this time; I hope that by the time the Minister of Agriculture speaks in the Sectoral Debate, I hope that he will be able to provide the House with more detail.

And, you know, my good friend the affable Member for Central Westmoreland, declared in this House last year that sugar is dead. (Laughter by both sides) He is going to be proven wrong.

(*Sotto voce* comments/Laughter)

Reports of its death are grossly exaggerated. Sugar is alive, Mr. Speaker, and under this Minister of Agriculture, it will soon get well.

(Applause/Laughter)

And I really want to commend the Minister and the head of the Sugar Enterprise privatization team, MR. AUBYN HILL. I am doing that because he is somebody that has been disparaged; and I really want to commend him for the excellent work that they have done - he and his team - and the Minister, not only to keep sugar alive but to give it the prospects of an exciting new life. I want to commend all of them.

(Applause by Government Members)

BAUXITE ALUMINA - C.A.P.

I turn briefly, Mr. Speaker, to Clarendon Alumina Production. The Government, through CAP owns 45% of **Jamalco**. That's the only alumina plant that is now in operation. What was once considered a strategic investment has become a heavy burden on taxpayers, in part because of fixed price forward sale contracts entered into between 2002 and 2005.

Government MEMBER: How come?

The PRIME MINISTER: A not even going there. I am not even going there. With upward movement in production cost and downward movement in aluminum prices, we found ourselves, Mr. Speaker, in the awkward position where we were losing money on every ton of alumina that was produced at **Jamalco**.

Government MEMBER: How come?

The PRIME MINISTER: So every time we got a news that J**amalco'**s production last month went up, the Minister of Finance let out a groan. Because he knew that every time you put out a ton of alumina, he has to draw a cheque.

Mr. SHAW: They are raiding the barn.

(*Sotto voce* comment by Members)

The PRIME MINISTER: And you know, this is despite the fact that the plant, this is despite the fact . . . let me make the point because it is important that people don't misunderstand. All of this is despite the fact that the plant has been operating at a relatively high level of efficiency and we must commend the outstanding performance of the workers and the management of **Jamalco**.

(Applause by Government Members)

Between the time when the global recession started and now, they have moved the **Jamalco** plant several places up in ALCOA's ranking of plant efficiency. But despite all of that, we have had to provide, the government, the government has had to provide a total of US$176 Million to meet CAP's obligation, and that is in addition to assuming U5$369 Million of debt, borrowed through CAP, some of it used to finance past budgets and some of it used to cover CAP's share of capital investment cost.

We have entered into an agreement, Mr. Speaker, with a Chinese firm, Zhuhai Hong Fan for the sale of CAP. (Applause) That company has an alumina supply contract with the Aluminum Company of China **Chalco,** China's largest aluminum company, and has secured financing commitments from the China Development Bank.

You know, Mr. Speaker, when I was in China recently and 1 had a meeting with the President of the China Development Bank, he mentioned to me very casually, sort of matter of factly, that the China Development Bank is 2½ times the size of the World Bank. (Laughter by both sides) Two and a half times in its assets, 2½ times, and the financing is being sourced from the China Development Bank. The sale is subject to the inherent rights of **Alcoa** our joint-venture partner **Jamalco**, which has a 90-day right of first refusal. But, I thought it was significant that I had a Breakfast Meeting - was it last week Monday?

Mr. SHAW: Last week Monday.

The PRIME MINISTER: …..last week Monday, at which I had representatives of Hong Fan, representatives of **Chalco**, the Vice President of the China Development Bank, the Regional Vice President for Alcoa and they spent two days together. They visited the plant and based on the synergies that I see emerging, we have every confidence that the agreement will be consummated. This again, Mr. Speaker would lift a huge burden from the backs of the Jamaican people.

(Applause by Government Members)

Of significance too is that Hong Fan have given us an undertaking to expand the **Jamalco** plant from 1.2 million metric tonnes to 2.7 million metric tonnes provided we can assure them of adequate supply of bauxite. The Minister of Energy and Mining will give further details on that when he speaks in the Sectoral Debate.

(Applause by Government Members)

AIRPORTS – NORMAN MANLEY AIRPORT - PRIVATIZATION

Mr. Speaker, I turn to the Norman Manley Airport. The privatization of the

Sangster International Airport has gone well and we commend the previous administration. It was a successfully executed privatization.

We have established an enterprise team to pursue a similar strategy for Norman Manley Airport. We have already received expressions of interest from a number of reputable entities.

The Norman Manley Airport, Mr. Speaker, offers significant new economic opportunities - let me just explain why.

Dr. DAVIES: Multimodal.

(Laughter by all)

The PRIME MINISTER: That too.

(Laughter)

One such area of opportunity, Mr. Speaker, derives from the benefits that Norman Manley can offer for easier air travel between sections of Europe and the Far East on the one hand and South America on the other. Let me develop on this a little bit.

Currently, if you are travelling from the Far East to South America or from some parts of Europe to South America, the normal thing is that you make connections at a US Gateway, whether it is New York or Miami, whatever. But in recent times, the US Department of Homeland Security has introduced Transit Visa requirements for all except 36 countries. So that passengers, if you just want to change planes in Miami or New York or Chicago, if you are not from one of those 36 privileged countries, just to change the plane, you are not leaving the airport, you have to apply and you have to get a visa before you can set out on your journey.

Norman Manley which has significant excess capacity can provide a visa free, hassle free connecting point between these two ends of the world. It offers significant possibilities for increase business in the provision of services and supplies to aircraft as well as to intransit passengers. But, Mr. Speaker, it is a window of opportunity that will not remain open for long. There are neighboring countries that, like us have seen this possibility and they are moving and the Minister of Transport and Works understand and is moving fast because he wants to get ahead of that pack. It is something that we are going to pursue because we see significant opportunities through privatization to transform Norman Manley into a strategic hub for transatlantic travel.

PORT OF KINGSTON - TRANSHIPMENT

The Port of Kingston, Mr. Speaker, is a strategic asset because it serves as a major transshipment point for cargo moving between North and South and between East and West. Successful though it has been, it is highly leveraged by debt and its capacity is underutilized, a situation that has been made much worse because of the effects of the global recession on international trade and the volume of cargo that passes through the port.

Its potential goes far beyond the movement of containerized cargo. It can play a significant role in supporting industries engaged in manufacturing, in assembling, in packaging, in breaking bulk and then using it as a distribution centre. Five hundred refrigerators come in here, and twenty of them are sent off to this country and fifteen to that country; it can be facilitated by internet commerce. It can fit into this new age of commercial activity.

The privatization of the port is, therefore, being linked to the plans for the Caymanas Enterprise Zone to facilitate investment in manufacturing, in logistics enterprises that will create far more jobs that can be provided

merely by handling containers. And the Minister of Industry, Investment and Commerce, will expand on that when he speaks in the Sectoral Debate.

Mr. Speaker, some have expressed disappointment that the Budget doesn't contain grand announcements of mega projects costing billions of dollars that we don't have.

(*Sotto voce* comment from Opposition Member)

Mr. SHAW: Congo worm, be quiet! (Laughter)

The PRIME MINISTER: Like the - you know, some of the big announcements that normally come at times like these, like the Petrojam refinery upgrade that would have required us to find US$663 Million.

Mr. ROBERTSON: Our half.

The PRIME MINISTER: Six - yea, that's for our half; the whole thing is US$1.3. Or, you know, Highway 2000, for which we have a debt now of U5$442 Million and climbing. And we will not begin to earn a dollar of the toll that is collected for maybe another eight or ten years. There is a limit, Mr. Speaker, to the weight that you can put on even a camel's back. You can't look to the Budget to finance invest and growth. That is like asking a man who owes every creditor, who can't pay his light bill. . .

Dr. DAVIES: Sounds like Government. (Laughter/heckling)

The PRIME MINISTER: That's like asking that man, why you so wutless? Why you don't go build a factory, and why yu don't go buy equipment and start a business? The man just doesn't have the money, he can't do it.

This Budget, Mr. Speaker, is stretched thin, all of us know that. Capital investment makes up less than 10 per cent of the total Budget, less than 10 per cent if you take out amortization. What the Budget seeks to do is to create the conditions that will facilitate investment and growth, proper fiscal management, reduce deficit, lower interest rate, less borrowing. Confidence building, transparency and accountability, that's what we are into.

We recognize that improving our fiscal dynamics is a necessary but not sufficient precondition for generating growth. The Minister of Finance has already appealed to the banks to demonstrate their commitment to the recovery programme by matching the reduced interest on Government Paper with a commensurate reduction in interest rate charged on loans. And let me say this, we know they can't do it all at once. They have contractual deposit arrangements that will take time to expire. But just as the responded so magnificently to the Debt Exchange programme, we urge them to be as aggressive as they can in reducing lending rates and reinforcing the signal that the change has begun.

Government MEMBER: Hear! Hear! (Applause)

The PRIME MINISTER: The light has turned to green and it is time to rev up the engine of growth.

Well you now, Mr. Speaker, the transformation can't be confined to the fiscal, we need a mindset change. It calls for bold new thinking and innovative practice.

Mr. ROBERTSON: Creativity.

The PRIME MINISTER: You know, there are many investment managers - and 1 don't say this in any disrespectful way, 1 don't want them to misunderstand, it's not their

fault. There are many investment managers that have spent the better part of a generation in which packaging Government Paper was how you designed a good portfolio. Project analysis and risk assessment were skills that they were taught in business school, but they never had any need to call upon those skills.

We must return to the days Mr. Speaker, when bankers and investment managers will spend most of their working day with their clients. . .

Mr. ROBERTSON: Hear! Hear!

The PRIME MINISTER: ...going through the numbers, drilling down the feasibility, stress-testing the projections...

Mr. SHAW: Yes!

The PRIME MINISTER: …reviewing the marketing programme...

Mr. SHAW: Yes!

The PRIME MINISTER: …making sure that the production costs are accurate. Only then will we see investment and job creation spurt and growth. (Applause)

Mr. SHAW: You hear that, Bunting?

(*Sotto voce* comments)

The PRIME MINISTER: That Mr. Speaker, is the change that we are about. We must return to the day - and it is not so long ago - we must return to the day such as existed up to June of 1996, up to June of 1996, when the Government was a net lender to the commercial banking system, not a net borrower, when Government deposited surplus funds in the bank. We didn't suck out every dollar we could get our hands on. We put money into the banks so that the manufacturers, the farmers, the exporters, the service providers could go and borrow that money to start their businesses, to expand their businesses, to create jobs so that our young people who leave school or graduate from university can find their way to the main street instead of being condemned to the back street. Up to 1996 the Government was keeping money in the bank, not borrowing money out of the bank.

(*Sotto voce* comments)

Jamaicans, Mr. Speaker, are known for their entrepreneurial spirit - taking risk, getting a business started, working hard to make it grow. That spirit has been dampened by a volatile economic environment in which interest rates have often jumped so high that they would cripple a business, no matter how well run. The bitter experience of FINSAC has scared away many who might have sought loans to start or expand their businesses. The attractiveness of Government Paper lured away those who might have invested without having to borrow, leading to what has been so absolutely, perfectly described as **the greatest transfer of wealth from the poor to the rich that we have seen since the days of slavery.**

Mr. SAMUDA: Ronnie!

Mr. SHAW: Take a bow there, Ronnie! (Laughter)

The PRIME MINISTER: We are accelerating - we are working to change that landscape, Mr. Speaker. We are accelerating the reform programme to reduce bureaucracy, improve efficiency, make doing business simpler and friendlier.

Yes, there are still challenges that we have to contend it. There are obstacles that we have to surmount. There are impediments that we have to overcome. But I really feel that as a people, we must complain less and do more.

Mr. SHAW: True.

The PRIME MINISTER: Spanish

investors came here, saw opportunities and invested heavily in Jamaica. Chinese investors are coming here, they are seeing other opportunities, and they are investing heavily in Jamaica. These are persons - these are investors who face the same challenges, have to contend with the same inconveniences, but those have not deterred them. They see in us what many of us refuse to see in ourselves. I say to the many who sit and wait, and complain and wait, ask not what the Government can do for you, ask, determine what you are prepared to do for yourself, and the Government will do all it can to clear a path that you can go ahead. (Applause)

It is in this spirit, Mr. Speaker, that we are building the Partnership for Transformation, a critical alliance embracing the Government, the private sector, the trade unions and academia; to enhance social dialogue, to create a shared vision, to identify our goals and to build consensus on the actions that are required for social and economic transformation.

The Partnership has established a monitoring and consultative network that is focused on six (6) key areas:

- Tax Policy and Tax Administration Reform;
- Fiscal and Monetary Performance;

They monitor the Minister here very tightly; go through his figures every month to see exactly what is going on.

- Job Creation and Employment Strategies;
- Rule of Law;
- Education and Training;

and importantly -

- Building Trust among Partners.

It is an important partnership, Mr. Speaker, one which we had invited the Opposition to join. They did for a while, but they have been absent from the table for more than six (6) months.

(*Sotto voce* comments)

Government MEMBER: Nightmare.

The PRIME MINISTER: The Leader of the Opposition has called for a National Growth and Development Platform, and I want to respond. I want to suggest, let's start where we left off. Expand it as we need to, but let us build a partnership among the stakeholders who, together, can energize this country into growth and development.

There are sectors of the economy that will continue to need Government intervention to get them going and to keep them going. It may involve providing the right policy framework, as is the case with information and communication technology. And we will shortly be bringing to Parliament a new ITC policy that will create new opportunities for investment and job creation, and give Jamaica the competitive advantage that it needs. But it may require technical support, such as we are providing to the farming sector, and which is bearing fruit as seen in the growth of agriculture over the last two years.

It may require, Mr. Speaker, special access to financing as is the case with micro, small and medium enterprises. Many of them have difficulty in accessing traditional sources of funding, because they do not have the collateral to secure loans.

We had previously provided $1.7 Billion in special concessionary loans through the Development Bank of Jamaica. This has been fully utilized. And it enabled us - and I am proud of this, Mr. Speaker - we were able

through that $1.7 Billion to disburse loans to 6,663 micro, small and medium enterprises, providing employment for 9,612 persons. (Applause)

We have introduced a Credit Enhancement Facility to insure up to 50 per cent of the loan amount, so that borrowers whose collateral is weak can still access the loans to get their businesses moving.

Mr. SHAW: Hear! Hear!

The PRIME MINISTER: What this means is that you are borrowing money; you have to put up some collateral. But you are borrowing $2 Million, but your collateral can't catch up to the $2 Million. Maybe the house title you have, after you take off what you owe on it can only cover $1 Million out of the $2 Million. We provide a credit enhancement facility so that the lender knows that he is protected for 50 per cent of what - of the risk. And therefore, after he has assessed you, if he sees that your collateral may be weak, but your commitment to the business is strong, he can accept that collateral because he knows that the other 50 per cent of what he will lend you is insured.

We are going to continue that programme this year. The Development Bank of Jamaica will be providing an additional $2 Billion in loan to the micro, small and medium enterprise sector. And these funds that they lent last year are separate from their regular lending operations. These were dedicated funds for the small, medium and micro sector.

It is of interest, Mr. Speaker, and I know the Minister of Industry and Investment, and the Minister of Agriculture will be happy to hear that of the loans that were disbursed last year by the DBJ, 22 per cent of them went to agriculture and - of the total value, 22 per cent went to agriculture, 33 per cent went to manufacturing and agro-processing.

The Minister of Tourism spoke of the initiatives being pursued for new hotel construction and expansion, some of which are expected to come on stream this year. There is good news, Mr. Speaker for the people of Hanover who suffered a setback when Jockey International closed their plant two years ago. We have identified a major food manufacturer who has widescale distribution networks throughout the US and Canada which is to set up operations at the site of the Jockey International providing hundreds of new jobs. (Applause)

Government MEMBER: Jobs, jobs, jobs!

The PRIME MINISTER: I have to leave something for the Minister because he is the one who has worked on this so long. And although he gave me all the details and told me that 1 should go air and announce it, I say, I am going to just touch it and I will let him in the Sectoral Debate . . . Probably by the time you get to the Sectoral Debate they may be in the plant working.

Mr. SAMUDA: I have more to announce, so is all right. (Laughter) (Applause)

The PRIME MINISTER: The renewed thrust for the redevelopment of Downtown Kingston will see the construction of the Digicel Commercial Centre, which is something that has already been announced. They have now expanded that project. They have an agreement with UDC where they are going to build a multi-storey parking garage which will be owned by UDC. They will invest in the construction of the garage and they will recover their investment through a long-term contract for them to occupy parking spaces in the garage. (Applause) And it will be

operated and managed by UDC, but the construction is going to be financed by Digicel.

Design work, Mr. Speaker, on the new headquarters for the foreign ministry is well advanced and a hotel and multi-storey apartment complex is to be built on the eastern side of the Kingston waterfront. I know that the architects were reviewing the designs along with the UDC this week; and I wish I could have made an announcement because there is a certain significance about this project, certain historical significance, but because I don't have the authorization of the investor to do so I will leave that one.

Mr. SHAW: What you say about that Deacon?

The PRIME MINISTER: Mr. Speaker, I spoke earlier about the significance of the bauxite/alumina sector to Jamaica and the crippling effect that the closure of three of our plants has had on the economy. UC Rusal has announced the plan reopening of the Ewarton refinery by midyear and 1 want to welcome that announcement (Applause) and especially the jobs that will be restored to the bauxite workers. And I want to thank the Minister of Finance because he provided special concessions under the existing fiscal regime to enable the plant to be reopened.

The future of Alpart and Kirkvine remains less certain. If the global market for alumina continues to improve, we expect to see the reopening of Alpart but it is not possible to say how soon that will be. Kirkvine, as I think the Member for South Manchester knows well, having himself been associated with that plant, faces two major challenges. It is the oldest of our plants and it will require significant investment in new technology before it can achieve the desired levels of efficiency. But secondly, the type of bauxite reserve that remains, although in abundance, requires considerably more energy to process. The future growth of the bauxite/alumina industry, not just Kirkvine, depends heavily on our ability to provide a cheaper source of energy.

Our decision to diversify our energy sources, Mr. Speaker, with the introduction of natural gas, is consistent with the energy policy that was tabled by the Minister of Energy and Mining last year. Pursuant to that decision tenders were invited for the financing and construction of a floating storage and reclassification facility to be located along the South Coast. Two tenders were received. We are awaiting the outcome of the evaluation process.

But it is not only the bauxite/alumina sector for which access to cheaper energy will make a huge difference. In the highly competitive environment in which we operate where cost efficiency determines whether you are in the market or you are out of the market, cheaper energy will improve considerably our ability to attract investment, to increase production and to penetrate more deeply, both the domestic market and the export market as well.

PETROJAM REFINERY

Mr. Speaker, the Member for Eastern Kingston raised concern about the future of the Petrojam refinery upgrade. I mentioned that our portion of the capital cost would amount to some U5$663 Million that simply could not be accommodated within the medium term liability programme. But the project is one that must be pursued. It will not only give us the capacity to fully meet our domestic requirements for refined products,

but it will also enable us to earn foreign exchange from the export of finished products and, in addition, further diversify our energy sources through the introduction of petcoke.
And it is also of considerable importance that it is the flagship of our economic relations with Venezuela. (Applause)

Given our liability limitations - and that we had advised the Member during the Standing Finance Committee, we were able to reach agreement with Venezuela for a transfer of 2% of our shares which will now make Venezuela the majority owner and the joint venture will therefore be able to secure financing for the project without requiring a government guarantee. And just to inform the House, Mr. Speaker, the frontend engineering designs were completed in July of last year. The value engineering exercise should be completed by September. Financing has already been identified and we are getting closer to the start up of the project. The Minister of Energy and Mining will provide the House with more details when he speaks.

ROADS

To say a word quickly on roads: We are just completing the dualization of the Bogue Road in Montego Bay. (Applause) And people who have to travel that route have already told me what a miraculous difference it is making to life in Montego Bay and to the flow of traffic. Work is in progress on the dualization of Washington Boulevard between Molynes Road and Dunrobin. The new Palisades Road which will ensure that the airport is not cut-off by tidal flooding, is to start later this year. And, Mr. Speaker, the China Funded Major Road Rehabilitation project, and this one is significant. This is different from the other three because this one is not one road, not a lot of expenditure in one place, this enables us to…

(*Sotto voce* remarks by Opposition)

The PRIME MINISTER: But that project, which is valued at $400 Million, is to start towards the end of the year. And again when the Minister speaks he will be able to provide much more detail on that.
(Applause)

WATER/DROUGHT

Mr. Speaker, as everybody knows we have been experiencing the worst drought in, I am told, more the 30 years. And it has been having a terrible effect on farmers who have done so well over the last two years, and a terrible effect on households that are deprived of this precious commodity. We have tried to manage the crisis as best as possible, rationing and redistributing what is available, where it is possible. We even contemplated, Mr. Speaker, cloud seeding, but we decided against it because of the unpredictability of its outcome and the potential damage to our fragile infrastructure. I am hopeful that the recent rains are a sign that the long period of drought is coming to an end. But we have sought to look to the future while acknowledging the difficulties of the present.

WATER

I don't know many people in the House, Mr. Speaker, have recognized that the budgetary allocations to the Ministry of Water and Housing for capital expenditure and the capital programme of the National Water Commission, which was included in the accounts of the public bodies tabled in Parliament, are the largest ever made,

(Applause) together totalling some $9 Billion and are primarily to finance several new water supply projects, the details of which will be outlined by the Minister of Water and Housing in the Sectoral Debate.

Mr. Speaker, l am sure you would have noticed that the Deputy Prime Minister and Foreign Affairs is not in the House today. He went to London last week for meetings of the Commonwealth Ministerial Action Group. It's a nine-member group to which Jamaica was elected at the last Commonwealth Heads of Government meeting. He remained stuck in London because the ash from the Icelandic volcano that forced the closure of the cancellation of flights . . . When I spoke with him last night he said he was hoping to get on a ship. He was going to try and find his way to Spain where he understood there was an airport that was still operating. If I don't hear from him by tomorrow…(Laughter) But, Mr. Speaker - and he has asked me, he has asked me to apologize to you and to the House for his absence. But under his leadership we continue to maintain and engage and enlighten foreign policy stance at the regional, hemispheric and international levels.

CLIMATE CHANGES

We have remained resolute in the conference of parties on climate change, unwilling to engage in compromise. I say that because I was very disappointed - I know the Member for Western St. Andrew would have a particular interest - I was very disappointed when the Minister of Foreign Affairs was in Copenhagen, and we spoke on the phone three or four times, I was disappointed at the report he gave me that by the time we got there the numbers that we thought were on this side of the line had diminished somewhat and we subsequently learnt that generous commitments of aid and development support had been discussed. I am proud of the Jamaican delegation because we held our position resolutely and we did so for a reason.

GLOBAL WARMING

There are countries that can afford to play with global warming. Those are countries that are not surrounded by a body of water. There are some countries that may be surrounded by a body of water, they can afford to take risk because they have huge land mass and their people live not on the coastline. In this little small island state of ours, where I believe over 70% of our population lives in coastal areas, we can't run joke with this thing.

The Prime Minister of the Bahamas told me when we were at the last, I think it was at the last CARICOM Heads of Government Meeting, that if sea levels continue to rise at the rate it has been rising then by the year 2050, 80% of the Bahamas will disappear. So small island states like ours can't joke. We can't yield. And I was proud that the Jamaican delegation remained strong and resolute. We look forward to the new round of discussions in Mexico in December. We are disappointed that Copenhagen yielded so little in terms of firm commitments. Jamaica will continue to play its part in trying to ensure that we protect this little space on the planet that God has given us.

TROIKA/LATIN AMERICA/CARIBBEAN STATES

We have been at the forefront, Mr. Speaker, of the effort to build stronger relations within the Caribbean and Latin

America and we are proud to have been selected as a member of the Troika which developed the framework for the Declaration of Cancun, that mandates the establishment of the Community of Latin American and Caribbean States, which is intended to bring together the Rio Group as well as the Brazil-led Summit of Latin America and Caribbean for Integration and Development.

Indeed, Mr. Speaker, I actually leave the island this weekend to attend the CARICOM/Brazil Summit and we are forging stronger links. As much as CARICOM is our immediate focus, we recognize that this is a larger community of nations and we are building stronger links with Brazil, in particular, and a number of other countries in Latin America.

The Conference of Heads of Government of CARICOM, Mr. Speaker, will be held in Jamaica from the 4th to the 7th of July. Jamaica will assume the chairmanship in place of Haiti, which asked to be relieved of the obligation given its need to concentrate on its rebuilding efforts.

We will do so at a time when CARICOM faces significant challenges in fulfiling its commitments to the regional integration process, and in confronting the continuing impact of the global recession. Domestic issues such as crime and violence which are increasingly being replicated across the region and the need to recover loss ground in achieving our millennium development goals, are also prominent on our agenda.

EDUCATION

An issue that I could not avoid commenting on, Mr. Speaker, has to do with education. We have sought as best as possible to preserve the budgetary allocations to education. There have been reductions in some areas, the most significant being the allocation to the UWI. We know that this poses difficulties for both the students and the University. I have had discussions with the Vice Chancellor to see how these difficulties can be worked through.

The Minister of Education is examining options as to how to ensure that students who might be particularly affected are able to continue their courses without interruption. But I want to say this, the funding of tertiary education is part of a debate that needs to be engaged, and to his credit, the former Minister of Finance attempted to do some year ago, but the discussions, unfortunately didn't proceed very far.

Certainly, university education must be financed especially for students who are not in a position to meet the cost. How it is to be financed, whether from budgetary sources, students loans, a special class of bonds, education investments, saving plans, or a combination of all or some of those, is what the discussion needs to be about. The needs of early childhood, primary, secondary and tertiary education all compete for the same tax dollar. There are simply not enough tax dollars to adequately finance all four, and therefore we need a discussion on the matter.

Because given the constraints, and I know it is easy to protest and to take strong position; but in trying to allocate the resources, Mr. Speaker, somebody has to look out for the little four year old who is going to basic school and to ensure that they are not deprived because they need that start or else - if we don't protect those and ensure that they get a start, then they will never be able to go to

university, even if you were to make university education free and therefore it is a discussion that we need to have.

The Minister is in touch with the students and with the university administrators. He knows that 1 am available whenever he feels that we are at a point where we need to take some decisions, we will have to work to see how we can help to address those challenges.

The Ministry, Mr. Speaker, has focused much of the efforts of last year in implementing the programme for education transformation, and this included the establishment of the Jamaica Teaching Council, the National Education Inspectorate, the Grade 4 Literacy and Numeracy Test and the application of information technology to improve food management. And l am sure that I speak on behalf of all the Members of this House when l commend the Minister for making available to .us on such a regular basis, how well or how poorly the schools in our constituencies are doing. And I want to thank you because it is an eye-opener. (Applause) Which means that when you go to the schools now you kind of know where it is and what needs to be done and what are the areas of emphasis. And when a school ask you for some funding for a particular thing, you may want to say to the school, based on your result, that is not where you need to put that money, we need to put that money over here because that is where you are slipping back.

There is one programme, however, the Minister is going to speak about all of these in the Sectoral debate, but there is one programme that I must highlight. And I was so impressed with it from - he spoke on it even when he was on that side. And it is a commitment we gave and despite all the resource challenges, I am proud of him because it is a commitment that he is determined to fulfill.

It has to do, Mr. Speaker, with you know, it is a sad indictment on the efforts of successive administrations, and the investments that successive administrations have made. That over 70% of the students who leave school at 16, numbering about 38,000, have passed less than three (3) subjects, 28,000 of that 38,000 don't pass anything at all, that is how bad it is. They are referred to as unattached youth. because they do not possess the academic qualifications that can attach them to a place of higher learning. And they don't have the basic skills that can attach them to a place of employment. They languish at home or they loiter on the streets. The hopes and dreams that are natural in every child, receding rapidly into hopelessness and despair. The instincts that they have to survive, leaves many of them into deviant behaviour and they become ready conscripts for criminal gangs.

CAPE

The Career Advancement Programme, Mr. Speaker, which was launched by the Minister last year, is an important effort to address what is human tragedy taking place before our very eyes. The programme is designed to give these young people two more years of schooling to retrofit their learning process and to equip them with basic marketable skills. (Applause)

HEART/NTA

Through collaboration with HEART/NTA, with the National Youth Service and with the Jamaica Foundation for Lifelong Learning, we started in eleven (11) schools last year

involving approximately 1,500 students. This year the programme will be rolled out to 54 additional schools. It is a rescue mission, the kind of which the Leader of the Opposition spoke about and we intend to continue expanding the programme until no boy or girl leaving school will run the risk of being left behind. (Applause)

ARMADALE TRAGEDY/CHILDREN IN HOMES, ETC.

Mr. Speaker, the Armadale tragedy and the enquiry that followed, brought into sharp focus the unacceptable conditions in which children in the custody of the State are kept and managed. Last month I had advised the House of plans to establish a new juvenile correctional centre, to eliminate the overcrowding that now exists and a new remand centre for boys so that none of them would anymore be placed in police lock-ups. (Applause)

We have found it necessary to make changes to the plans that were originally announced. Let me explain. After detailed evaluation by the Jamaica Defence Force which is carrying out the necessary work, it was decided that with the refurbishing of the Metcalfe Street Remand Centre, which will have a capacity for 250, it would no longer be necessary to utilize the former Youth Camp at Cape Clear. Also, it was determined that the site of the Copse Place of Safety in Hanover would provide better and safer facilities as a correctional centre than the Montpelier site as originally planned.

The refurbishing of the Metcalfe Street Remand Centre will cost $149 Million and that of Copse will cost $292 Million. The amount of $274 Million which is included in the Budget, will be supplemented by a provision of $100 Million under the Citizens Security and Justice Programme as well as grant funds that have already been identified. And I am pleased, Mr. Speaker, that work has already started on Metcalfe Street and we expect that to be completed within four to five months. Work will commence shortly on the new Juvenile Correctional Centre at Copse and it is expected that that will be completed within 18 months. (Applause)

CRIME/VIOLENCE

I turn, Mr. Speaker, to crime. Our resolve to put in place effective measures to stamp out corruption - sorry corruption - I am coming back to crime. Our resolve to put in place effective measures to stamp out corruption remains firm.

The Bill to establish a special prosecutor to place prosecutorial authority at the centre of our anti-corruption effort is still before a Joint Select Committee of Parliament. I urge the Members of the Committee to conclude its deliberations as early as possible so that the matter can be brought back to the House, for the House to deal with it.

The Contractor General has suggested the establishment of an Independent National Anti-Corruption Agency. That is exactly what we had proposed. Our original idea was only modified to take account of the paramountcy given in the constitution to the DPP in criminal prosecution, a provision that can only be altered by a two third major in each House of Parliament.

What we therefore sought Mr. Speaker, is to establish a legal office with the entire necessary prosecutorial authority subject only to the overriding direction of the DPP. While

we pursue passage of the modified proposal, we stand ready to have discussions with the Opposition on the position put forward by the Contractor General. We have to get to a stage, where any person who is inclined to engage in corrupt practices must know that there is someone vested with awesome power and authority, who will hound you down all the way prison. (Applause)

Mr. Speaker, the level of crime and violence particularly murder, shooting, violence against women and children and extortion, is a matter of grave concern to us and indeed to all Jamaica. We have taken a number of measures to strengthen the capacity of the security forces including improving their forensic capabilities, restructuring essential intelligence and crime fighting units, such as the Transnational Crime and Narcotics Division and decentralizing resources to enhance capability of the divisional level.

POLICE

We have increased the number of police vehicles, Mr. Speaker, to 1,750, the highest it has ever been. (Applause) Efforts continue to improve the management of the Police Force through more rigorous recruitment and training. In the recent recruitment exercise, Mr. Speaker, more than 40 of the applicants were university graduates who applied to join the police force.

The drive to rid the force of corruption continues to be intense. Last year 64 members were arrested and charged for varying offences. Last year, a total of 18,907 arrests were made, up from 16,582 in 2008. We recovered 569 guns and 6,068 rounds of ammunition. But despite these efforts, we are not reaping the success that is desired. The Leader of the Opposition has called for a partnership and has committed the Opposition to that partnership in tackling what is our most serious national problem. And naturally, we welcome that commitment. (Applause)

N.S.C.

It is in that spirit, Mr. Speaker, that we have invited the Opposition to name a representative to the National Security Council and the Opposition Spokesman on National Security has participated actively in the work of the Council. And through his participation he is aware of the challenges we face, the measures that have been taken to respond to those challenges and the disappointment that we share, that the problem is getting larger not smaller.

While I welcome the commitment given by the Leader of Opposition, and I would want to discuss with her how we can actualize such an approach, I want to suggest that we need a much broader front for which that proposal could well be the catalyst. We need a national consensus, Mr. Speaker, on the type of counter-offensive that must be mounted against criminal forces in Jamaica. (Applause) There is too much ambivalence. We and others outside of this Chamber spend a considerable amount of time shouting at each other, unwilling to coalesce around any solution, each one proffering his own and proffering blame. Crime fighting strategies must be appropriate to the crime that has to be fought. For too long we have allowed criminals to test our will and to test our willingness to destroy theirs. Societies that face extraordinary threats apply appropriate measures to deal with those threats. The

emergence of terrorism as a transnational threat to the safety and security of citizens force countries like the United Kingdom, Canada and Australia, countries whose commitment to the rule of law is hardly ever assailed, but force countries like those to adopt measures that they would never have contemplated prior to 9/11.

Some of them instituted sunset clauses or specified review periods signalling that they knew these were extraordinary measures that they would not want to become permanent, but signalling as well that when the security of the State is in danger, ordinary measures cannot be relied on to protect it.

ANTI-CRIMES BILLS

The Anti-Crime Bills have languished because of a lack of consensus and indeed strident opposition from some interest groups. They are going to be reintroduced in the House, Mr. Speaker, in the next few weeks. And I hope that in the new spirit of cooperation and in the heightened anxiety that crime has created, I hope we will be able to find the consensus to do what needs to be done.

We will also bring to Parliament anti-gang legislation to discourage and enable law enforcement agencies to more effectively dismantle criminal gangs. Today's criminal network did not exist when the existing law enforcement powers were created. Rhygin, Mr. Speaker, was not a member of a gang, he was a one-man band. The spanner we were given at that time was never made to fit the nut that we have to crack today.

PLEA BARGAINING

The regulations to allow for the use of plea bargaining have been reported on by the Regulations Committee and it is for the House, Mr. Speaker, Mr. House Leader, it is for the House to now confirm those regulations so that this important tool can be brought to bear in solving crime. This will play a significant role, but the suspect has to be apprehended before he can be invited to bargain a plea. Plea bargaining is of no use unless you can get your hands on the suspect. The police are frustrated at the type of criminal activity they are called upon to protect the society from and the inadequacy of the tools they are given to do the job.

A concern, Mr. Speaker, among those who oppose the use of tough measures stems from a lack of trust in the security forces. This is not without cause given the evidence of abuse of which some of them have been guilty. This is not something we can ignore but we can restrict the use of extraordinary powers to senior levels within the police force and subject them to stringent oversight and accountability.

A MEMBER: Hear, hear!

The PRIME MINISTER: The Bill establishing the Independent Commission of Investigations has been passed and we hope that the Commission will be in place shortly so that it can bring a new sense of transparency and accountability to the conduct of the security forces and the protection of the rights of citizens.

EVIDENCE/DNA

Legislation to facilitate the use of DNA evidence has been drafted and will be brought to Parliament later this year.

(Applause)

It is a critical tool, Mr. Speaker, both for

convicting the guilty and ensuring that you don't convict the innocent. There is a range of social intervention programmes administered through the Ministry of National Security, the Ministry of Youth, Sports and Culture that will be continued.

GUNS/MURDERS

Let me make a point, Mr. Speaker, that must be talked about. The inflow of guns into Jamaica is what facilitates most of the murders that are committed. The security forces recover on average 600 guns each year. We suspect that a greater number of guns enter the island each year creating an ever-increasing arsenal of illegal weapons killing innocent people.

The overwhelming majority of guns coming into Jamaica are of US manufacture. There is a resolution before the United Nations for an international convention to restrict the illegal trafficking in small arms, but it is still the subject of negotiation. In the meanwhile, we intend to renew our efforts to strengthen bilateral cooperation between Jamaica and the United States with a view to addressing the flow of illegal guns from the US to Jamaica with the same vigour that we seek to apply to the flow of illegal drugs from Jamaica to the United States.

(Applause)

JUSTICE SYSTEM

The justice system, Mr. Speaker, is an integral part of the crime fighting equation. It is a vital part of the social infrastructure, but it is overburdened. But you know last year, Mr. Speaker, we carried over in our courts 234,000 cases from the previous year. We had 243 new cases being filed - sorry, 243,000 new cases being filed. We disposed of last year 195,000 cases, so that the backlog continues to grow. We are doing all we can within the limits of the resources to see how best we can address the problems. We are expanding the Case Management programme and training more Judges, public and private attorneys and court staff in case management practices. We have installed, and I'm very proud of this, we have installed real-time court transcription in the Supreme Court and the Appeal Court.

(Applause)

Nobody has to take down anything with longhand anyone.

We are endeavouring, Mr. Speaker, to extend this to all the Circuit courts. We would love to have it in all the RM courts but that is much more challenging. What we plan to do as an interim measure is to equip the RM courts with audio recording so that the transcribing of it can be done from audio recording as distinct from video.

(Applause)

C.M.A.

The operationalization of the Court Management Agency, of which the Leader of the Opposition spoke, is imminent. The appointment of a CEO is now before Chief Justice for approval. Forty (40) classified posts that are now with the Ministry of Justice are being transferred to the Court Management Agency. We have identified office space at Tower Street and we hope to have the agency in operation in short order.

We have made provision for 12 additional prosecutors in the DPP'S office, eight (8) of whom are already in place. We are establishing Parish Boards to be chaired by the Custos in each parish to review and monitor

the passage of cases through the courts, to help to clear backlog, to identify obstacles where they exist, to serve as an early warning system, to inform where undue pressure is building up.

C.J.T.

We are setting up Community Justice Tribunals, Mr. Speaker, chaired by Justices of the Peace, to serve as community-level dispute resolution mechanism to reduce the volume of cases entering the formal court system.

(Applause)

Some of the cases that are ending up in court don't need to be in court. They involve matters that have to be resolved, but courts are expensive to maintain and we need to find a way to establish some adjudication at the community level. This is the route that we are taking.

C.D.I.P.

A Child Justice Diversion Programme is to be introduced this year to provide for appropriate forms of behavioural management intervention in specified cases instead of placing child offenders before Criminal court.

(Applause)

And let me explain what it means. A child commits an offence. Instead of that child being dragged before a Criminal court four, five, six, seven, eight times probably traumatized by just what he sees and the formality of the thing, there can be an intervention that may involve the police, social work organization, some of the agencies of government. The child may still be punished, may be given work to do, clean up the yard for two days, whatever, but to apply the behavioural intervention that is required but without subjecting the child to the trauma of a court procedure and without tying up the space of the court.

But you know, Mr. Speaker, at the heart of the challenges facing our justice system and indeed much of our crime problem, is a dysfunctional social order. We live in a society in which we are each and all individuals, we are not a community. We revel in disagreement and conflict so much that we cannot find commonground on even the basic things such as what is right and what is wrong. Basic laws that are necessary to sustain public order and social predictability are viewed as draconian, as Babylonian oppression. Let the police seek to remove vendors from a sidewalk and watch the cries of injustice on the television screen. Let the housing agency or the UDC attempt to evict persons who have captured land and then you hear how wicked you are. It is not something confined to any particular class. Those who under-invoice goods in order to cheat the Customs, those who earn millions of dollars a year and have never paid one dollar of tax, those who toss trash out of the windows of their car...

MEMBERS: Yes, yes!

The PRIME MINISTER: ...because they don't want the garbage in their cars but whoever lives where they are passing must put up with it. They may be different in name, Mr. Speaker, but they are not different in nature.

TRANSPORTATION – AXLE LOAD

When the Minister of Transport and Works sought to enforce Axle-Load programme, in order to avoid overloaded trucks putting people's lives in danger and in order to prevent them from destroying our roads that we spent so much money to build, many distributors and haulage contractors

protested that we should abandon the enforcement because we were driving up the cost of transportation. It was not a legal requirement that must be enforced because it was impacting where they didn't want it to impact.

NATIONAL CONSENSUS

The Leader of the Opposition and I are at one. We need a national consensus. Not just about crime and justice and education and economic development, we need a national consensus on the kind of society we want to build, the sacrifices we are prepared to make, the discipline we are prepared to impose on ourselves and how much we are prepared to invest in creating that kind of society.

(Applause)

That is what the National Transformation Progmmme headed by REVEREND AL MILLER has been about. Modest though its beginnings, it has focused on issues such as restoring public order, instituting discipline in the public transportation, creating transformational zones, mobilizing transformational students, change agents.

IAN BOYNE, in his article on Sunday referred to the poverty that characterized Japan and South Korea 50 and 60 years ago. We could well add India and China and Singapore and Malaysia to that list. They went by those 50 or 60 years. We allowed those 50 or 60 years to go by us. We were never destined to fail, Mr. Speaker, we only ran the risk of failing our destiny.

The democratic system that we cherish, imperfect though it is but incomparable with any alternative, guarantees our right to disagree but it imposes on us as well a duty to unite for a Common goody for a common purpose.

It is said that Chile owes to AUGUSTO PINOCHET not only its stain of brutality and oppression but the foundations of the economic success it enjoys today. That way has never been and can never be an option open to us. However, we can and we must find the way within our fiercely competitive democracy to strike common cause; to recognize that the Jamaican flag must always fly above the party flag; to understand, Mr. Speaker, that if any of us in our self-centred, individualistic way were able to have all of Jamaica for ourselves, our existence would be most miserable. The fruits of this land can only be enjoyed if we plant and reap them together. We must find a way, Mr. Speaker, to believe in our hearts that if we can rid ourselves of crime and poverty and unemployment and disorder and conflict, if we can do that we can create a society that none of us would want to leave and that so many other people would want to become a part of.

The nation cannot continue pitter-pattering the way we have done for many years, running up and down but not going anywhere. We had to change course. Someone once said, a bend in the road is not the end of the road unless you fail to make the turn. We have made the turn, Mr. Speaker.

(Applause)

We are on our way and our future, the success and prosperity we seek for the people of Jamaica rest on the strength of our will and the stamina in our being to run the race and finish the course.

(Applause)

There is an old African proverb that says, "**smooth seas do not make skilful sailors".**

Transformational change, the business that we are about is never easy. The way that we have to travel, the challenges that we have to confront are going to test our will and our resolve. WILLIAM SHEDD wrote: "**A ship is safe when it is in the harbou**r" but that is not what they made ships for, to sit in harbour. MOTHER TERESA once said, "**I know God will not give me more than I can handle, I just wonder how he has so much confidence in my ability to handle what He has given me**".

(Applause)

Mr. Speaker, I say a prayer every morning that ends with the same supplication, so much so that I wonder sometimes if God doesn't become bored with its monotony. **I ask not for a lighter burden, I only ask God for broader shoulders.**

(Applause)

(Government Members stand in support of the Prime Minister)

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. I therefore move that the House do adjourn until tomorrow, Wednesday the 21st when we will have a presentation closing the Budget Debate by the Minister of Finance.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Wednesday the 21st of April at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House adjourned at approximately 4:48 p.m.

WEDNESDAY, April 21, 2010

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western.

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Mr. Joseph Hibbert.

The House resumed its sitting at 2.37 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, we would like to welcome this afternoon a number of visitors to the Gallery, in particular the UWI Guild of Students, UTECH Students Union, Holmwood Technical High School and Christiana High School. (Applause) I suspect the Holmwood Technical High School and the Christiana High School are here in support of their MP. But...

Opposition MEMBERS: Not all, not at all!

(*Sotto voce* comments)

Mr. BUCHANAN: They are here to further condemn him. (Laughter)

(HON. ORETTE BRUCE GOLDING, (JLP) Kingston, Western, Prime Minister, Minister of Planning, Development and Defence, entered and took his seat.)

(HON. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment, and took his seat.)

The SPEAKER: But we would also like to welcome Mr. Shaw's daughter who is here sitting in the Gallery with us this afternoon. (Applause)

MEMBERS: Ha! Ha!

The SPEAKER: Welcome to Senator Arthur Williams who is also sitting in the Well of the Chamber here.

Please, students from the different colleges and high schools, just check on your cellphone. Make sure it is off or on silence, please, so that you can enjoy the sitting without disturbing the afternoon's session. But please enjoy the sitting of the House this afternoon.

STATEMENT BY MINISTERS

Mr. ROBERTSON: Mr. Speaker.

The SPEAKER: Yes, Minister Robertson.

PCJ – AUDIT, etc.

Mr. ROBERTSON: Thank you, Mr. Speaker.

Arising out of concerns relating to certain questionable practices that were reported as having occurred at the Petroleum Corporation of Jamaica during the period April 1, 2006 to March 31, 2007, the Government sought the assistance of the Canadian International Development Agency (CIDA) through its Deployment of Democracy Programme to:

(a) undertake a special audit of the PCJ,

(b) provide dining in forensic auditing for local audit personnel.

The programme was administered by the Institute of Public Administration of Canada which retained the services of Papineau Consulting Inc., a firm of international forensic accountants, to undertake the assignment...

Mr. PAULWELL: Mr. Speaker, is there a copy of the Statement?

The SPEAKER: Yes, there is a copy.

(Crosstalk)

Mr. ROBERTSON: Copies are...I am so happy. Mr. Speaker, I am happy that he is with us.

The SPEAKER: Continue Minister Robertson.

Mr. ROBERTSON: A little nervous.

Mr. Speaker, the audit covers the period April 2006 to March 2007 and was able to examine a sample of transactions undertaken during this period. The Audit Report was submitted in November 2009 for the consideration of relevant personnel and authorities.

The Report speaks of serious irregularities in several areas. These include:

1. Payments recorded without supporting documentation or appropriate approval.
2. A lack of adequate segregation of key responsibilities among senior management, thereby allowing for breaches in the operations of the Corporation's accounting and financial practices.
3. Lack of proper oversight and control by senior management and the Board of Directors.
4. Questionable or insufficiently documented or unauthorized payments to several public and private organizations.

(MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, entered and took his seat.)

5. Grants and loans disbursed to employees without established criteria and adequate arrangements for repayment of loans; implementation of various benefits without the approval of the Ministry of Finance.
6. Irregular payments for security services.
7. Losses incurred because rent and other fees were not being charged for properties that were leased by the PCJ.

A MEMBER: What!

(HON. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment entered and took his seat.)

Mr. ROBERTSON:

8. Gross irregularities relating to the sale of and repurchase of a service station which resulted in losses to the PCJ.
9. Serious breaches in the award of contracts including large payments for work done without written contracts, unauthorized payments and lack of adherence to government's procurement procedures.
10. Irregularities in the operation of accounts for the PCJ canteen in the form of unauthorized, unexplained or improperly documented payments.
11. A cash-skimming scheme involving accounts of the PCJ and a sudsidiary.

The Report includes several recommendations which the Government has mandated that the Board of the Corporation give full consideration and implement as required to improve the management and accountability of the Corporation and its subsidiaries. The Report was also referred to the Contractor General, the Auditor General and is being referred to police...

A MEMBER: What!

Mr. ROBERTSON: ...for their consideration and any appropriate action.

Mr. MONTEITH: Paulwell, yuh nuh know 'bout that?

Mr. ROBERTSON: The Board of the PCJ has advised that after a review of the report and the response of the senior management of the Corporation, it has commenced the process of implementing the recommendations in the Report and adopting other measures aimed at improvement of the management and accountability of the Corporation. This involves changes in the senior management team of the Corporation with a view of strengthening same to avoid errors of the past and to effectively position the Corporation for a more active and efficient role in the delivery of sustainable energy solutions to the people of this country.

The report is also being tabled in this Honourable House and by notice of resolution I am asking that it be referred to the Public Accounts Committee for detailed examination.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Paulwell.

Mr. PAULWELL: Thank you, Mr. Speaker.

The SPEAKER: No, Mr. Paulwell, one second. I am just wondering, since he is referring it to the Public Accounts Committee, is it something you want to...

Mr. PAULWELL: Just two questions, just two clarifications.

(Cross talk)

The SPEAKER: Go ahead.

Mr. PAULWELL: It's a Statement to

Parliament and firstly, Mr. Speaker, I should indicate that the Opposition is pleased that the Report is now before Parliament and welcomes the fact that it is going to be handed over to the Contractor General, the Auditor General and in turn to the PAC. But I just want to understand, Mr. Speaker, normally in the course...

MEMBERS: What's the question?

(DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern, entered and took his seat.)

Mr. PAULWELL: It's a question.

The SPEAKER: Please, please, Mr. Paulwell is on his feet, please.

Mr. PAULWELL: In the course of an audit normally a draft is done and the internal management is given the opportunity to respond. I am asking the Minister whether or not this was done and whether or not the auditors who did the forensic audit...

The SPEAKER: You know, Mr. Paulwell, I am just wondering, sir, whether this is not something that the Contractor General, the PAC...

Mr. PAULWELL: But it's just a simple question, Mr. Speaker. You know why I am asking it, Mr. Speaker? Because if there is a document that is seeking to shed further light on the audit then perhaps we should be aware of that document.

MEMBER: No, no.

The SPEAKER: But that document may not be before us.

Mr. PAULWELL: Certainly not.

Opposition MEMBERS: It should.

Rev. THWAITES: It should be.

Mr. PAULWELL: But it should be, Mr. Speaker. In fairness to the management and staff of the PCJ, I think it is most reasonable for this House to receive from the Government their response to the various charges of irregularities. And that is what I am putting on the Table, whether or not there is such a document and if it can be Tabled at this time.

The SPEAKER: Minister is…?

Mr. ROBERTSON: Mr. Speaker, the proper auditing procedures were followed and the matter has been referred to the Public Accounts Committee and I will be by resolution and at that point that committee can look at this matter in a fulsome manner. The matter has been referred and l will by resolution be asking you to refer the matter.

The SPEAKER: You want to follow-up Mr. Bunting?

(Cross talk)

Mr. BUNTING: In terms of clarification, Mr. Speaker, could the Minister explain what he means by cash skimming as opposed to cash chequeing?

The SPEAKER: No, no, please. We won't enquire into it at the moment. I think he was just reading from the Report itself the cash skimming.

Mr. BUNTING: But he must know what he is referring to in a Statement to Parliament.

(Cross talk)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Because 1 thought it was cashing cheques.

The SPEAKER: Members, I don't think we will go any further since the Minister...

Mr. KELLIER: He must answer the question.

The SPEAKER: Mr. Kellier, what I understand...

Mr. KELLIER: Mr. Speaker, just allow me.

The SPEAKER: No, Mr. Kellier, what I

understand the Minister would like to do is that the report is being tabled in Parliament so that it can then go to the relevant body, the PAC of Parliament to be dealt it. So I just feel that all relevant enquiries should be done at the PAC.

Mr. KELLIER: I hear you, Mr. Speaker, but this is a Statement by Minister. This is not a resolution brought to the House. Until such time when he brings that resolution here it will be time enough for referral.

The SPEAKER: It is here.

Mr. KELLIER: You can't refer a Statement by Minister to no committee here. He has brought a resolution - he has brought a Statement here and it is fair for the Member to ask a question and get an answer. If he can't answer he must say so. (Applause) We are not accepting that. We are not accepting that.

The SPEAKER: Mr. Kellier, the very last paragraph of the Statement is that by notice of resolution, which I understand he may be doing...

(Cross talk)

MEMBERS: It is not yet here.

The SPEAKER: But he is going to do it.

Mr. BUCHANAN: He hasn't done that yet.

Mr. KELLIER: Until such time, he has to answer what he was asked. If he can't answer he must say so.

(Heckling)

The SPEAKER: I think, Members, we don't want to enquire into this report at this time.

ANNOUNCEMENTS

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

- Special Audit Report of the Petroleum Corporation of Jamaica Limited and the Petroleum Company of Jamaica Limited and initiative to increase audit capacity for the internal Auditors of the Ministry of Energy and Mining and auditors from Auditor General's Department of Jamaica
- Report of the Regulations Committee of the House of Representatives on its deliberations of the Companies (Amendment of Fifteenth Schedule) Order, 2010
- Certified Appropriation Accounts for Ministry of Hea1th 2007 / 2008 and Ministry of Finance and the Public Service for 2008/2009
- Statement J: Receipt and payments of the Contingencies Fund for financial year ended March 31, 2009

Rev. THWAITES: Where are all those things? Remember your resolve, Mr. Speaker. You were kind enough to agree with me that when things were not before Members, where they were would be announced; not just that you put something down you say something and Members have no point of reference. Please. Remember your own elocution, it was most eloquent.

The SPEAKER: Rev. Thwaites, I understand that copies are available... I understand, Rev. Thwaites that although 60 copies have not been circulated that at least 10 copies are available. You can get a copy but others will be available in the Library.

Rev. THWAITES: Sure. Mr. Speaker, remember the decision we took, that when something wasn't available to everybody it would be stated if it was on the website or it

would be stated if there was limited circulation to those members who wished it or whether it was indeed so impossible to copy that it would be in the Library for our purview.

The SPEAKER: Well for information it will be in the Library and on the website. All of these documents will be available in the Library and also on the website.

Rev. THWAITES: May I ask, Mr. Speaker, that normally these things should be in the right place – I will wait until you are ready - These things should be in the right place when they are brought here, not at some date in the future.

The SPEAKER: No, no, it will be today, Rev. Thwaites.

Members, a lot of documents are being circulated. The Clerk of Parliament has taken the position that rather than photocopying 81 documents, we can photocopy a limited number of 10 and make them available to Members who would like a hard copy.

(HON. OLIVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Sports & Culture entered and took her seat.)

But others view them in the Library or also on the website. So, I will just ask the Clerk that in future when the announcements are made we can say they are available in the Library or that at the end of the day they will be available on the website.

Yes, Mr. Peart.

Mr. M. PEART: Might I suggest, Mr. Speaker that Parliament arranges for each Member of Parliament to be assigned an email address.

The SPEAKER: Good point.

Mr. M. PEART: And we'll just...

The SPEAKER: And the truth of the matter is that that is being done. Mr. Peart, may l say Parliament now has a website. It is a fact that not all Members presently have an individual website but it is something that is being looked at for implementation. Okay.

REPORTS FROM COMMITTEES

Mrs. DALRYMPLE-PHILIBERT**:** 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 deliberations on the Companies (Amendment of the Fifteenth Schedule), Order, 2010.

NOTICES OF MOTIONS GWEN ORALLY

The SPEAKER: Minister Robertson.

P.C.J. – REPORT TO BE

Mr. ROBERTSON: Thank you, Mr. Speaker.

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

> Be it Resolved that the special Audit Report, Petroleum Corporation of Jamaica and the Petroleum Company of Jamaica, and initiative to increase audit capacity for the internal auditors of the Ministry of Energy and Mining and auditors from the Auditor General's Department of Jamaica, which was laid on the Table of the House on the 21st day of April, 2010, be referred to the Public Accounts 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.

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I beg to give notice that at the next meeting of House I will move:

> Be it Resolved that the Report of the Regulations Committee of the House of Representatives on its deliberations of the Companies (Amendment of the Fifteenth Schedule), Order, 2010, under the Companies Act which was laid on the Table of the House on the 21st day of April, 2010, be approved.

And, 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: Mr. Samuda.

Mr. SAMUDA: 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 of Representatives gives approval for the plans and programmes being pursued in the areas of production, commerce and infrastructure and further approves the policy projections as announced for the Financial Year 2010-2011.

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

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Dr. Phillips.

MANATT, PHELPS & PHILLIPS

Dr. PHILLIPS: Mr. Speaker, with your permission to speak from here, I beg to give notice that at the expiration of 21 days I'll ask the Honourable Prime Minister the following questions:

The SPEAKER: Very well.

Dr. PHILLIPS:

Question 1: Is the Prime Minister aware of reports posted on the website of the Department of Justice of the United States to the effect that the US Law Lobbying firm Manatt, Phelps & Phillips had a contract with the Government of Jamaica for the period October 2009 to February 8, 2010?

Question 2: Is the Prime Minister aware that according to the postings on the United States Department of Justice website the contract was entered into by MR. HAROLD BRADY who asserted on the face of the document that he was authorized so to do by the Government of Jamaica?

Question 3: Is the Prime Minister further aware that the Solicitor General of Jamaica asserted on public media that representatives of Manatt Phelps & Phillips attended with him at a meeting held between the Government of Jamaica and the Government of the United States of America at which the issue of a current extradition request

from the United States Government was discussed?

Question 4: Is the Prime Minister aware that at the time when that meeting took place, Manatt, Phelps & Phillips had already represented to the United States Government that they had already represented to the United States Government that they were agents of the Government of Jamaica?

Question 5: If yes, does the Prime Minister still stand by his statement to Parliament in March that the Government of Jamaica has had no arrangement with Manatt, Phelps & Phillips, and has relied only on the resources of the Attorney General's Department in relation to extraditions?

Question 6: Is the Prime Minister aware of published reports in the *Washington Post Newspaper* to the effect that a Minister in the Government of Jamaica attend a meeting with U.S. Authorities at which Manatt, Phelps & Phillips was present?

Question 7: Is the Prime Minister aware of such a meeting? If so, who was the Minister who attended the meeting?

Question 8: Will the Prime Minister indicate if the Government of Jamaica or anyone acting on behalf of the Government of Jamaica has paid any monies to Manatt, Phelps & Phillips? If so, how much?

The SPEAKER: Miss Lisa Hanna.

PBCJ BOARD – APPOINTMENT OF NEW CEO

Miss HANNA: Mr. Speaker, I beg to give notice that at the expiration of 21 days l wish to ask the Minister of Information the following questions.

Question 1: Will the Minister state if the Public Broadcasting Corporation of Jamaica (PBCJ has a Board of Directors in place?

Question 2: If the answer is in the negative, will the Minister state when did the appointment of the Board expire and when will a new board be appointed?

Question 3: Will the Minister state what governance procedures were used during/over the past two-year period, particularly in relation to Ministerial policy direction and staff appointments?

Question 4: Will the Minister state the process used to appoint MRS. JUNE SPENCE-JARRETT, the new CEO of the PBCJ?

Question 5: Will the Minister state the qualifications of the new CEO and the experience she brings to this assignment?

Question 6: Has the Minister consulted with the seven (7)

organizations (as members of the Corporation) named in the Section 2 of the PBCJ regulations regarding representation on the Board?

Question 7: Is the Minister satisfied that the PBCJ is serving the functions stated in Section 4 of the PBCJ Act?

Question 8: If the answer to Question 7 is in the affirmative, will the Minister state what progmmmes have been initiated on both radio and television to achieve these objectives?

Question 9: Will the Minister state what benefits have flowed to the PBCJ, pursuant to the agreement negotiated last year with **Nationwide News Network** regarding public service programming on radio?

Thank you.

The SPEAKER: Dr. McNeill.

SHEFFIELD SCHOOL, WESTMORELAND

Dr. McNEILL: Mr. Speaker, I beg to give notice that at the expiration of 21 days, l will ask the Minister of Education the following questions:

Question 1: Is the Minister aware that construction of the new school in Sheffield, Westmoreland, was completed in September 2009 and that it was anticipated that the school would have opened in January 20102

Question 2: Is the Minister also aware that presently the new facility cannot be utilized because no arrangements were made in the contract for the provision of water, electricity or an access road to the facility?

Question 3: Could the Minister indicate when the Ministry intends to commence work on the above infrastructural projects, and when will this school be opened?

The SPEAKER: Thank you.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. ROBERTSON: Thank you...

The SPEAKER: No, hold. House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business the main item will be the presentation closing the Sectoral Debate, by the Minister of Finance, but...

(Inaudible comments)

Closing the Budget Debate by the Minister of Finance. But we have three...

(Inaudible comments)

well, three, three. Two?

(Inaudible comments)

Well, we have two, the Minister of Mining and Energy and the Deputy Speaker will now move the resolutions, notices of which were given earlier.

The SPEAKER: Okay, we'll go with the Minister of Mining and Energy first. Mr. Robertson.

Mr. ROBERTSON: Thank you, Mr. Speaker. I now move for the suspension of the Standing Orders to enable me to take the motion, notice of which I gave earlier.

The SPEAKER: Members, the motion before the House 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.

The SPEAKER: Minister Robertson.

Mr. ROBERTSON: Mr. Speaker, l now ask that the motion be approved.

Mr. PAULWELL: Mr. Speaker, in supporting the motion, the Opposition is going to ask for an amendment, that any response to the forensic audit be also submitted to the agencies noted and to the PAC.

(Inaudible comments)

The amendment in supporting the motion is that the response from the internal management of the company to the forensic audit, be submitted as well to the various agencies and also to be considered to the PAC.

(Cross talk)

The SPEAKER: Yes, Prime Minister.

The PRIME MINISTER: I think the Member would know that once a matter is to be referred to a committee of the House, there is no further debate on the matter. It is for the committee to decide what it wants to do in terms of carrying out the assignment. (Inaudible)

The SPEAKER: And also to request additional material as it sees fit.

Members the motion before you is as indicated by the Minister of Mining and Energy.

Put to the House and agreed to.

The SPEAKER: (Gavelling) Matter referred to the PAC. Deputy Speaker.

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I now move for the suspension of the Standing Orders...

Dr. PHILLIPS: Mr. Speaker, just...

The SPEAKER: Yes.

Dr. PHILLIPS: In relation to - I thought there was a motion for a referral. Does that not constitute emotion that needs to be approved by the House and is it...?

The SPEAKER: That's what I asked for?

Dr. PHILLIPS: Is the motion not subject to debate?

The SPEAKER: Well...

Mr. HOLNESS: Mr. Speaker, the Member from East Kingston and Port Royal is asking for a document to be sub...

The SPEAKER: No, no!

Mr. HOLNESS: ...to be submitted along with what is tabled, which is not before us. That document that he is suggesting is not before us.

The SPEAKER: No. The point, Minister...

Mr. HOLNESS: No. Mr. Speaker, Mr. Speaker...

The SPEAKER: Dr. Phillips, Dr. Phillips...

Mr. HOLNESS: Mr. Speaker, the point made by the Member is not relevant seeing that there is not a document before us to be tabled - to be submitted to the Committee.

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I understood that the Member had risen.

Mr. ROBERTSON: That's not your right seat. Go back to your seat.

(Laughter)

The SPEAKER: No, no, just a second.

Dr. PHILLIPS: Don't be too anxious. Don't be too anxious.

The SPEAKER: No, he asked for permission earlier. Dr. Phillips, it seems to me that...

Dr. PHILLIPS: Mr. Speaker, 1 thought

the Member was rising to make a contribution to the debate on the motion and was making a suggestion in that regard, rather than...I mean, he may have stated it in a less than sanitary manner.

Mr. MULLINGS: Is he your lawyer?

Dr. PHILLIPS: ...but that that was what he was in fact doing. And I think he should be allowed at least to contribute to the debate on the motion and express it as an expectation rather than an amendment.

Mr. HOLNESS: Mr. Speaker, the intervention by the Member from East Kingston and Port Royal was to have subsidiary documentation be submitted to the PAC and asking for an amendment to be made to the resolution, submitting it to the PAC. Mr. Speaker, no such document...

The SPEAKER: Is available.

Mr. HOLNESS: ...is being submitted now for submission to the PAC.

Mr. PAULWELL: Mr. Speaker...

The SPEAKER: No, just a second, Mr. Paulwell. It seems to me that what you are requesting is that the PAC ...the PAC can properly request that document. It's not a problem. But at the moment, the Minister is sending the document which is the audited Report to the PAC, and nothing is wrong with the PAC requesting that document. So let us not pursue it any further.

Mr. SAMUDA: The PAC is chaired by the Opposition.

The SPEAKER: Right. So the PAC can request that document. Can we move on then? Deputy Speaker.

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I move for the suspension of Standing Orders to enable me to take the motion, notice of which I gave earlier.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Order, notice of which was given earlier by the Deputy Speaker.

Motion put to the House and agreed to.

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I now ask that the motion be so approved.

The SPEAKER: Members, the motion before you is as indicated by the Deputy Speaker.

Motion put to the House and agreed to.

The SPEAKER: House Leader. Mr. Shaw. Mr. Shaw. Minister of Finance.

(Applause)

BUDGET DEBATE - CLOSING

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

Mr. Speaker, when I opened this Budget Debate, I used the theme: *Building the Foundation for Prosperity*. It was carefully and deliberately chosen in order forms to give, Mr. Speaker, a clear indication of the Government's task at hand.

A careful and dispassionate review of my presentation revealed the elements that are essential at this time and which constitute the building blocks of a foundation for prosperity in our country.

We have to target low inflation, competitive interest rates, a stable exchange rate and an equitable tax system. When combined, these elements, Mr. Speaker, set the foundation for a competitive economy that will give incentives to entrepreneurs to invest, to create jobs, to earn foreign exchange.

In the contributions to this Debate, Mr. Speaker, from the Members of the Opposition, there have been no serious challenges put

forward in terms of alternatives to these proposed building blocks. The comments and criticisms have been more as it relates to form and less in relation to substance.

In closing the Debate, therefore, I will address these criticisms for amplification and clarification, Mr. Speaker. And I'm to indicate that in some areas, the portfolio Ministers can be expected to provide additional details where it is so warranted.

So, in my presentation, I intend, first of all to address a couple issues raised by the Member from East Kingston and Port Royal. And then to address issues raised by the Leader of the Opposition. And I will address issues raised by the Opposition spokesman on Finance, after which 1 will have some closing remarks.

Mr. Speaker, the spokesman on Energy and Telecommunications took us to task in respect of the use of the Universal Access Fund. I don't quite understand the basis on which he has done so, however, because Mr. Speaker, the fact is that $2 Billion has so far been expended from the Universal Access Fund. But what is important to recognize, Mr. Speaker is that, of this $2 Billion that has been expended, $1.2 Billion of this amount was expended last year, in the last fiscal year, and the remaining $800 Million has been spent in the period between 2005 and prior to that fiscal year.

Indeed, Mr. Speaker, the new Budget projections of $1.5 Billion for this fiscal year of 2010/2011, it represents, in those two years, by the time the expenditure is completed this fiscal year, Mr. Speaker, it would represent an expenditure close to $3 Billion in two years. It therefore, represents a maturation of the programme that is clearly now in full swing. So, any suggestion, Mr. Speaker, that the E-learning programme is being sidelined in any way, would be totally incorrect for that impression to be conveyed to the public.

Mr. Speaker, the Member expressed some concerns about the micro, small and medium-sized enterprises. And while the Minister of Investment and Commerce will be speaking directly to these issues in the opening of the Sectoral Debate, let me just say that it is clear that the micro, small and medium-sized enterprises have a very important role to play in the growth and the development of this country. The MSMEs are indeed essential to economic growth and job creation.

Mr. Speaker, the Government has decided, and it was confirmed by the Prime Minister when he spoke yesterday, to make an amount of $2 Billion available through the Development Bank of Jamaica at competitive interest rates for the micro, small and medium enterprises. Cabinet is to examine also, a proposal to introduce a flat tax which would go a far way in addressing concerns with respect to the ease of paying taxes and tax compliance among small business operators. The issues, Mr. Speaker, of the GCT threshold and the income tax threshold would continue to apply to this sector.

The Government believes that supporting the MSMES and investing in our entrepreneurs is the way to grow the economy. We keep hearing talk about the Budget not having anything in there for growth. The Budget can only set the framework, Mr. Speaker, within which the private sector can invest. It is against this background that Government has concentrated heavily on creating this enabling environment to flourish

and to unlock their potential. We remain committed, Mr. Speaker, to exploring new ways of supporting and enabling this crucial sector.

And I must take the opportunity here of mentioning the work that is being done by an umbrella group, in which they have met with the Prime Minister, I know they have met with the Minister of Investment, and I have had many meetings with them and we will continue to have many meetings with them because through the umbrella group we will be able to give as much focussed assistance as possible to that sector.

Let me indicate though, as an area of interest, beyond credit, Mr. Speaker, and in post debt exchange circumstances, an interesting feature of one of the things that has happened since the debt exchange. Since the close of the debt exchange in February, the Jamaica Stock Exchange has been enjoying a rally where both volumes and values increased. A comparison of the Exchange's performance in March over February bears this out, Mr. Speaker. In February, a total of 64.2 million of ordinary units were .traded while in March a total of 249.14 million units crossed the floor, making a total increase of 288 per cent.

(Applause)

In terms of the ordinary value of stocks traded, 744.3 Million worth was traded in February, in comparison with Two Billion and Forty-two Million Dollars traded in March.

(Applause)

Mr. Speaker, in addition, a brief word on the Junior Stock Exchange which we started last year. The Junior Stock Exchange is already proving to be a critical link in the transformation of the investment and production landscape. For one thing, it will allow small and medium-sized companies to access equity financing which will improve their competitiveness locally, and on the international market. For another, it will have a direct and positive impact on local job creation. The establishment of the Junior Stock Exchange is already bearing fruit. One company, Access Financial, has already been listed, and another, The Blue Power Group will formally list tomorrow. And Members of this House will join me in sending a message of encouragement to the five or six other companies that are, as we speak, positioning themselves to list this year. All of this augurs well for investors, since, as we know, there is a positive relationship between falling interest rates and increased stock market activities.

JDX/PENSIONERS

Mr. Speaker, let me turn briefly to some of the comments made by the Opposition Leader. And I start with the issue of the Jamaica Debt Exchange and its relationship with pensioners. The Jamaica Debt Exchange was designed to help deal with the issue of the unsustainably high debt servicing cost facing the Government. It was a critical component of an economic programme aimed at raising the real GDP growth rate, reduce debt costs, and permanently instill fiscal discipline and accountability. The savings realized through the Jamaica Debt Exchange are critical as they complement other savings to be realized from the tough fiscal and tax measures implemented over the last year.

(HON. DR. HORACE CHANG, (JLP), Minister of Water and Housing, St. James,

North Western, entered and took his seat.)

And importantly, as I have said, Mr. Speaker, that the end game of the Debt Exchange, is to begin to infuse that culture of lower interest rates into the sensibilities of everyone in the economy, as that is the only sure basis on which to lay a strong foundation and framework for private-sector-led growth and investment to take place.

The Leader of the Opposition cannot say that the Opposition supports the Debt Exchange and then criticize its impact on pension funds. Pension funds must take into account that for many years they enjoyed significant real returns from Government Paper. I was the best investment in town. But, Mr. Speaker, the truth is that while Government Paper will continue to be an important part of the mix of investments for pension funds, there must be more dynamism in the portfolio mix for these funds. Let the message be clear: do not expect to rely on high interest rates on Government Paper to keep pension funds viable. That goes also for the National Insurance Fund, and all other funds. We must have a more dynamic mix of products in terms of their investment portfolio.

A MEMBER: Earning.

Mr. SHAW: Mr. Speaker, the Opposition Leader has called on the Government to meet the extra $30 Billion, by her calculation, assuming that we were to take on board the 7 per cent, both in terms of 2009/2010 and going forward. She's correcting the figures and saying that the two figures are $30 Billion that we owe. This is not an honest effort at being constructive, in my view, Mr. Speaker. It is not helpful to raise expectations of the workers, knowing fully well that there is no possibility for these expectations to be met. The Opposition cannot have it both ways. It cannot tell the country that the Budget is tight, as the Opposition Spokesman on Finance has said, and that we run a risk in not meeting our targets while at the same time, asking us to find $30 Billion more.

A MEMBER: Hypocrites!

Mr. SHAW: That extra $30 Billion can only realistically come from more taxes or more borrowing, as there is not surplus from which to pay it, Mr. Speaker. At the same time the Opposition has told the country that the tax payers are maxed out and cannot or should not be taxed anymore. They have even issued a veiled threat about the matter. They have also told the country of the heavy debt burden that we face, which we agree. How then are we to finance this extra $30 Billion, Mr. Speaker? If we cannot borrow and we cannot tax any more, and we have no surplus, then the country must ask the question of the Opposition, is this simply politics or it is a serious debate to find answers to the country's problems.

A MEMBER: Politics, politics!

WAGE FREEZE

Mr. SHAW: The Opposition Leader refers to a five-year wage-freeze itself also is misleading. A simple reading, for instance, of the document, the Letter of Intent to the International Monetary Fund, would inform the Opposition Leader that her claim of a wage-freeze from 2009 through to 2013 - that's how she got the five years - was wrong. The IMF Agreement clearly states:

> "The Government is committed to maintaining the current public service wage freeze on salary increases into fiscal year 2011/2012 while it

develops a comprehensive reform of the public sector."

Mr. Speaker, this represents a three-year freeze, inclusive of the fiscal year just ended 2009/2010. Those who have the script, check against delivery, not a two-year wage freeze - a three-year wage-freeze, inclusive of the fiscal year just ended.

Mr. Speaker, I again call upon the public sector workers not to be influenced by political rhetoric, but to understand the situation that faces the country, and to play their part in putting Jamaica first, on a stable financial path for the future.

(Applause)

IMF - STANDBY

Mr. Speaker, a debate has been started about the Stand-by Agreement *versus* the Extended Fund facility by the Leader of the Opposition. And quite frankly, it is baffling that the Opposition Leader has now raised this issue, after the IMF negotiations have been extensively discussed and debated in this very House over the past several months. And the Opposition Spokesman on Finance did not find it necessary to question the choice of a Stand-by Agreement. I wonder if they are talking to one another. How come? How come?

(*Sotto voce* comments)

The discussion about the Government opting for the IMF Extended Fund Facility as against the Stand-by Agreement is largely a non-issue, but must be addressed before it becomes a distraction. Let me just make a clear statement on the matter, Mr. Speaker. The IMF Stand-by Agreement is usually for 24 months, but it can, and is often extended for a longer period of up to 36 months. It is usually designed for short-term balance of payment problems. Repayment of the borrowed funds under the Stand-by Agreement is usually due within three to five years of disbursement. The Stand-by Agreement is quite flexible in terms of the amount borrowed and timing of disbursement. And the amount can be above normal access or 200 per cent of quota and can be front-loaded meaning a lot of the money comes up-front, as indeed, we have seen with US$640 Million coming up-front out of the US$1.27 that is being borrowed.

The IMF Extended Fund Facility was established to enable borrowing countries to overcome balance of payment problems that stem largely from structural problems and require a longer period of adjustment than is possible under the Stand-by Agreement. The Extended Fund Facility is typically for three years, and perhaps a little longer over time.

Jamaica opted for the Stand-by facility because the Balance of Payments outlook identified a clear need for external support over two fiscal years.

Beyond that period, the likelihood was for stabilization in the external accounts once the initial high-risk period had passed. The initial consideration in approaching the IMF was to establish a line of credit in the event that the recovery in the world economy was protracted and capital inflows declined sharply.

Given the focus on the two-year implementation period, there was no compelling reason to stretch the precautionary IMF support to span three years with no increase in the amount available. The reform programme which is represented in the consolidated matrix and is integral to multilateral support, Mr. Speaker, was also

concentrated over the next two fiscal years. These are policy-based loans, secured on concessional terms with long maturities, Mr. Speaker.

It was important to the success of the reforms and the support of the other multilaterals that they be front-loaded so that benefits from the reforms of tax administration, fiscal management and public sector restructuring could begin to contribute to the new paradigm of fiscal responsibility as early as possible. These benefits could be secured under a Stand-by Agreement and involved a shorter IMF programme, heavily front-loaded funding and a shorter repayment period.

SOCIAL SAFETY NET - PATH

Mr. Speaker, in terms of the Social Safety Net, the Leader of the Opposition didn't spend much time on it at all. Didn't spend much time on it at all. And I simply want to reiterate, that never before in our history have we seen these overwhelming levels of support for the social safety net. It is no wonder therefore, why the Opposition Leader was unable to criticize this Government's very impressive social safety net Programme.

Mrs. SIMPSON MILLER: Ha Ha! Ha Ha!

Mr. SHAW: And while I need not elaborate on the unprecedented support we have extended to this area, I would just want to mention that in terms of the PATH Programme in which I - at the opening I mentioned the increase of 114,000 persons that are benefitting now in addition to those that we had taken over when we came into office, and that the new target is 360,000 people. And seeing equally increases in the amounts of money, not just the people benefitting but the amounts of money that will go to each beneficiary.

The Member of Parliament for Central Kingston has written that the amount allocated in the various categories is a "measly" sum to use his words, a "measly" sum. Let me point out that since taking office this Government has not only increased the number of beneficiaries, but we have also increased the amount to each beneficiary.

(Applause by Government Members)

Mr. SHAW: And the Minister of Labour has now proposed, Mr. Speaker, for a substantial additional increase which are to be considered by Cabinet next week, the increased budgetary allocation already anticipated, because the budgetary allocation as I pointed out in my opening, has been increased by almost 30%, Mr. Speaker, and that is because the benefits are going to be substantially increased to the beneficiaries. We expect to see an appropriate article written at the time of the Announcement by the Member from Central Kingston.

(*Sotto voce* comments by Rev. Thwaites)

(Laughter)(Laughter by Members)

Mr. SHAW: Mr. Speaker, these increases will be significant and go a far way in enhancing the social safety net at a time when this support is most needed. You will recall, that though they are sometimes called insensitive, the IMF at all times had indicated that in the midst of these negotiations that the social safety net should not, Mr. Speaker, be compromised. The increases will be announced in due course and will take effect on the 1st of June of this year.

Mr. Speaker, I need not repeat the high level of commitment shown by this

Government despite the budgetary constraints for education - Cost-sharing and School-Feeding, for health, the Constituency Development Fund and the lifting of the Income Tax threshold.

(*Sotto voce* comments by Opposition spokesman)

Mr. Speaker, I now turn to the presentation of the Opposition spokesman on Finance. And I want to start with the shrill bawling of the Opposition spokesman that the budget was presented using information in the First Supplementary Estimates as opposed to the Second, thus causing difficulties in terms of the comparative purposes.

While I regret that due to time constraints, Mr. Speaker, we were unable to present the Second Supplementary Estimates to facilitate the convenience of ease of comparison, the Opposition spokesman on Finance had repeated with righteous indignation that he is unable to make the comparison unless he pulls out the publication showing the Second Supplementary Estimates.

Dr. DAVIES: And you promised me! (Laughter)

Mr. SHAW: And kept repeating it as if it was some kind of talk about confusion and cry 'wolf'.

(*Solo voce* comments by both sides)(Laughter)

Mr. SHAW: I have already stated that having tabled the Second Supplementary Estimates on the 16th of March, Mr. Speaker - and this was late because of the timing of the Jamaica Debt Exchange - the time between that and the tabling of the new Estimates on the 25th of March didn't allow for the updated information to be included in the new publication.

But despite his protest, Mr. Speaker, the Opposition spokesman is well aware that circumstances affect the budgetary processes in the same way and affected it in the same way for quite a few years under his watch. On those occasions I did not make an issue of it. I simply pulled out my supplementary publication and dutifully did my comparisons.

Government MEMBER: Lazy!

(Laughter by Dr. Davies)

Mr. SHAW: But all of a sudden, the shoe is on the other foot. And all of a sudden, the work I used to do, im don't want to do it.

(Laughter by Members)

(Laughter by Dr. Davies)

Government MEMBERS: Lazy! Lazy!

Mr. SHAW: How come?

Dr. DAWES: How come you told me it would be done. (Laughter)

Government MEMBERS: How come!

Dr. DAVIES: How come you told me it would be done. (Laughter)

(Applause/Laughter by Government Members)

Mr. SHAW: (Laughter)

Mr. Speaker, Mr. Speaker, in fiscal 2000/2001, despite having the First Supplementary Estimates, it was the approved budget from the previous year that was shown for comparisons with the new estimates. In 2002/2003, you remember that year?

(Mr. Shaw turned to Government Members)

Government MEMBER: Oh, yes.

Mr. SHAW: Remember that one?

Government MEMBER: Run wid it. Run wid it!

Mr. SHAW: Okay.

Government MEMBER: Run wid it!

Mr. SHAW: And again in 2004/2005,

there were First and Second Supplementary Estimates but it was the First Supplementary Estimates that was shown for comparison with the new budget. So, it wasn't confusing then but all of a sudden under 'man a yard' it confusing.

(Applause/Laughter by both sides)

Government MEMBERS: How come? How come?

Mr. SHAW: Mr. Speaker…

Mr. KELLIER: You said you never had any Supplementary Estimates.

Mr. SHAW: I didn't say that. I never said that. Don't misquote me. I never said that. .

(Laughter by Dr. Davies)

Mr. SHAW: I repeat once again that with the exception of the debt exchange and some tidying up, there were no major deviations from the First Supplementary Estimates, Mr. Speaker. I can only conclude that the spokesman was short on items to criticize so he had to expose himself in this way.

(Laughter by Dr. Davies)

Mr. SHAW: Mr. Speaker, this year's budget has been presented after extensive negotiations with the IMF and our other multilateral partners. Negotiations which include our technical people at the Ministry of Finance, the Planning Institute of Jamaica, the Bank of Jamaica yet we are being told where is the macroeconomic framework.

I put it to the Opposition spokesman on Finance, Mr. Speaker that the macroeconomic framework that underpins this budget is perhaps the most comprehensive framework that has ever been provided in Parliament.

(Laughter by Dr. Davies)

(Applause by Government Members)

Mr. SHAW: So where, how come this argument about where is the macroeconomic framework?

Government MEMBER: How come?

Mr. SHAW: Just look like they have the same criticism and they just trot it out every year, (Laughter) over and over and over again at is what is happening.

(Laughter by Dr. Davies)

Mr. SHAW: Mr. Speaker, I want to speak briefly on the question of the deficit because I was attacked on it despite the global implosion and all that came with it that we all know, the fallout in revenue, everything the Prime Minister summarized it yesterday I don't need to go over it again. But the former Minister castigated me and said that the deficit has increased by 100%, not acknowledging the context within which it has been increased.

The central line of attack by the Opposition is that the 'budget is not credible'. The arguments used to support their position are; the data are confused and not clear, the 2009/2010 Budget had to be revised several times with several tax packages, several targets were missed, lack of economic framework as I mentioned earlier.

Mr. Speaker, maybe some who are using the data are themselves confused because the data that we have provided is not confusing at all. But, you know when day is being used and mischief is to be made, maybe, not only are they confusing those who are listening to them, but they end up confusing themselves as well. (Laughter) Yes.

Miss HANNA: Kuyah!

Mr. SHAW: Yes. Whe yu sey kuyah?

(Laughter by all Members)

Mr. SHAW: I would a sey - instead of kuyah, I woulda sey ku deh!

(Laughter by both sides)

Mr. SHAW: Mr. Speaker, indeed, many of the critics have a vested interest in sowing seeds of confusion. When you listen to some of them that call, especially one in particular, calls himself an analyst, he has never seen anything in any presentation made by me to be positive, everything is negative.

(*Sotto voce* comment by Government Members)

Mr. SHAW: And im talk to dat one plenty too on radio, im over there.

(Mr. Shaw points to Rev. Thwaites) (Laughter by Rev. Thwaites)

(Laughter by Members)

Mr. SHAW: It is important to note that most of the critics and commentators have avoided discussion about the broad stable macroeconomic environment. This was achieved in a very difficult and unprecedented global environment. The very unstable domestic and global environment made it extremely difficult to project accurately. Mr. Speaker, no one should be allowed to ignore the fact that the fundamentals of our macroeconomic variables are pointed in the right direction.

(Applause by Government Members)

Mr. Speaker, the dollar is stable, the dollar is stable and appreciating. Yesterday it $89.08 to one US Dollar. (Applause by Government Members) Anybody want to… The last time they wanted, the Member from Central Kingston wanted the former Minister to round it off at $90.

(Laughter by Government Members)

If you want to round it off, round it off at $89, don't round it off at $90.

(Applause by Government Members)

Interest rates are set to fall. The NIR and gross reserves cover 17½ weeks of imports and inflation is beginning to moderate, Mr. Speaker.

The SPEAKER: (Gave1s) The Minister's time for speaking has expired.

House Leader.

Mr. HOLNESS: Mr. Sneaker, I now move for the suspension of Standing Orders to extend the member's time sufficiently for him to complete his presentation.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the Minister of Finance to complete his presentation?

Put to the House and agreed to.

The SPEAKER: Minister Shaw.

Mr. SHAW: Thank you, Mr. Speaker, and thank the Honourable Members.

Mr. Speaker, many who now talk the loudest about the accuracy and credibility of projections, dealing with debt and deficits, had their difficulty during their time, times that were relatively stable globally, when the world economy was growing at 5 per cent per year, Mr. Speaker. And they had no crisis of any significant sense except for, of course, the financial sector collapse during the middle of the nineteen nineties.

A brief look at the history of missed targets and deficit would reveal, in 1996/97 a fiscal surplus of 0.8 per cent was projected. The outturn was a fiscal deficit of 6.1 per cent. Mr. Speaker, this represented a deviation of 7 per cent of GDP, or 860 per cent of the missed target, 860 per cent of the missed target. In 1997/98 a fiscal deficit of 2 per cent was targeted. The outturn was a deficit of 7.5 per cent. This deviation represented 6 per cent of GDP, or 273 per cent of the missed target. There was no crisis then.

In the year 2002/2003 you remember that year?

Mr. MAIR: Yes. Run wid it.

Mr. SHAW: ...and also in 2005/2006, the targets were negatively exceeded by over 150 per cent. In the first year it was 154 per cent, and in the second period it was 290 per cent, to be exact. All these missed targets occurred when there was no crisis in the world economy, Mr. Speaker.

Mr. Speaker, the fact is, very few countries, corporate or international institutions, were able to escape having to change their projections during 2008/2009, and to make major adjustments as the depth and extent of the global crisis unfolded. Many countries, including developed ones, not only missed their projections, but many had to put forward revised budgets during the year. Some countries found themselves in deep crisis. Greece, as we have been told, Ireland, Iceland, and Latvia, are some of the examples. In Jamaica, while our revenue and deficit targets were off, our growth was in line with projections, our inflation rate was in line with the forecast, interest rate moved down, as we planned, the exchange rate was stable, foreign exchange was available. Mr. Speaker, we held our own. (Applause)

We undertook the Jamaica Debt Exchange to treat with the unsustainable high debt servicing cost, through the lowering of interest rates and the extension of maturities on Government domestic debt instruments. And the BOJ benchmark interest rates are now at the lowest levels they have been in 24 years, Mr. Speaker, the lowest in 24 years.

But I quote from the former Minister of Finance, who spoke, in his speech said:

> "At present inflation is running at over 13 per cent. At the same time, the interest on Government instruments is between 10 and 12 per cent. Simply put, after tax, the real interest rate is in the range of 7 to 9 per cent. Is it reasonable to expect that investors will continue being irrational by accepting negative interest rates?"

May I state clearly to the Opposition Spokesman on Finance, you should do better than that. When inflation was 13 per cent last year, the average rate paid on Government Paper was in excess of 17 per cent. The post-debt exchange - since the debt exchange, this has fallen to 10 to 12 per cent. But inflation is projected for this year to be in the region of 7½ to 9 per cent, Mr. Speaker.

But you know, I did a little more research, and here again all of this crying wolf on issues when we are in a difficult period - I thought I would look a little bit at the history of negative returns during his time. And there were periods when negative returns were over quite a protracted period of time. In February to March of 04, there was a two-month period of negative returns. In April to November of 05 - that's eight months - there were negative returns. And November 2007 to November 2008, 12 months, Mr. Speaker, negative returns.

Dr. DAVIES: That's your time.

Mr. SHAW: Twelve months.

Mr. DAVIES: That's your time.

Mr. SHAW: Yes. Well, yes.

(Laughter/applause from Opposition Members)

Mr. ROBERTSON: What you clapping about?

Mr. SHAW: No, listen, listen. I read this information. I am not seeking here - I am not

seeking here to say it hasn't happened under us. (Heckling from Opposition Members)

All I am saying to you is that it happened, that is right. That's all I am saying. In fact, for me to read out the figure on my - it enhances my own credibility. (Government Members applaud) Yes.

(*Sotto voce* comments)

Mr. Speaker, I want to say something briefly on the education budget. Because the former Minister said schools have been recouping some of the revenues lost by the so-called abolition of tuition fees. By the way, what you mean by "so-called" abolition of tuition fees?

Mr. E. SMITH: They want to withdraw it.

Mr. SHAW: Ask the parents who used to pay the tuition fees and are not now paying the tuition fees. What do you mean by so-called tuition fees?

Dr. DAWES: They are coming to me still.

Mr. SHAW: They are not paying tuition in public high schools, and so don't be misleading. (Cross talk)

And you speak of - Mr. Speaker, he speaks of revenue, revenue loss. Prior to abolition there was hardly any school that was able to collect the full amount of fees from every student. Some of the better-off schools achieved a high compliance rate. Many schools, especially those in poorer communities, however, and rural areas, were not able to collect even 50 per cent of the fees. With the removal of cost sharing, every school receives a cheque covering the full amount due for every child now. (Applause)

And, Mr. Speaker, yes, we can also admit that sometimes the cheque might be delayed...

Mr. HOLNESS: But it is coming.

Mr. SHAW: But the full amount is paid for every child in every school.

Mr. BUCHANAN: That is not true! It's not true!

Mr. SHAW: Don't talk about the so-called abolition of tuition. It has been abolished, not so-called.

(*Sotto voce* comments)

Mr. SHAW: Mr. Speaker, this year we have increased the education budget as a percentage of the total budget. It is now 14.56 per cent of the total budget. It marks the highest year of allocation to education, close to the 15 per cent target set many years ago.

Mr. Speaker, we know that there are issues. We know the question of the cost in tertiary education is now a very sore issue. And the Prime Minister yesterday called for a national debate on how this country should spend its education budget. We know that secondary education gets 33 per cent of the money, primary 31 per cent, tertiary 7 per cent, and down the line. But Early Childhood Education, which is the foundation, that is where the building blocks of education start, is only getting 3 per cent of the money. And the Government has made a decision that we have to take the foundation levels of early childhood education and primary education and put some priority into that. Because we are graduating too many people who are functionally illiterate...

Mr. HOLNESS: Yes.

Mr. SHAW: ...and unable to read and write, and we are sending them up to high school to go wear gown and cap at graduation time, and they are not functionally literate, Mr. Speaker. We have a crisis in our educational system.

Mr. E. SMITH: Serious crisis.

Mr. SHAW: And therefore, we have to do something about it. We have to do something about it. And as the Minister has indicated, not only will we have to put more resources into making sure that we make our little children literate by the time they get into primary school, but we are going to have to make choices about how we are going to do it. We are going to have to enhance the Student Loan Programme much more over time, than what I have done even in this Budget. (Applause) Because what we are going to have to bluntly say to our university students - some of whom are in the Gallery here - is that, listen, when the State makes the commitment and takes you to a point where you reach university, we are asking you, you are going to have to play a bigger role in carrying yourself at the tertiary level.

Dr. DAVIES: This is not an issue.

Mr. SHAW: And we are going to assist by making sure of the availability of resources thorough the Student Loan Programme.

Dr. DAVIES: You shouldn't quarrel about it. You don't need to quarrel about it. I support it.

Mr. SHAW: But it's an issue that we will have to debate and we will have to have consensus going forward, in terms of how we are to deal with it.

Mr. Speaker, let me speak briefly about the question of the debt issue. The Opposition Spokesman on Finance has stated that the national debt has down by 55 per cent between September ‘07, and March 31, 2010. It's not true.

Dr. DAVIES: I challenge you! I challenge you!

Mr. SHAW: The debt grew by 43.4 per cent, and due in a large part to increased borrowing, in part as a result of falling revenues - which he knows - and it must also be noted that the debt stock to which the Opposition Spokesman referred, the debt stock to which he referred is the overall public sector debt, including the $57 Billion not million - the $57 Billion borrowed in the IMF Stand-by Agreement, and it is not an increase in the stock of Central Government debt. That figure that was quoted includes the IMF money. And let's remind ourselves that the IMF money is not for fiscal support, the IMF money is for balance...

Opposition MEMBER: How much?

Mr. SHAW: Billion, $57 Billion. The IMF money is for balance of payment support, but we have to record that debt in the overall public debt.

Mr. Speaker, but I want to point out something interestingly here. While he talks about the increase, whether it's 43 per cent or 55 per cent, I want to make a point.

Mr. E. SMITH: Yes, make it clear.

Mr. SHAW: I want to point out that under the Opposition Spokesman's watch as Finance Minister, when there was no world crisis, the national debt increased in fiscal year 2000/2001 and 2002/2003, over a two-year period the national debt increased by 58 per cent...

Mr. E. SMITH: You see what I mean? Omar!

Mr. SHAW: Fifty-eight per cent. And in the two-year period between 1992/93 and 1994/95, the public debt increased by 70.2 per cent, Mr. Speaker, and there was no world crisis. And there was no crisis of falling revenue.

Mr. VAZ: Omar was the crisis.

Mr. CHARLES: Omar was the crisis.

Mr. ROBERTSON: And bauxite was strengthening.

Dr. DAVIES: The information I gave came from his office, so let him refute it.

Mr. ROBERTSON: How did you get it?

Dr. DAVIES: His office sent it to me!

Mr. SHAW: Mr. Speaker, the Opposition Spokesman on Finance...

Mr. D. SMITH: You never understand what you get, man!

Mr. SHAW: ...in speaking about arrears he said, I quote:

> "This outturn of 10.9 per cent of GDP is artificial. It is artificial because not included in this deficit target are the significant amounts owed by Government to just about everyone, the workers, creditors, etc."

Mr. Speaker, he knows that this is an absolute fallacy. And quite frankly, he knows better, that you don't measure arrears in the deficit, he knows that. And he knows it, Mr. Speaker, yet he comes to Parliament with it. He should know better.

The budgetary process of Jamaica has not changed since I took office, so how does the spokesman end up defining the deficit to include payables or arrears? Our budgetary process is based on cash payments and cash receipts. Indeed, it is to be acknowledged that we are looking at the question of accrual accounting, which over time would be seen to be a more accurate measurement, Mr. Speaker, in terms of the budgets process, and in terms of deficit. Government is an ongoing dynamic operation which will result in short-term bills outstanding at all times. We do not immediately include bills owed to a contractor in the debt stock the moment an invoice is submitted, neither do we count it as part of the deficit.

When I assumed office there was a very large stock of outstanding arrears which were not being counted in any deficit that was put forward by the former Minister. And we are now - we inherited that large stock and we have to be working now to clear those arrears. That is a part of the programme with the IMF that we have agreed to. And we have agreed that we are not going to allow any arrears to balloon, Mr. Speaker, any further, that we are going to be dealing on a regular basis to contract the arrears over time. But it cannot be dealt with overnight.

Mr. Speaker, I just want to mention that the former Minister asked the question about the China Road Improvement Loan, and the Prime Minister mentioned it yesterday, and the Minister of Transport and Works in the Sectoral Debate will be providing a lot of details on this programme. But I wish to state that this loan will be financed from proceeds of the Fuel Cess, and will be administered by the Road Maintenance Fund. It will be implemented over a five-year period, and the debt is part of the projected increase in the stock of debt which is submitted to the International Monetary Fund. I mention that in that context because this is not something that we are seeking to hide from anybody, including the IMF. The projection of the debt is very much in the projection of the stock of debt over the medium term; that has been submitted to the International Monetary Fund.

Mr. Speaker, in my opening Budget presentation, I stated that we have received $5 Billion from selected Public Sector

enterprises, primarily through dividend. Our action is not inconsistent with the previous Administration's.

In fact, from as far back as 1993 the then Minister of Finance indicated the Government's intention to create a dividend policy for selected Public Sector enterprises. "Each and every one of them", I am quoting now from the then Minister Hugh Small:

> "Each and every one of them represents investments of taxpayers money and in a properly managed system those investments should pay dividend, because nobody invests their money without expecting to make a return. And in the course of this year we are going to try and refine the policy of getting returns from those investments which we have made and the returns have to be related to the capital that is invested".

That was the Minister of Finance at the time, Hugh Small, in 1993. I don't believe that the former Minister is in any disagreement with that position. I don't think so.

Dr. DAVIES: I will tell you which one you should take.

Mr. SHAW: And I am agreeing with you.

Dr. DAVIES: But it's wrong.

Mr. SHAW: The National Health Fund – let me state, the National Health Fund, I the $300 Million must be seen as a one-off transaction…

Dr. DAVIES: You are wrong!

Mr. SHAW: …and will not be a part of the dividend policy. I want to state that clearly.

Dr. DAVIES: CHASE….

Mr. SHAW: Let's say also that Cabinet has already approved an amendment to the Public Bodies Management and Accountability Act to accommodate a financial distribution by public bodies, which will be presented to Parliament shortly.

Mr. Speaker, doubt has been cast on where the growth is to come from in the economy. And I just want to indicate, Mr. Speaker, once again that government must set the framework. The macroeconomic climate must not be hostile to investments and the public sector as a supportive entity must provide the facilitative and supportive umbrella so that the private sector can flourish and do well; and that is the context. We have modest projection of 0.5% growth, between 0.5% and 1% growth for this fiscal year. And it is expected to come from various sectors, Mr. Speaker. It is expected to come from agriculture, from tourism, from finance and insurance, electricity and water and from construction.

And I want to pause here to join the Prime Minister in really singling out the agricultural sector that has recorded six (6) consecutive quarters of growth since July 2008. (Applause) And in 2009 the sector grew by 12% which was confirmed by "Farmer Joe" when he was here yesterday.

Mr. VAZ: "Farmer Joe", stand up!

Dr. DAVIES: What him do?

Mr. SHAW: And largely this growth has been underpinned, Mr. Speaker, it has been underpinned by a 22% growth in domestic food crop in the country. This growth has now put production levels above the pre-Hurricane Dean and Tropical Storm Gustav levels, Mr. Speaker. Growth in the sector has been facilitated by deliberate and strategic interventions by the Ministry of Agriculture and Fisheries, including a doubling of Extension Officers. For years we used to beg

"Red Poll" (Laughter) I mean the former Minister of Agriculture. We used to beg the former Minister of Agriculture for more Extension Officers.

Dr. DAVIES: Relax and stop quarrel.

Mr. SHAW: And is since this Minister (referring to Dr. Tufton) has been in power that he has doubled the number of Extension Officers that are in the field now. (Applause) He has established a marketing unit with 18 officers.

Dr. DAVIES: Tell me something, he is not going to speak in the Sectoral Debate?

Mr. SHAW: Is him write this for me, mek you hear it. (Laughter) They have provided inputs to support farmers through a production and productivity programme, a financial access for responsible members, Farm programme of $86 Million and $420 Million in subsidy in the provision of irrigation water.

Mr. PICKERSGILL: Then weh Hutchie gwine seh? Hutchie, you not have nutten fi seh.

Mr. SHAW: Mr. Speaker, it is important for us to know and remind ourselves of the importance of the agricultural sector.

Mr. PERALTO: Absolutely.

Mr. SHAW: That it contributes through production, small farmers involved across the country $110 Billion to the Gross Domestic Product of the country. (Applause) Since the innovative work of this Minister and his team 10,000 new jobs were created in the sector bringing the number of persons employed to 235,000 people. (Applause) And, Mr. Speaker, very importantly, food imports have been down by US$70 Million.

Mr. CLARKE: Car imports down, too, you know.

Mr. SHAW: You see, Mr. Speaker, food imports are down because domestic agriculture is up. (Applause)

Mr. D. PEART: The economy shrinking.

Mr. SHAW: Mr. Speaker, the growth in the tourism sector which we all know about, there is a vital linkage between the growth that's taking place in tourism as well and the growth that's inking place in agriculture. And I'll let you in on a little secret. The Minister of Agriculture and myself, as the Minister of Finance, we have teamed up. We have decided that we are not going to grant waivers to people for things that can be produced here. (Applause)

(*Sotto voce* remarks by Dr. Davies)

Mr. PICKERSGILL: Like what?

Mr. SHAW: Yes, there are all kinds of products, Mr. Speaker. There are all kinds of products…

(*Sotto voce* remarks)

Mr. SHAW: When he comes to Sectoral Debate he will tell you. (Laughter) But there are base materials whether it is puree of different pepper, carrot, tomato, whatever, we can produce them, we can put in greenhouse technology, we can produce them in Jamaica. And I am sending out the warning, open up, ramp up local production because we are going to cut out the waivers.

(Applause)

Dr. DAVIES: You making that up as you go along.

Mr. SHAW: We are going to cut out the waivers.

Dr. DAVIES: Have you met with him? Have you met?

Mr. SHAW: Mr. Speaker, I want to mention the question of the Bank of Jamaica accommodation because the former Minister

once again in his presentation, has mentioned it. And I want to put that matter to rest, especially within the context of a suggestion and a concern he is expressing of Government's control over the Bank of Jamaica. No such thing! He has demanded full disclosure of the financial arrangements between the Bank of Jamaica and the Ministry of Finance.

Mr. Speaker, at various points during the last fiscal year the Bank of Jamaica especially concentrated at the time of the Debt Exchange, pre, during and post, the Bank of Jamaica provided bridging financing to the Government. In some instances the financing was required as expenditure had to be made before the Government's normal debt issues had accumulated sufficient funds. In other cases such as just prior to the passage of the Second Supplementary Estimates, the bank advanced sums to settle securities that had matured, not because the Consolidated Fund had no money but because Parliamentary approval had to be obtained for the Consolidated Fund to be debited.

I want to make it clear, Mr. Speaker, all advances were for short periods and consequently all were repaid. All the advances were repaid. (Applause) The balance sheet of the Bank of Jamaica will show that at December 2009 there was a net increase in their holdings, however, of Government Securities relative to a year earlier. That acquisition as the bank has explained, in news releases, occurred in the context of the virtual closure of the Bond market when uncertainties about the Jamaica Debt Exchange were high. Since then these securities have been gradually sold to the market. The securities issued were about $20 Billion and since then they have sold over $13 Billion of those securities back into the market and only $6.8 Billion of securities now remain to be sold into the market. Once that is done all the accommodation of every type will be totally out. So that my initial projection that I had given to you that it would be dealt with by September of this year, in fact, it is being dealt with much earlier.

Dr. DAVIES: Stay with the September thing.

Mr. SHAW: I am not changing it. So there is that $6.8 Billion that remains there.

Mr. Speaker, I want to refute the claim on the increase in control of Government over the Bank of Jamaica. We must insist, however, that the role of the Central Bank is critical to maintaining financial system stability and its amplified role during the period of the Jamaica Debt Exchange is a good example of that responsibility that was being carried out. Mr. Speaker, throughout this debate and despite the many challenges that we have faced no one has questioned the stability that now exists in the Jamaican economy. No one has questioned that. STATIN has released the latest inflation outturn for March 2010. And I am pleased to inform the House that inflation in March slowed to 0.5% compared with 1.4% in January and 2.2% in February. This brings inflation for the fiscal year to 13.3%, which is just under the upper end of our projection. Last fiscal year when many pundits published private forecast of anything from 15% to 20%, the outturn for March proved them all wrong. The sharp slowing in March is a good indicator going forward in achieving a lower rate in 2010/2011 and which is consistent with our projection of 7½ to 9% inflation for this fiscal year 2010/2011.

Mr. Speaker, we have spoken already about the stability in the exchange rate and the fact that we have been seeing an appreciation of the Jamaican dollar against the United States dollar. Our Gross Reserves and our NIR, NIR stands at $1.78 Billion but Gross Reserves, of course, takes it up to about $2.2 Billion, and this represents over 17 weeks of imports of goods and services, Mr. Speaker.

Remittances, data on remittance inflows in February, Mr. Speaker, show a 7.4% increase over last February, 7.4% increase. This follows a reported 1.5% growth in January; and we are hopeful that these positive signs of remittance flows will continue and we are seeing, of course, this set against the background of an apparent rebound that is taking place in the United States economy. All of this is set against the adequacy of foreign exchange against the background of an IMF agreement while observing principles of prudent financial management and debt sustainability. Our level of support from the multilaterals that we have gotten, it reflects the Government's firm and irrevocable commitment to bring a new and transformative type of governance to the people of Jamaica.

Mr. Speaker, as I close this Budget Debate, the Honourable Prime Minister indicated yesterday, and I would repeat, that there was a paucity of mention of the world crisis and global crisis on that side in terms of the presentation, Mr. Speaker.

Dr. DAVIES: On both sides. We try to tell you about it.

Mr. SHAW: Mr. Speaker, the truth is…

(*Sotto voce* remarks by Members)

Mr. SHAW: Mr. Speaker, let me say to you, from the first day we came into power we have had to be fighting one crisis after the next.

Mr. PICKERSGILL: Oh, so you think it was a Sunday school.

Mr. SHAW: We had the devastation from Tropical Storm Gustav. You remember Gustav?

(*Sotto voce* remarks by Opposition Members)

Mr. SHAW: Gustav did extensive damage to the road networks islandwide and this was on top of the roads that were damaged by Hurricane Ivan and which had not been fixed, and Gustav came and added to the problem. As a matter of fact, I never forget Gustav because I had just moved into the apartment….

Mr. PICKERSGILL: Don't bother say that. Don't bother with that.

Mr. SHAW: No, I had just moved into the apartment that government provided for me in Kingston and the basement of the apartment flooded out and my poor little puppy, name June, almost drowned.

(Laughter)

Mr. PICKERSGILL: You had to dive to save June. You dived and saved June.

Mr. SHAW: I almost had to swim to go save her. But Gustav was one of our first challenges.

Then we all know we had the world food crisis that was another major challenge at we had to deal it. Then we had the world first oil price crisis where the oil went up to $140 per barrel. Then, Mr. Speaker, we had the global economic crisis which we all know about and we are suffering from.

We had a Public Sector Bodies debt of over $200 Billion that we have to be dealing with now in the form of divestment Mr.

Speaker, CAP, Air Jamaica, Sugar Company of Jamaica of which the Prime Minister spoke. But Mr. Speaker in all of this preceded the world crisis, was the worst crisis of all, the crisis of inheritance of an economy that had only grown by 11% under the 14 years of the stewardship of the former Minister of Finance, that was the biggest crisis (Applause)

And Mr. Speaker, I never see, Mr. Speaker, I never see a man so bare-face to the Parliament last week to talk about raiding the barn, raiding the barn. Mr. Speaker, the main cause of this crisis was a raiding of the barn to sustain a high interest rate policy. Mr. Speaker, we had a big spender who borrowed expensively to support public expenditure. This led to interest costs consuming an average of 49.3%, of revenue and averaging 13.2% of GDP for the past six years. For 10/11 interest costs are now at a lower level, 43.6% still too high, and 11.4% of GDP still too high.

Mr. Speaker, this contrast with the Americans being worried now that by the year 2030, 7% of their GDP might have to be dedicated to paying interests. What they are worried about is what we have been doing for many, many years. When it comes to raiding the barn, Mr. Speaker, look at the past master of raiding the barn. (Cross talk) Because, Mr. Speaker, these high interest costs are the worst challenge to the budget, the high interest costs, the worst challenge to budget.

Mr. Speaker, as we strive to ensure that Jamaica is the place of choice to live, work, raise families and do business, this Government has been implementing a number of national strategies. Mr. Speaker, we have sought to ensure fiscal and debt sustainability, we are developing an efficient and equitable tax system. We are maintaining financial system stability. We are increasing access to capital, and we are developing the capabilities of micro, small and medium-sized enterprises. Despite what critics may try to say to the contrary, our mission at the Ministry of Finance and the Public Service is crystal clear. Our role is to help to provide the enabling environment to the economy through ensuring low inflation, competitive interest rate, a stable exchange rate and an equitable tax system. Against the backdrop of a history of run-away expenditure, whether due to the then administration running with it, or to public entities that were not closely monitored, this government has cut the Budget for 10/11 to $503.9 Billion representing the largest cut in both nominal and real terms in the nation's history. (Applause)

Debt servicing has fallen to $240 Billion or 47% of the budget down from 60% in '09/10 and which has been the average for many years. A number of loss-making public entities are being privatized.

We are undertaking a number of administrative reforms as well as legislative reform to establish a fiscal responsibility framework which will enshrine fiscal discipline into law, Mr. Speaker. The dollar is stable and foreign exchange is available. Mr. Speaker, the overarching vision of this Government is that found in National Development Plan Vision 2030 Jamaica, the place of choice to live, work, raise family and do business. I am repeating it, the Government is committed, the Government is committed to a balanced budget by 2013, realizing the national outcome of a stable macro-economy and enabling business environment, effective governance, strong

economic infrastructure and internationally competitive industry structures.

Mr. Speaker, we have taken tough decisions, we have taken strong and even unpopular decisions, and we have demonstrated the necessary leadership to make this vision a reality. (Applause)

We together, Mr. Speaker, have the opportunity to make lasting difference, to be felt over time, by ourselves and our children for generations to come. It is time to unite for a better Jamaica.

Mr. PICKERSGILL: How come?

Mr. SHAW: Mr. Speaker, let me repeat that. It is time for us to unite for a better Jamaica. Together, let us press on to prosperity, as we partner together in shared sacrifice with a collective vision. Together let us press on to prosperity with the firm determination and hard work that will make us great as Jamaicans. If we hope together, endure together and work hard together, we will achieve together.

Let us work together on building the foundation of our economy. In the book of Isaac Chapter 57, it gives us...

Mr. PICKERSGILL: No, no last time you talk about Micah 6 verse 8.

MR. SHAW: Don't make joke about the Bible now, King James Version, it gives us good inspiration.

And, it will be said, "build up, prepare the way, remove every obstacle out of the way of my people".

May God bless all of us, Mr. Speaker, and may God bless Jamaica land we love!

Thank you. (Applause)

Mr. Speaker, I now ask that the Bill be read a second time.

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

Motion put to the House and agreed to.

Bill entitled:

AN ACT to apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March 2011 and to appropriate the sums granted in this session of Parliament,"

read a second time.

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

COMMITTEE STAGE

The CHAIRMAN: Members, the matter before you is the Appropriation Act 2010.

Clauses 1, 2, and 3 put to the Committee and agreed to.

The Schedule put to the Committee and agreed to.

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

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.

Mr. SHAW: Mr. Speaker, I beg to move that the Bill be read a third time.

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

Motion put to the House and agreed to.

Bill entitled:

"AN ACT to apply a sum out of the Consolidated Fund to the service of the

year ending on the 31st day of March 2011 and to appropriate the sums granted in this session of Parliament",

read a third time and passed.

The SPEAKER: The Appropriations Act 2010 passed and approved.

House Leader. (Applause)

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. I now move that the House do adjourn until the 4th of May, when we will begin the Sectoral Debate.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Tuesday, May 4th at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

Adjournment taken at 4:41 p.m.

TUESDAY, May 4, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.29 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry and Commerce.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

MINISTERS OF STATE

THE HONOURABLES:

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.29 p.m.

The DEPUTY SPEAKER: This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The DEPUTY SPEAKER: This afternoon l would like to welcome all of those present here was us in Parliament and trust the afternoon will be an interesting afternoon.

Please remember to turn your cellphones off and to remember that you cannot participate in the proceedings.

STATEMENTS BY MINISTERS

Mr. HOLNESS: Madam Speaker, the Minister of Finance will have a Statement on Air Jamaica.

AIR JAMAICA – DIVESTMENT OF

Mr. SHAW: Madam Speaker, this Government has since 2007, embarked on a project to divest Air Jamaica. Our goals were threefold:

1. The first was influenced by our recognition of the critical role that Air Jamaica played in the Jamaican economy particularly in respect of the country's tourism industry; which means that the first goal of the Air Jamaica's divestment project was to ensure that Air Jamaica's airlift to and from the country would be secured in a sustainable fashion.

2. Our second goal grew out of an equally pressing acknowledgment that is, that Air Jamaica represented an unbearable cash drain for the Government's budget. This was not a hastily formed assessment. It is a well-known fact that Air Jamaica recorded losses in 40 out of its 42 years of existence, and this led to the accumulation of an approximately US$1.5 Billion dollars of debt backed or guaranteed by the Government of Jamaica. The second goal of the project was therefore to halt the cash drain on the public purse.

(HON. DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing, entered and took his seat.)

3. The third goal, Madam Speaker, and by no means the least, was to save as many jobs as possible, as the path on which Air Jamaica was on was unsustainable and would have resulted in a total loss of jobs were we forced to completely close down the airline in the form of a complete liquidation. We have so far managed to save approximately one thousand jobs, Madam Speaker. Two-thirds of what was on Air Jamaica's payroll on the 30th of April, 2010. Some of these will be short-term contracts but it provides those employees the opportunity to put adequate plans in place to secure future income streams.

(HON. LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications, entered and took his seat.)

In order to ensure that all these goals were achieved, this Government set as a requirement of the project, that Air Jamaica's value and the experience and skills that had been built up over the years would be protected.

(MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, entered and took his seat.)

Additionally, we were proactive in our efforts to ensure that the real value that Air Jamaica represented would be very apparent to any protective investor. Therefore, through several initiatives encouraged by the Government, inclusive of the crafting and implementation of a new business plan in 2009, we saw the airline make steady progress in stabilizing its operations, so that, for instance, reliability could begin to return to more reasonable levels.

Additionally, the airline took steps to strengthen its management team with the appointments of MR. BRUCE NOBLES as President and Chief Executive Officer, MR. SUDODH KARNIK as Executive Vice President for commercial services and MR. HOWARD HALL as Senior Vice President and Chief Financial Officer.

I am to inform you, Madam Speaker and the Honourable House, that with the signing last Friday of a partnership between Air Jamaica and Caribbean Airlines, the three (3) major objectives and their guiding requirements have all been met.

Before I provide devils on the Agreement, allow me first to address three issues of particular importance. It has to do with issues

of transparency, of national ownership and the timetable of the project.

There have been allegations of secrecy, Madam Speaker, in the Air Jamaica divestment process. I regard these complaints as ill-founded. Since the beginning of the project this Government established that it was keen on implementing a transparent and non-discriminatory bidding process. In support of that objective, marketing documents were prepared and made available on-line to all prospective interested investors. Advertisements were also placed in widely-read media overseas.

(HON. JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy, entered and took his seat.)

Additionally, then Minister without Portfolio, DON WEHBY, who was the Government Minister with direct responsibility for the divestment, joined Divestment Committee Chairman, DENNIS LALOR and myself, in briefing the media and this House on many occasions on those aspects of the project which we were able to disclose. What we did not disclose were those details which nondisclosure agreements prohibited us from making public. This is a standard practice in relation to those issues.

As another measure towards ensuring transparency and a fair divestment process, we selected consultants, most notably the International Finance Corporation of the World Bank Group, which had robust experience in airline investment.

(MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, entered and took his seat.)

(MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, entered and took his seat.)

Our intention in using such internationally known consultants was to set a precedent for this country on the transparent divestment of a major State asset. We wanted to ensure that the investors who met the consultant's clearly-drawn guidelines and who came to the table on time and with the most acceptable bids would be the ones with whom we would negotiate. When emotional responses are removed from the equation it is clear that this is what transpired.

As the international bidding process proceeded, Madam Speaker, we received seven (7) expressions of interest, five (5) of which fulfilled the requirement to provide information on their financial strength and aviation expertise. The Divestment Committee chaired by the HONOURABLE DENNIS LALOR, analysed the submissions and concluded that four of the five companies met the technical and financial criteria. Ultimately, only two of them submitted proposals before the extended deadline of June 30, 2009.

The Divestment Committee submitted an Evaluation Report which concluded that both proposals were viable options for the future of Jamaica's national carrier. The project was initially awarded to one bidder, whose submission, the evaluation team assessed as having a slight edge. The negotiations with this bidder, Indigo Partners, were halted by mutual consent as the parties were unable to arrive at an agreeable position after some four (4) months of negotiations. The Divestment Committee felt that it was therefore necessary to re-engage Caribbean Airlines as the only other remaining bidder.

(MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, entered and took his seat.)

It was also being suggested, Madam Speaker, that the Government is not interested - or was not interested in keeping Air Jamaica in Jamaican hands. As you now, there was one previous effort at the divestment of Air Jamaica. In fact it was done. It was implemented with Jamaican investors. Whatever the reasons, it must ultimately be admitted that that divestment, Madam Speaker, could at best be described as being less than successful in the long run because of the heavy indebtedness that we had to absorb in taking back the entity.

Although expressing an interest in the airline many potential investors analysed that they would not be able to effect a turnaround at Air Jamaica so that the company could become profitable. In other words, they were deeply concerned about the related financial risk. The Divestment Committee eventually advised the Government that it should remain as a minority shareholder in any future carved out for Air Jamaica, in order to prepare Jamaica's interest. This recommendation was accepted and is now in force with the Caribbean Airlines' transaction.

Madam Speaker, I should mention that the proposal from the Jamaica Airline Pilots Association was not ignored by the Government or the Divestment Committee, which was an opinion that many persons expressed. The Government had promised that this would be a transparent and fair process, and a part of that must include the need to ensure that the process is followed as outlined and that no party received any advantage not afforded to another. This meant that the JALPA proposal not coming within the established timeline and process laid out could not have been considered unless the bid process was reopened. If it were the case that Caribbean Airlines had not closed its transaction, then the JALPA bid would have been invited along with every other interested party. As a government we must maintain standards of fairness and transparency in the procurement process.

The third issue relates to the timetable of the project. It is true, Madam Speaker, that we originally set March 2009 as the project deadline. However, we acknowledge that the Divestment Committee was operating in a very difficult environment as the aviation industry went into crisis. Over the last two and a half years huge losses were realised in the industry due to high fuel cost, particularly in the 2008 and weak consumer demand as a result of the global economic crisis. Airlines cut thousands of jobs, sharply reduced the number of flights offered as well as the number of aircraft in their fleet. There was rapid downsizing as the industry saw a number of mergers to combat the crisis:

- In 2008 South West Airlines acquired certain assets of the bankrupt ATA Airlines.
- In '09 the Republic Airways holdings purchased Midwest Airlines and Frontier Airlines.
- Earlier this year Delta Airlines finalised a merger with Northwest Airline.
- Just yesterday United Airlines announced its merger with Continental Airlines making it the world's largest airline.

We did not want to divest the airline at any cost merely to meet a deadline. The Government instructed the committee to take the time necessary to help ensure the protection of the interest of the Government and people of Jamaica.

Let me now underscore for you the features of the transaction between Air Jamaica and Caribbean Airlines.

Caribbean Airlines has emerged as one of the leading airlines in the Caribbean in terms of operational performance. The combination of Caribbean Airlines' strong expertise in airline operations and Air Jamaica's strengths, particularly in the areas of marketing and online sales, will help create a very solid airline operation. Caribbean Airlines has adequate financial strength to sustain their commitment to Jamaica. In the context of this transaction, the Government of Trinidad and Tobago has agreed to increase Caribbean Airlines' capital with an injection of some US$49.2 Million, increasing the capital base from US$126 Million to US$175.2 Million, providing more than sufficient assurance to the divestment committee that adequate funding will be available to project.

Last Saturday, May 1, 2010, marked the commencement of a transition plan under which Air Jamaica will continue its operation under contractual arrangements with Caribbean Airlines. The career and given an assurance that there will be no disruption of service as all the tickets previously issued to passengers will be honoured and, indeed, that , must be so because the Government, as part of the divestment cost, has paid to Caribbean Airlines over funds for ticket sales for which funds were collected from passengers over recent months.

After a period between six and 12 months, Caribbean Airlines will fully enforce its plan to provide sustainable airlifts to and from Jamaica. The plans call for the initial operations to continue serving routes from JFK to Montego Bay, JFK to Kingston, that is New York, Baltimore to Montego Bay, Philadelphia to Montego Bay, Toronto to Kingston, Fort Lauderdale to Montego Bay and Fort Lauderdale to Kingston. Also commencing last Saturday, May 1, 2010, Caribbean Airlines - this is important, Madam Speaker - Caribbean Airlines assumed full financial responsibility for Air Jamaica. I want to repeat that. Caribbean Airlines assumed full financial responsibility for Air Jamaica in terms of its ongoing operational cost. (Applause) The transaction has resulted in Caribbean Airlines flying the same routes Air Jamaica did, which resulted in the government acquiring a 16% ownership stake in Caribbean Airlines.

Mr. PICKERSGILL: Sixteen per cent (16%).

Mr. SHAW: Sixteen per cent (16%). This is valued at US$28.5 Million. In exchange for facilitating that process, it is important to emphasize that the Government of Jamaica will remain the owner of all of Air Jamaica's other assets, including its real estate assets and its industrial assets.

Under the Transition Services Agreement, Caribbean Airlines will lease these assets from Air Jamaica under these terms. The deal is, financially speaking, superior to the initial bid submitted by Caribbean Airlines and superior to the transaction which was contemplated with the other bidder, Indigo Partners.

In order to ensure the long-term sustainability of its new Jamaican network,

Caribbean Airlines must operate a streamlined operation. As part of that process, all Air Jamaica employees' positions were made redundant on April 30, 2010. We are extremely gratified that the requisite redundancy and severance payments, which approximated US$24 Million, were set aside to meet those payments in a timely manner.

Madam Speaker, I want to establish clearly that cheques were made out for all 1823 Air Jamaica employees. (Applause) I want to stress that because I heard on a radio programme this morning a complaint ascribed to some workers in Montego Bay, that they had not received their redundancy payments. And I want to indicate; the management of Air Jamaica/Caribbean Airlines has indicated to me, all cheques have been prepared. It is a fact that of the 1823 workers, some 300 of them are on various stages of leave, leave of absence from the company and so on, Madam Speaker, and so it's a question of them going to the office and picking up their cheques.

That's what it's all about. So I want to categorically refute any suggestion that there are any cheques that have not been drawn for the workers. As a matter of fact, things went very smoothly. It went very smoothly. And this Government is - we are also pleased at the fact that approximately 1,000 employees, not only got a nice redundancy cheque, but they have been rehired by Caribbean Airlines. (Applause)

Mr. SAMUDA: Very good deal.

Mr. SHAW: These employees have already been identified and have received job offers from Caribbean Airlines. Indeed, they are working with them as we speak.

We believe this transaction creates a unique and historic opportunity, Madam Speaker, to create a true Caribbean air carrier leveraging the expertise and strength built up by BWIA, Air Jamaica and Caribbean Airlines, and is able to compete in a fierce global market environment. We are satisfied that the partnership with Caribbean Airlines meets the objectives of the Air Jamaica divestment project and protects the interest of the Government and the people of Jamaica as a whole. Our partner has strong airline expertise and appropriate capital. The partnership will ensure the provision of adequate and sustainable airlifts to and from Jamaica, which remains a favoured tourism destination.

The cash drain on the government's resources associated with the financial obligations to Jamaica's national airlines will cease. The financial deal, the terms finalized between the Government and Caribbean Airlines are fair and I reiterate that this deal from the point of view of the Government is even superior to the ones contemplated in the initial Caribbean Airlines bid or by the other bidder.

The interests of the Air Jamaica passengers have been protected. The Air Jamaica legacy in terms of the experience of its staff and the loyalty of its customers will contribute to the creation of a regional carrier, one which is able to compete and grow against increasing international competition.

The Government has included the amount, Madam Speaker, of J$22.5 Billion or US$250 Million in its budget for this fiscal year to address certain financial obligations related to the divestment of Air Jamaica. These include payment of advanced ticket sales, employee separation payments, payment of amounts due to statutory bodies that affect

employee benefits such as NHT and NIS, termination of contracts such as aircraft and property leases, settlement of creditors who are not Government of Jamaica agencies or whose obligations have not been guaranteed by the Government.

Funding of winding down operations: the immediate payment obligations arising from the divestment amount to US$81.5 Million. These are employee separation payments of US$24 Million, payment of advanced ticket sales at US$19 Million, critical payments to creditors required to ensure seamless transition estimated at US$23 Million and recovering of a cash deficit of US$15.5 Million. In addition to the cost associated with the divestment, the Government of Jamaica is required to assume responsibility for the total debt of Air Jamaica, Madam Speaker.

As at February 28, 2010, inclusive of the divestment cost, Air Jamaica had total liabilities of U5$939.99 Million comprised of guaranteed obligations of US$763.4 Million and obligations not guaranteed, US$176 Million. Of the guaranteed obligations the Central Government is currently servicing debt totalling US$407 Million. These include the Bear Stearns 2015 bonds of US$157.14 Million; RBTT 2015 bonds, US$125 Million; Bear Stearns 2027 bonds of US$125 Million.

With Air Jamaica now divested, Madam Speaker, the remaining U5$532.5 Million of debt is now assumed. As you can see from these numbers, Madam Speaker, US$900 Million in debt obligation that we now have to find the money to service and to settle over time, Madam Speaker, that is J$80 Billion. It is very clear for everyone to see that Jamaica could not continue to afford a further accumulation of debt under these circumstances.

But I cannot close without putting a very important issue on the table, the matter of having to confront opportunity costs during the budget process. It is an issue that responsible governments can no less avoid, than responsible householders are able to side-step. Every householder knows that one cannot put everything one wants into the trolley, not if one has a limited amount of cash. One might try to avoid having to make choices by using a credit card but this is only postponing the inevitable. Eventfully, the chickens come home to roost, Madam Speaker. Eventually, creditors collect their pound of flesh. Eventually, one is forced to make choices between what one can and cannot afford. It is a hard cold fact of life and it is the position that Jamaica has found itself in today.

Allow me to illustrate the dilemma by drawing a few comparisons. Compare if you will, the average annual cost of subsidizing Air Jamaica's operation, a whopping $10 Billion per year to the cost of supporting three indispensable social programmes: the School Feeding Programme, providing free drugs at Public Health facilities and tuition support to our school children.

Let us take a closer look at these examples whilst keeping the $10 Billion figure in front and centre of our mind. In this budget this year the School Feeding Programme will be substantially expanded. Under the PATH programme alone 220,000 students will benefit, but this is not the whole story. Some 493,000 students will benefit via a Feeding Grant Nutrition subsidy to schools and direct

funding to Nutrition Products Limited. For many of these children the meal received is their only guaranteed balanced meal for the day. Yet the total cost of the PATH administered School Feeding Programme as well as these other programmes is $2.9 Billion. Compare this, if you will, to the $10 Billion we have been spending to subsidize Jamaica's operations each year.

Year 09/10 the total cost of providing free drugs in public hospitals and clinics was $2.2 Billion. Again, I ask you to stack this figure up against the $10 Billion forked out by taxpayers to keep the airline flying.

Let us consider the number of students who benefitted from Tuition Support during 09/10. A total of 220,957 children received support at a cost of $2.6 Billion. That figure would have been reduced by the amount collected from cost sharing. But let us be conservative and Compare the entire $2.6 Billion to the $9 Billion or $10 Billion spent to subsidize Air Jamaica.

When these comparisons are made one begins to get a better appreciation of the challenge that we face going forward. For whilst no one would question Air Jamaica's economic value to our tourism industry or its psychic value to our sense of nationhood, no one can question the good sense involved in maintaining and, in some cases, expanding these social programmes. At the end of the day, responsible government is about making responsible choices and that process begins with an honest appraisal of our economic situation, followed by a careful cost-benefit analysis of all expenditure.

With this in mind, I am confident that we made the right decision in favour of maintaining our social programmes. Last week I read, with interest an interview with the IMF's TREVOR ALLEYNE in which he shared pretty much the same sentiments, and I quote from Mr. Alleyne.

> **"If a country has an extra dollar, some of it has to go to debt reduction; some of it has to go to supporting the social safety net. That is why Jamaica cannot give that extra dollar to subsidize Air Jamaica"**.

Madam Speaker, in any terms $10 Billion is a lot of money per year. It was not a one-time cost neither was it the only cost associated with maintaining a national carrier. It simply could not continue. Not if we wanted to support poor children being guaranteed at least one balanced meal per day and the needy getting life-saving drugs they couldn't afford.

(Applause)

So Madam Speaker, with heavy hearts and even tears in our eyes...

Mrs. SIMPSON MILLER: Uh!

Mr. SHAW: we have had to say....

(Heckling)

…thank you, but goodbye to a 40-odd old institution, an institution that served us well but one that we could no longer afford. Ultimately, it was not a choice against Air Jamaica it was a choice in favour of Jamaica.

(Applause)

It was a choice to maintain our social programmes and frankly, our sheer survival.

I would like to take this opportunity, Madam Speaker, to express appreciation to all those who supported Air Jamaica over the years and who helped to forge an undeniably strong brand while building a loyal clientele in the Jamaican Diaspora and beyond. I would like to say how very appreciative this

Government is of the employees who served Air Jamaica so well over the years.

(Applause)

The airline was fortunate to have a stable and talented labour force, made up mostly of Jamaican nationals who had a strong sense of pride and loyalty to their company.

I would encourage those of you who have found employment with - of the employees who have found employment with Caribbean Airlines to provide an equal level of service as they continue to play their part in helping to ensure that among other things, airlift to and from Jamaica continues to be secure. I must also commend the role that the cadre of pilots who were in the main, Jamaicans, played in the brand loyalty Air Jamaica enjoyed.

(Applause)

Not only did the availability of these skilled Jamaican pilots result in minimal need for outsourcing to external contractors, but they helped Jamaica to establish an unblemished safety record spanning 42 years of existence.

(Applause)

As we all know, that enviable safety record was strongly connected to the high calibre of the airline staff as a whole, inclusive of those found in Air Jamaica's operations and maintenance department.

Finally, I would like to express the sincere gratitude of the Government of Jamaica to the HONOURABLE DENNIS LALOR for his dual role as Chairman of the Divestment Committee and Chairman of the present Board of Air Jamaica. I wish to thank the former Chairman of the Board of Air Jamaica, MISS SHIRLEY WILLIAMS, who along with her Board helped to prepare the way for divestment. Equally, l thank the management of Air Jamaica for all of their diligence and hard work which, when combined, resulted in the successful divestment of the operations of Air Jamaica. At the same time I want to welcome the management and staff of Caribbean Airlines Limited to this new partnership with the Government and people of Jamaica in the operation of what promises to be a world-class regional airline, securing airlift to and from the Caribbean and in so doing creating enjoyable and lasting memories.

Thank you very much, Madam Speaker.

Mr. SAMUDA: Very good.

(Applause)

Mr. PICKERSGILL: Madam Speaker, in terms of the routes, have they been finalized, I see mention of it on page 19, is that finalized?

Mr. SHAW: Yes, and I mentioned that in my speech, the routes that are...

Mr. PICKERSGILL: These that you have here on page 19 are finalized?

Mr. SHAW: Yes.

Mr. PICKERSGILL: Are they profitable routes?

Mr. D. SMITH: Ask the management of Caribbean Airlines.

(Cross talks)

Mr. PICKERSGILL: I'm not asking you.

Mr. SHAW: Profitability no doubt is an issue with the maintenance of the route.

(Heckling)

The DEPUTY SPEAKER: Members, both Members can't stand on their feet at the same time so probably what you should do is allow Member Pickersgill to ask the questions and then as you are through, I will have the Minster respond. (Cross talk)

Mr. PICKERSGILL: Madam Speaker, the question I ask, question one, are the routes

finalized? And I'm told, yes. Question two, are these routes profitable routes?

Mr. E. SMITH: Now or before?

A MEMBER: Ask Caribbean Airline.

(Heckling)

Mr. SHAW: Madam Speaker, the routes have been finalized, I mentioned them in my speech; and I must indicate that those routes were kept by Air Jamaica on the basis that they had significant airlifts and therefore were either profitable or potentially profitable routes and Caribbean Airlines is continuing with those routes.

Mr. PICKERSGILL: The operation of these routes is subject to the waiver that you have received?

Mr. SHAW: Yes.

Mr. PICKERSGILL: For two months?

Mr. SHAW: It is subject to the waiver and the question of longer term arrangements was in part linked to the need for Trinidad to enter into an Open Skies agreement with the United States. That was entered into on Friday night.

Mr. PICKERSGILL: When you say, entered into, you are speaking about two months? It is for two months?

Mr. SHAW: Yes, but I moved on from the issue of the waiver to indicate that the longer-term arrangements with the Caribbean Airlines would have been linked to their ability to have an Open Skies agreement with the United States, which they did not have, and as of Friday night they now have that agreement. So that, beyond the waiver they will then be able to negotiate the permanent Airline arrangements.

Mr. PICKERSGILL: And I take it you are optimistic about that?

Mr. SHAW: Yes.

Mr. PICKERSGILL: What about Canada is there something similar?

Mr. SHAW: Yes, there is a similar arrangement with Canada.

Mr. PICKERSGILL: On page 20, having paid the debt there is a value of 16 per cent, US$28.5 Million, does that give you a seat on the Board?

Mr. SHAW: Yes, It's a small board. The existing Board is four (4) members and there will be one (1) board member from Jamaica to make it a membership of five (5).

The DEPUTY SPEAKER: Member Thwaites.

Rev. THWAITES: Madam Speaker, would the Minister say why the Government of Jamaica didn't do exactly what Caribbean Airline has done - keep the profitable routes and run them profitably, forget the subsidy and leave the debt with us?

Mr. SHAW: Madam Speaker, the Government made a decision that we would be divesting Air Jamaica and that is what we have done. It's a policy decision and we have carried it through.

Rev. THWAITES: Respectfully, that doesn't answer the question, you know.

Mr. E. SMITH: Of course it answers the question.

(Heckling)

The DEPUTY SPEAKER: Mr. Paulwell.

(Heckling)

Mr. PAULWELL: Madam just two questions for the Speaker, Minister.

Is the Minister aware that this issue involving Caribbean Airlines is one of the major issues on the electoral campaign taking place in Trinidad and Tobago. And just to enquire, what safeguards are there in this agreement that will protect the interest of

Jamaica in the event of a change of government in Trinidad and decision on the part of the new administration to unravel that agreement? I just want to know, what are the provisions in the Agreement for that?

Mr. E. SMITH: He can't answer that.

(Heckling)

A MEMBER: Fool, fool question that.

Mr. SHAW: Madam Speaker, it is part of the tradition of democratically elected governments, certainly in the Caribbean, that they honour the commitments and agreements, if there is a change of government, that agreements are honoured and we have an agreement here and we do not anticipate any difficulties should there be a change of government.

The DEPUTY SPEAKER: Mrs. Simpson Miller.

Mrs. SIMPSON MILLER: Madam Speaker.

Mr. CHARLES: Air Jamaica was established by the JLP government. Unoo oppose it from the very day!

(Heckling)

(The Deputy Speaker gavels.)

Mrs. SIMPSON MILLER: Madam Speaker, I would like to ask the Minister three (3) questions. Minister, will arrangements be made for the Jamaican students studying in Cuba? The fact that Cuba is not listed as a route that Caribbean Airlines will be serving and I think that we have a number of...

(Heckling)

Madam Speaker, I'm asking the Minister of Finance the question and I am expecting the response from the Minister of Finance.

The DEPUTY SPEAKER: Mrs. Simpson Miller, you said you had three questions?

Mrs. SIMPSON MILLER: Yes, but allow me, Madam Speaker, because I believe I should be allowed to ask my questions without any interference or interruption.

(Applause)

The DEPUTY SPEAKER: Mrs. Simpson Miller, what I'm trying to - whether you want to ask all see questions or you want them asked and then...

Mrs. SIMPSON MILLER: I see Minister taking note.

The DEPUTY SPEAKER: Very well, go ahead.

Mrs. SIMPSON MILLER: Minister, I was told that the workers in Montego Bay, some of them, were told that they should relocate to Kingston within 24 hours and I'm asking whether that is true and... (Heckling)

(The Deputy Speaker gavels)

The DEPUTY SPEAKER: Members please, it is important that we deal with the questions and that we allow persons on their feet, the Leader of the Opposition is speaking, allow her to ask the questions so that we can get the answers that we are looking for, please.

Mrs. SIMPSON MILLER: Thank you, Madam Speaker.

And the other question, Minister, is whether any official of government went and addressed the workers or spoke to the workers of Air Jamaica at their various locations before the handing over to Caribbean Airlines?

Thank you.

Mr. SHAW: The answer to the question in relation to Montego Bay is that Montego Bay has been closed as a base for pilots and the base is now Kingston. So I guess it's a part of the condition of employment, that that is the base.

The Cuban route was closed on the 12th of April, Madam Speaker, but the Caribbean Airlines has advised us that they are reviewing the decision on Cuba with a view to possibly restarting that route.

And in relation to the communication with the workers, after Cabinet, under the chairmanship of the Deputy Prime Minister last Tuesday, made the bad decision, we worked with the HONOURABLE DENNIS LALOR and we composed a very detailed letter to each employee, setting out all of the details of the divestment and that letter was delivered to each employee providing excruciating detail, everything including the redundancy arrangements and the rehiring arrangements. In addition, I also had a meeting at my office with the unions, principally the National Workers Union and the Bustamante Industrial Trade Union, in which we also provided information to the unit.

Mrs. SIMPSON MILLER: Thank you, Minister.

My information is that it's not only pilots, but even if it's only pilots, if they are not residing in Kingston and their homes are in Montego Bay, will there be arrangements made for assistance for even a short time, to assist them to resettle in Kingston, the fact that they are now instructed to now move into Kingston? And we have to consider some of the difficulties.

(Heckling)

Madam Speaker, I really would like to be able to - when the Prime Minister is over there speaking we keep very silent and respectful.

(The Deputy Speaker gavels.)

The DEPUTY SPEAKER: Members of the House.

Mrs. SIMPSON MILLER: I'm asking the Minister of Finance, I didn't ask anyone else there.

(Heckling)

(The Deputy Speaker gavels.)

The DEPUTY SPEAKER: Members of this House...

Government MEMBER: Ask sensible questions, ask sensible questions

(The Deputy Speaker gavels.)

Opposition MEMBER: You are rude!

(Heckling)

Mrs. SIMPSON MILLER: Madam Speaker...

The DEPUTY SPEAKER: Allow me, Mrs. Miller.

(The Deputy Speaker gavels.)

Mrs. SIMPSON MILLER: Madam Speaker, I understand why the person who said that would say so because he has no concern for the welfare of the Jamaican workers as seen demonstrated by this Government.

(Applause)

As seen demonstrated, despite the number of trade unionists over there, outstanding trade unionists over there.

Mr. PICKERSGILL: Hear, hear!

Mrs. SIMPSON MILLER: I'm going to ask my question, Madam Speaker.

The DEPUTY SPEAKER: Mrs. Simpson Miller and Members of this House, two wrongs do not make a right, therefore, if I'm asking the House to be quiet, I do not expect to have a barrage of people talking here, people talking there. If it is that Mrs. Simpson Miller wants to speak, she should be allowed to speak and we need all of us as Members of this House, not on one side alone,

on both sides, to observe the rules and allow her to ask her questions.

Go ahead, Mrs. Simpson Miller and I'm asking Members on both sides now, on the right and on the left, to be quiet and allow Mrs. Simpson Miller to speak.

(Heckling)

Mrs. SIMPSON MILLER: Thank you very much.

I would like to, Minister, ask that you urge Caribbean Airlines to - and I'm sure l would have the support of certainly the Members of this side and I'm sure the Minister of Foreign Affairs and the Acting Prime Minister would agree, to really review their position and come up with a positive response in regard to Cuba not only for our students but l would not say the other reason, I'm sure you are aware of some other reasons; and I think that would also assist tourism in a very serious way. So I would like to ask for that.

You already indicated that letters were written, but Minister, it would have been nice, would have been certainly nice if there was a face to face in terms of an official of government speaking to the workers.

I want to also commend the workers and hope that those who were not retained for services, the pilots, the best in the world, our Flight Attendants, all the workers of Air Jamaica, Aviation, Ground staff, Baggage, all of them, I would like to commend them and for those who were not retained, as I said in a letter to them like the **Phoenix**, I know God will give them the strength, they will rise to fly again.

Thank you, thank you very much.

(Applause)

Mr. SHAW: Madam Speaker, if I just close my comments by just saying one thing that I'm advised by the management of Air Jamaica that the staff at Air Jamaica working under the new arrangements that there is a sense of - first of all there is a sense of relief that the process of uncertainty is now over and the report is that the staff are working, flights are on time and the morale is good and they are highly motivated. So we are very happy about that.

Thank you very much.

In fact, Madam Speaker, the fact that they have gotten their redundancies, a thousand persons have gotten jobs and Caribbean Airlines has in fact - is putting in place a performance-based incentive system, which they have in Port-of-Spain, and they are going to put it in place here as well and the staff are very interested in that.

Thank you.

The DEPUTY SPEAKER: Thank you very much, Minister.

Mr. HOLNESS: Madam Speaker, we will now have another statement by the Minister of Industry, Investment and Commerce.

DEATH OF COUNCILLOR ROBERT WILLIAMS

Mr. SAMUDA: Madam Speaker, l crave the indulgence of this Honourable House to simply do what I could not possibly do without commenting on an incident that took place and robbed us of someone with whom I had been associated with for 30 years, from the tender age as a young teenager, working closely with him ascending to the position of councillor, and beginning to emerge as a very serious businessman with a responsibility for his family and serving the people with whom he grew as a child; and I'm referring to the

tragic death of my Councillor ROBERT WILLIAMS affectionately called CHI-CHI who died last night. That, Honourable Member from Central Manchester, is why I'm dressed this way. Not that I'm going to a funeral...

Mr. D. PEART: Is only JLP you mourn for.

Mr. WARMINGTON: Oh, shut up!

Mr. D. SMITH: That's a rude comment, that's a rude comment. (Heckling)

Mr. SAMUDA: It is out of respect.

That young man, Madam Speaker, that young man was a son that 1 didn't father, but there were many challenges and difficulties that he faced throughout his life that I had the privilege and honour of helping him to overcome and we will miss him dearly. I just thank the House for enabling me to make those comments.

SCRAP METAL – EXPORT etc.

Madam Speaker, this Honourable House will recall that on November 30, 2007, the export scrap was suspended as a result of the wanton widespread incidents of theft of valuable infrastructure across the length and breadth of the country. Among the valuable items stolen at that time were:

- Telephone cables
- Electric lines made of copper
- Rails on bridges, for instance the Dunrobin bridge and others
- Manhole covers
- Water meters
- Agricultural pipes, pumps and other valuable pipes, equipment.

As a consequence, the House will recall that I introduced amendments which included the following:

1. I increased the fines from $3,000 to $2 Million for persons found in breach of the Trade Act (Trade Scrap Metal) Regulation 2007.
2. We instituted measures whereby a collaborative approach was initiated between the Jamaica Constabulary Force, the Jamaica Customs Department and affected stakeholders to undertake an intensive inspection of all containers prior to export.

Madam Speaker, as a result of these measures we saw an abatement of the incidents of theft of valuable items and the clearing of the Spanish Town Road in the vicinity of the Riverton City Dump.

Unfortunately, I must advise this Honourable House that we have seen a dramatic upsurge in recent months of the theft of infrastructure right across the country once more. We have seen where whole communities are put out of electricity and telephone service because of the theft of cables and transformers. Most recently, Madam Speaker, we saw where these criminals entered the recently constructed pumping station at Colbeck, designed to provide water for hundreds of farmers. They broke into this facility robbing it of extremely expensive copper cables in addition to the spiteful destruction of valuable electrical equipment.

Madam Speaker, we have seen where priceless equipment running into Hundreds of Millions of Dollars have been stolen at our sugar factories and sugar estates.

I have at all times maintained dialogue with the membership of the Scrap Metal Federation and other members of the industry and have repeatedly pleaded with them to

assist us in apprehending these criminals that are destroying what is a valuable industry in Jamaica. Despite this, the carnage continues unabated.

Madam Speaker, decisive action had to be taken. This was done on April 28, 2010 when I suspended the export of scrap metal. I subsequently gave an undertaking to the trade and the leadership of the industry that I would advise the country of the decisions arrived at, in our attempt to arrest this grave problem while seeking not to punish the honest, hardworking people who depend on this industry for a livelihood. Accordingly, I will now outline these measures as follows:

1. All items made of copper will be banned from export until further notice. Persons who purchased copper prior to April 28 and can substantiate the source of these items will be allowed to export them but only up to May 12, 2010.
2. No smelted metal of any kind will be eligible for export from Jamaica. (Applause)
3. Only members of the Scrap Metal Federation will be allowed to export scrap metal. These exporters must confirm membership and demonstrate that their statutory obligations have been met, prior to being allowed to export.
4. Any scrap metal dealer who is unable to provide details as to the source from which their scrap metal has been purchased in keeping with the provisions of the Trade Act (Trade Scrap Metal) Regulations, 2007 will not be granted a licence to export.
5. The inspection team on which we have to depend and which so far we had initiated but it needed to be strengthened, Madam Speaker, the inspection team will include no less than three Customs Officers, member of the Police Force, other stakeholders including the National Water Commission, Telecommunication companies, the Ministry of Agriculture, Ministry of Transport and Works, the Jamaica Railway Corporation and the Jamaica Public Service Company.

Mr. KELLER: Madam Speaker?

Mr. SAMUDA: Madam Speaker, as you will recall I handed you a copy of the Statement, anyone wishing one may have one.

Could you please. (Laughter)

Mr. KELLIER: Is not so it work. You sent it around? You don't send it around yet?

(Laughter)

Mr. SAMUDA: As you know, Madam Speaker, I'm under no obligation to give any other than your dear self, which l did.

Dr. DAVIES: You know better than that.

Mr. SAMUDA: Following each inspection, the signatures - and this is very important -

Opposition MEMBER: Why should we listen to you!

Mr. SAMUDA: What's that?

Government MEMBER: Rude.

Mr. SAMUDA: Why should you listen to me?

Government MEMBER: Talk man.

Mr. SAMUDA: You listen to me because you have an interest in the country. If you don't wish to listen you may leave.

Following each inspection, the signatures of all members of the inspection team shall be

affixed to the relevant documents, failing which, no export licence will be granted by the Trade Board.

The measures above will be implemented for the next four months, during which time preparation will be made for the establishment of a central loading site where containers for exporters will be loaded under the direct supervision of a strengthened team, including the personnel mentioned above.

Exporters with industrial licenses will not be required to load at the central loading site when it is prepared. These provisions will not apply to bodies that generate scrap in their normal course of business, providing that evidence is given to substantiate this.

In light of the above, Madam Speaker, Government will lift the ban on the export of scrap metal with effect from Thursday, May 6, 2010.

Mr. CLARKE: Minister, will you have inspections done immediately on those premises where they have bought already to find out if they have purchased up to the 28th because you have a leeway of up to May 12, right? How are you going to know between now and May 12 if they have bought any between then and the 12th if you are going to inspect now?

Mr. SAMUDA: It's a very good question. We have in fact inspected all sites. In fact, when I terminated the exports, I was advised by the customs that they would have been in a position to complete the full inspection of all trailers, or, containers that had been prepared. And they would be able to do a complete survey of those premises where, or, those sites where exports take place. That has already been done. In fact, the information at the moment is that there is only one trailer that would be exported for copper.

Mr. HYLTON: Minister, is the National Solid Waste considered among those entities that generate its own scrap metal?

Mr. SAMUDA: I'm not aware that they generate their own scrap metal. The organizations to whom I refer are organizations that have structures that they are dismantling for the purpose of replacement or purposes of replacing heavy equipment, changing large engines and parts and that sort of thing. And they would normally, you know, be classified as those generating their own scrap. We would allow them because they do not need to sell that. They can process it themselves. And there are companies that are engaged in that.

Mr. HYLTON: Minister, it is widely rumoured that there are plans to nationalize, if not all, aspects of the scrap metal industry. Is there any truth to that? Are there any current or immediate plans in doing so? And a rider to that is the planned consolidation. You mentioned that there will be a central loading area. Is that under the governmental - within the control of government or as a private enterprise?

Mr. SAMUDA: Well, to answer you first, there is no immediate plan for the Government to assume the export of scrap metal. It has been mooted and I suspect that because of those expressions that have been made on persons who are concerned, it is widespread that we intend to do that. There is no immediate plan to do that. We are a private sector government and we believe that business belongs in the hands of the private sector. What we need to do as a Government,

is to introduce into the process a sense of responsible monitoring so that we will be in a position to better manage the items that are being exported. So we are strengthening the monitoring process by enlarging the team. And by doing so, of necessity, you will reduce the number of sites from which any packing takes place.

When this central site comes into effect, initially, it may be under the auspices of the Government or an agency. But ultimately, it will be placed in the hands of the private sector to manage it, but with the supervision of elements of the Government such as the Police Force and the Customs and of course, the stakeholders who have suffered so tremendously as a result of the theft

Mr. HYLTON: Minister, finally. Is it a fact that while the export industry is regulated, that there is a domestic industry that is largely unregulated but that the export industry is regulated and a domestic user that is largely unregulated?

Mr. SAMUDA: Again, borne out of regular dialogue and discourse with the sector, there is not a sector in my Ministry with which I have had greater interaction than the scrap metal industry. Because I'm concerned that there are many poor people who make a living, eke out a living from getting old scrap and selling it. And l now how important that...One of the members has come from nowhere selling bottles to being a fairly successful person now on his way up. So, I support that and will do everything to make sure that they get an opportunity to elevate themselves.

Now, as far as the question of removing from that industry their self-determination, we have no intention of doing that. We have no intention of doing that whatsoever. We will continue to dialogue with them. And we will continue to get from them all their input and use that input as a basis of formulating our policy as we move forward. It's a collaborative approach, Member that we are seeking to achieve.

I know you are concerned. It is my concern. And I know how important that industry is. But it is an industry that whilst practised locally, the local part of that industry is minimal. What we are talking about, is, we are talking about wholesale theft of hundreds of millions of dollars of irreplaceable infrastructure that would find no place in the pot and pan business that you are referring to.

Dr. DAVIES: Mr. Minister, first of all let me just state for the obvious that that's a problem, which, it's not just your problem. It's a national problem in terms of the destruction of infrastructure *et cetera*. So, that's recognized.

When you first raised the issue, you outlined certain remedial measures. Clearly these measures did not represent the total solution. Now, as we go forward, is it (a) that you think you now have a set of actions which will if not, terminate, greatly reduce the problem? Or, (b) is it that even within the measures, there is corruption in terms of those who are supposedly monitoring?

I pose that question in that I listened to the measures you have outlined. I wouldn't want you to be back here six months later indicating that the problem not gone away. Have you considered all possible reasons why the measures which you announced ‘x’ months ago have not worked?

Mr. SAMUDA: I think it's a very, very good question and one that we need to pay

particular attention to, even to those who don't wish to hear what we are talking about. (Laughter)

You know, the fact of the matter is that that's one of those reasons why I introduced into the mix the notion that to be a member eligible to export, you must be part of an organization. And that organization is the one on which I am going to rely to work was me. And what they have said to me is, look, I can't monitor who is not a member. So you have these wild cat people who operate all over the place and as long as they have a place where that trailer can be parked, and it can be packaged, and if you can get a Customs officer to come and inspect it and seal it, it can be exported.

The membership of the Federation is only in the vicinity of about 22 to 25 out of a total of some 60 registered scrap metal dealers. Only those now who are part of the Federation, whom we will be holding responsible to be a partner in this monitoring so that they can no longer say, this is a renegade member whom we know nothing about. They now will have control over those because you cannot export unless you certify to us that you are a member in good standing with all your statutories up to date. That's number one.

In terms of whether we will return or not, we have to try to use the mechanisms and the tools at our disposal to do our best. And what we have sought to do is to expand the number of people who will be at a site, inspecting it at any one time.

So, whereas for instance, in the past we would have one customs officer visiting a site, now, you will perhaps have a team of ten people. It reduces the opportunity for collaboration. So, you have a greater number. And another thing is, everyone... Once a trailer is signed off, every member who inspects it must sign, certifying that they have witnessed the operation, or else it will not be given an export visa.

Mr. PICKERSGILL: Visa on your mind.

Mr. SAMUDA: An export certificate. So, therefore, the point is that it is the best chance we have. I may, if it is not corrected in a satisfactory manner, I may have to come back to this Honourable House and advise you that we have had to take more serious action in terms of central packing and greater control. But it is not an industry that you can flippantly disregard or tune out when the discussion about it is taking place.

It is a US$110 Million industry that is growing as we speak. It almost doubled last year over the year before. And it promises to be moving rapidly as we again start the process of economic development throughout the world where scrap metal is required.

So it is an industry that has potential but it must be properly managed. So, we can't just dismiss it and say... The easiest thing to do is to follow everybody's sentiment and say, ban it. But it cannot be banning it without regard for those who are engaged in it, whose lives depend on it. And so, we have taken this approach which quite frankly it is my view that it is the most balanced approach and the most appropriate approach under the circumstances.

Dr. DAVIES: You have greatly increased the number of monitors, or - I don't know what the term is - who is going to pay for that?

Mr. SAMUDA: Good question. You are on the ball today. You are on the ball today. The industry will pay for that. In other words,

we are saying to the industry, you have to share in this. Government can't be responsible for underwriting everything in order to monitor your industry and give you a chance to succeed. The risk they run is that if they fall out of sync, then the consequences can be grave for them. And as you can see I have no hesitation in terminating something that is not in the interest of the country. I am too old to die now, prematurely, as my friend would say, so, those things don't matter to me. Once I believe it is in the interest of the country, I will take appropriate action. So, they know that. And it is in their interest to share the cost with us and they would be contributing the majority of the cost to maintain whatever we do at the sites.

Mr. CLARKE: What people gwine use to block road now?

(*Sotto voce* comment/laughter)

Mr. SAMUDA: That's one of the reasons I don't want to cut out the industry.

Mr. ARSCOTT: Madam Speaker, I speak from a constituency that has suffered greatly from this scrap metal industry. The Monymusk Sugar Estate suffered tremendously because even the power plants - I don't know if the Members understand that the power plants - the power generation from the factory also runs the wells and these have been removed.

Mr. WARMINGTON: Question...

Mr. ARSCOTT: I will ask them in due course. Now, I want to... we had set up...

The DEPUTY SPEAKER: (Gavels) Members on both sides, I think we have dealt with the question time - the questions very well, and l am asking Member Arscott, in the interest of time and all that is happening - I know you said you will get to it in due time, but not in due time. We need the questions.

(Cross talk)

Mr. ARSCOTT: Well, Madam Speaker, you took some of my time, so I am going to take it back. But I want to say that...

The DEPUTY SPEAKER: (Gavels) Members, we have had this evening, some well-crafted questions which have allowed for excellent answers, and l would like us to continue in that vein.

Mr. ARSCOTT: I want to say, Minister, the *Clarendon Express* was supposed to have been an eco-tourism project that persons would come on a boat to Rocky Point, come to the JAMALCO Great House, and then take the train up to Breadnut Valley, four miles of...

Mr. WARMINGTON: (Stood and activated his microphone) Point of Order, Madam Speaker... Point of Order.

Mr. ARSCOTT: Look man... why you nuh sidung!

Opposition MEMBERS: Sidung, sidung!

Mr. WARMINGTON: I am on my feet. It is a Point of Order.

MEMBERS: Siddung! Why you don't sidung!

Mr. WARMINGTON: Point of Order. Point of Order. Don't follow them, when you are on a Point of Order, you are recognized.

(Cross talk)

Madam Speaker, you have ruled already...,

The DEPUTY SPEAKER: And there is…

Mr. WARMINGTON: When a Minister speaks - you asked a question, not make a statement and the Member is still giving a speech as if he doesn't understand a speech from a question.

(Cross talk)

Mr. ARSCOTT: Look, look, it is a point I have to lead up to the question.

The DEPUTY SPEAKER: (Gavels) Member Arscott 1...

(Cross talk)

Members, please...

(Gavelling)

Just a minute! Wait!

(Gavelling)

No. Members...

Mr. ARSCOTT: Minister...

The DEPUTY SPEAKER: No, Member Arscott I did say 1 am asking you to get to the point of the question...

Mr. ARSCOTT: Yes, yes!

The DEPUTY SPEAKER: ...and I am asking you to do so. That is my ruling and I want you to ask the question. It is important to the nation, but this is not time for a speech, a well-crafted question like the previous questions will give you the fulsome answers we have had. Please get to the question.

Mr. ARSCOTT: Minister, are you aware of...

MEMBERS: Ahhh...

(Applause)

Mr. ARSCOTT: ...a methodology to check scrap, the XRF system?

(Cross talk)

A MEMBER: Explain that to me.

Other MEMBER: No, no!

Mr. ARSCOTT: Answer, yes, since you good, answer.

Mr. SAMUDA: No, no, no!

(Laughter/Applause)

Madam Speaker, the simple answer to that is, no.

(Laughter)

Mr. ARSCOTT: Okay, for the benefit of the Minister and the House, the technology exists to look at the scrap metal and determine its composition.

One MEMBER: What is scrap metal?

Other MEMBER: You, you!

Mr. ARSCOTT: The x-ray –

(Cross talk)

Same thing... the x-ray... I will tell you better, *x-ray spectrometry*, right.

(*Sotto voce* comments)

Mr. BUNTING: Things like you that have outlived their useful lives.

(Laughter)

Mr. ARSCOTT: I can explain to you that it…

(Heckling)

The DEPUTY SPEAKER: No, no!

(Gavelling)

Mr. ARSCOTT: Okay, the question is, okay...

(The Deputy Speaker (Gavels)

Mr. ARSCOTT: The other question is, Madam Speaker...

The DEPUTY SPEAKER: Yes, go right to the question, Member Arscott. I am not allowing any of the flame-starters which are disguised as questions. Go straight to your question.

Mr. ARSCOTT: Okay. So therefore, the Minister is not aware that technology exists to help to solve part of the problem. I want to know if the scrap metal, in terms of the revenue that the Government earns, is it just a lump sum from any metal, or is there a deferent rate, depending on the type of metal being exported?

Mr. SAMUDA: There is a range. The most expensive at the moment for the industry is, of course, gold. I mean, I know you can go gold, silver, right down... anything. The point

is, for our use, and for our purposes, the one that is most sought after and the one that has given rise to the problems at Colbeck is copper. But there are different prices, and the prices are constantly moving, especially at this time.

Mr. ARSCOTT: Minister, I would like to suggest that the Minister applies this technology because you have outlined... you have outlined a team...

(*Sotto voce* comments)

I am asking you, Minister, the team you have named to inspect the material, how do they do it?

MEMBERS: Is that a question?

Mr. CLARKE: We are trying to help.

Mr. ARSCOTT: What method do they use, currently?

Mr. SAMUDA: Yes, but Member, one of the things that we must not lose sight of, and it is very important, is that the purpose of this is not - outside of copper because we have banned copper - is not to determine the type of metal that is in the trailer, it is to determine the ownership of the metal. It is not the type. The type is not posing a problem because they are earning the funds on the other side, those who import it. What we are concerned about is that the metal that goes into the trailers to be exported belongs to the scrap metal industry and not form part of the Minister Henry's infrastructure that is so badly needed.

Mr. ARSCOTT: Final question, Minister. Does the Ministry have a plan to look at the possibility of us utilizing the scrap metal for finished products in Jamaica.

(*Sotto voce* comments by Mr. Warmington)

Mr. SAMUDA: In fairness, it is a good question, but I thought I had responded to the Member from Southern St. Andrew...

(*Sotto voce* comments)

…who asked about a... was it him... a secondary industry, a domestic industry. And that is taking place, because as you know, these people make pots, and they do a number of things, they smelter for the local industry. But what we are talking about are not small items that would comprise that kind of industry. What we are talking about are items that, in order to steal them, you must have a crane, you must have a heavy duty trailer, you must have a dump truck, you must have heavy duty equipment - cutting equipment, and you must also have expertise in handling high voltage wires. That is a big industry, not making a few Dutch pots, if you understand what I mean.

Mr. BRODERICK: Mr. Minister, just a quick one. Is there any truth in the rumour that copper is being utilized to make bullets?

Mr. SAMUDA: Again Member, from time immemorial, we have heard that copper is converted into bullets. The level of theft that we have experienced doesn't suggest that that is the purpose for which it is intended. And we are not aware, based on police investigations, and all that have been found, in terms of the ability to make that kind of item, there is no evidence that that happens to be the case.

ANNOUNCEMENTS

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

Ministry Paper Number 45,
Cabinet Agenda Issues for 12th April, 2010.

Ministry Paper Number 46,
Reporting status for statutory agencies and Government-owned companies.

The DEPUTY SPEAKER: (Gavels) Members, I cannot hear the Clerk to the Houses of Parliament. Please, I am asking all of you who have conversations to lower your voices and allow the Clerk to speak.

- Consumer Affairs Commission, Annual Reports and Audited Financial Statements for the financial years 2004/2005 and 2005/2006.
- Report of the Regulations Committee of the House of Representatives on its deliberations on the Income Tax (Rate of Interest) Order, 2010.
- Trade Board Limited, Annual Report for the financial year 2008/2009.
- The Police Public Complaints Authority, Annual Reports for the financial years 2006/2007 and 2007/2008.

Certified Appropriation Accounts for the following agencies:

- Ministry of Labour and Social Security, 2005/2006;
- Office of the Services Commission, 2008/2009, and;
- Ministry of Tourism, 2008/2009.

And these may be accessed from the Parliamentary Library.

BILLS BROUGHT FROM THE SENATE

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

> "TO THE HONOURABLE HOUSE OF REPRESENTATIVES:
>
> I have the honour to advise the Honourable House of Representatives that on the 23rd day of April, 2010, a Bill entitled:
>
> AN ACT to apply a sum out of the Consolidated Fund to the service of the year ending on the 3lst day of March, 2011, and to appropriate the sums granted in this session of Parliament, was passed in the Senate without amendment.
>
> Signed:
> Oswald G. Harding,
> President of the Senate."

REPORTS FROM COMMITTEES

Mr. E SMITH: Madam 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 deliberations on the Income Tax (Rate of Interest) Order, 2010.

Put to the House and agreed to.

NOTICES OF MOTION GIVEN ORALLY

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

> Be it Resolved that the Report of the Regulations Committee of the House of Representatives, on its deliberations on the Income Tax (Rate of Interest) Order, 2010, which was laid on the Table of the House on the 4th May, 2010, be approved.

And Madam 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 – amend that to read, '*at a later stage*'.

UWI (MONA CAMPUS) ACT

Mr. HOLNESS: Madam 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, AN ACT to Amend the University of the West Indies (Mona Campus)(Security) Act.

ADC ACT

And, Madam Speaker, on behalf of the Minister of Agriculture, I beg to give notice that at the next meeting of the House, I'll move to introduce and have read a first time, a Bill entitled, AN ACT to Amend the Agricultural Development Corporation Act, so as to change the name of the Act and for connected matters.

CHILD DEVELOPMENT AGENCY

Mr. R. SPENCER: Madam 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, AN ACT to validate and confirm acts done in good faith by the Child Development Agency, in enforcing the provisions of the Child Care and Protection Regulations 2005, from the period of April 5, 2005, to June 8, 2008, and to indemnify the agency and persons from liability in respect of such acts.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Madam Speaker, the time for questions has passed but I would like to move, Madam Speaker, for the suspension of Standing Orders to allow us to move a motion so that we may take Question Time.

The DEPUTY SPEAKER: The question before the House is that we approve a motion, suspension of Standing Orders to allow us to take questions at this time, the time for questions having been passed.

Put to the House and agreed to.

DR. RONALD ROBINSON/MANATT, PHELPS & PHILLIPS

Mr. HYLTON: Madam Speaker, I beg to give notice that at the expiration of seven (7) days, that the Acting Prime Minister and Minister of Foreign Affairs and Foreign Trade answer the following questions in accordance with Standing Order section 15 subsection (5)(b) standing in my name:

Question 1: Did you as the Senior Minister in the Ministry of Foreign Affairs & Foreign Trade approve or otherwise assent to the travel of the Junior Minister, DR. RONALD ROBINSON, to Washington, DC in November, 2009 at which time Dr. Robinson admittedly met with representative(s) of the firm Manatt Phelps & Phillips?

Question 2: If the answer is in the affirmative, what was/were the purpose(s) of the Junior Minister's travel to Washington DC and was/were the purpose(s) related to his ministerial responsibilities?

Question 3: If the answer to (1) above is negative, who, if anyone, approved Dr. Robinson's travel to Washington DC and did the Ministry, or any other government body, pay for any

or all of his travel to/from Washington DC and, for his expenses while there?

Question 4: Did Dr. Robinson report to you and/or the Ministry the substance/subject of his meeting/discussions with representative(s) of MPP and/or the State Department of the US?

Question 5: If yes, was the substance/subject of those meeting/discussions related to or concerning the extradition request for Christopher "Dudus" Coke?

Question 6: What role, if any, did the Ministry of Foreign Affairs and Foreign Trade play in the Manatt, Phelps & Phillips affair or in any diplomatic efforts connected with the extradition referred to in five(5) above?

Question 7: Has the Minister himself (either in his party or ministerial capacity) and/or any other representative of the Ministry of Foreign Affairs and Foreign Trade met or had discussions with representative(s) of Manatt, Phelps & Phillips concerning the extradition request referred to in five (5) above or any other treaty matters since 2007?

Question 8: If yes, would the Minister please state the circumstance and substance of said meeting/discussions and the parties present at said meeting/discussions?

MOTIONS

Mr. HOLNESS: Madam Speaker, we have submitted to the Clerk of the House, a request for deferral for questions due for answer today, to the next slating.

PUBLIC BUSINESS

Mr. E. SMITH: Madam 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's a suspension of the Standing Orders to allow the Member to take the motion, notice of which he gave earlier.

Put to the House and agreed to.

REPORT: INCOME TAX (RATE OF INTEREST) ORDER, 2010

Mr. E. SMITH: Madam Speaker, the Report having been tabled:

> Be it Resolved that the Report of the Regulations Committee of the House of Representatives, on its deliberations on the Income Tax (Rate of Interest) Order, 2010, which was laid on the Table of the House on the 4th of May, 2010 be approved.

(Inaudible comment)

The DEPUTY SPEAKER: The question is that the motion laid on the Table of the House be now approved.

Put to the House and agreed to.

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, it is not proposed to do any further business today, I therefore move that the House do adjourned till Tuesday, the 11th of May 2010, when we will start the Sectoral Debate.

The DEPUTY SPEAKER: Thank you Leader of House Business.

DEATH OF HANSARD WRITER BEVERLY HALL

I crave the indulgence of the Members of the House, just to inform you all as Members, that MISS BEVERLEY HALL, one of the Senior Stenotype Writers in the Hansard section passed away unfortunately, on Monday, the 26th of April this year, at approximately 2:00 in the afternoon.

Miss Hall had been at the Houses of Parliament working for the past 18 years, having joined the staff on the 1st of April 1992, as an Acting Stenotype Writer on secondment from the Ministry of Labour and Welfare. She was appointed Senior Stenotype Writer with effect from October 1, 1993, and she held that post until the time of her passing.

I am going to ask the Clerk to send a letter of condolence to the members of her family on her passing.

RE: TEACHERS

Mrs. HENRY-WILSON: Madam Speaker, on the motion for the adjournment I'd like to - we were informed that there would be a statement on the situation with the country's teachers, but we are about to adjourn and we've heard nothing about it, so I would like to enquire of the Minister, why not?

MEMBERS: How come?

Mr. HOLNESS: Madam Speaker, there is nothing new essentially to report than all that has been placed in the public domain already. I contemplated whether or not we should have presented a statement but I think, Madam Speaker that the issue has been sufficiently ventilated and we run the risk of making further statements that may not be to the benefit of a resolution.

Mr. PICKERSGILL: As long as you don't tell them about 'not one red cent more'.

Mrs. HENRY-WILSON: Madam Speaker, I'm sorry I know the Minister will not make a statement regardless of what I say, but I really must indicate that it is such a matter of national interest. It deserves to be recorded in **Hansard**, if nothing else, but also the nation needs to know what is the long term prospect beyond today and what is the Ministry of Education going to do if normality is not returned, and also what is the level of loss that we've had in terms of the number of school days as a result and the consequence. I don't think it is just an issue of whether there is anything new, but we need to be brought up to date on what has happened so far and what is... (Applause)

MEMBERS: Hear, hear!

Mr. HOLNESS: Madam Speaker, it is very difficult to give an assessment...

Mr. MULLINGS: Ask the comrades to do that.

Mr. PICKERSGILL: Fi wah?

(Inaudible comment by Mr. Mullings.)

Mr. PICKERSGILL: Yu think dem should a follow you?

(Cross talks)

Mr. HOLNESS: Madam Speaker, it's very difficult during the course of the industrial action to give an assessment of the effect. We are right now, as we speak,

preparing to give a full brief to the nation. As soon as we have that it will be made available.

Mrs. HENRY-WILSON: Madam Speaker, are we going to hear before next week Tuesday, a statement to the nation on this matter?

Dr. DAVIES: Tomorrow a Teachers' Day.

Mr. HOLNESS: Madam Speaker, I have addressed the nation on this matter twice. I've held two press conferences, one on Saturday past and one yesterday. There is a meeting to be held by the Jamaica Teacher's Association on Friday. I would much prefer that there is a cooling off period where there are no statements made that could create further difficulties in reaching a solution. After that meeting of the JTA - and I'm briefed on that meeting - then I will be in a far better position than I am now, to address the nation - to advance the discussion.

Mr. BUCHANAN: Yu planning to ginnal dem again, Pearnel?

A MEMBER: Tomorrow a Teachers' Day.

(Cross talks/heckling)

Rev. THWAITES: Madam Speaker, does the Government intend to take industrial action against the teachers?

Mr. HOLNESS: I'm sorry, Madam Speaker, I did not get the Member's question.

Rev. THWAITES: Madam Speaker, does the Government intend to take industrial action against the teachers?

Mr. HOLNESS: The question baffles me, Madam Speaker, I can't answer that question.

(Cross talks/heckling)

Rev. THWAITES: If the Minister cannot answer, who can answer, Madam Speaker?

Mr. PICKERSGILL: Pearnel!

Rev. THWAITES: It's either yes, or no

Mr. BUCHANAN: Pearnel speak! Speak!

The DEPUTY SPEAKER: Members of this House, the Minister has answered the question. He says he's had two press conferences one as late as yesterday and his decision as the Minister of Education is to make a fulsome statement at a particular time. And he has answered and I think that brings closure to the matter.

A MEMBER: Who take action against them?

(Cross talks)

Rev. THWAITES: Respectfully, Madam Speaker, thank you for that, but it has nothing to do with the question I asked which asked a simple question which requires a reply.

(Cross talks/heckling)

The DEPUTY SPEAKER: He has replied.

Mr. HOLNESS: Madam Speaker, I would really want to answer the Member's question but I would want him, Madam Speaker to explain further. I can't understand what he's asking.

(Cross talks/heckling)

Rev. THWAITES: Madam Speaker, it's quite clear, the response almost speaks for itself.

Mr. MULLINGS: No! Explain it to him!

Rev. THWAITES: The teachers have undertaken industrial action. There is an impasse in the country which gravely prejudices all aspects of the education system and indeed the whole human resource future of this country. That cannot be denied. We are at a situation where there are several options - the Minister of Labour has been quoted as saying that there are several options - including that of taking industrial action.

Whether or not that is going to be done is of obvious and significant importance to the outcome and the successful resolution of this issue.

I ask in this Parliament where it should be ventilated, the simple question, and it is unbelievable that Government cannot answer simply yes, or no.

(Heckling)

Mr. HOLNESS: Madam Speaker, the Government has taken no actions against the teachers that could, in any way, be considered industrial actions, actions of penalty, or actions prejudicial to the teachers.

Mr. MULLINGS: Do not let him bait you up, Minister.

The DEPUTY SPEAKER: Thank you.

Members, the question before the House is that this House be adjourned until Tuesday, the 11th of May...

Mr. PICKERSGILL: No, we don't agree, we don't agree.

The DEPUTY SPEAKER: ...at 2:00 p.m.

(Cross talks/heckling)

Put to the House and agreed to.

The DEPUTY SPEAKER: This Honourable House is now adjourned.

The adjournment was taken at approximately 4.14 p.m.

TUESDAY, May 11, 2010

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

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry and Commerce.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Culture, Sports and Culture.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.20 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, we would just like to welcome all the persons sitting in the Gallery and all the persons who are supporting the various presentations today.

Just to remind persons sitting in the Gallery, just check on your cellphones and make sure either they are on of or on vibrate, so you don't interrupt the sitting of Parliament. Moreover, you can't participate in the sitting of Parliament. You can't cheer or clap. You just have to watch the proceedings. But do enjoy the sitting of the House this afternoon.

This afternoon we have allowed - in the sitting you see various television cameras or various video equipment. We don't expect that this will be a feature of the Parliament. It may not be a bad idea however, to have video or replays so that people who are misbehaving, we can replay, instant replay so they can see how they are behaving. But this is an unusual feature in the Parliament. We hope it's not going to be something that will be here; but with the permission of the Speaker, we have allowed it this afternoon.

MEMBERS: No, no, no!

The SPEAKER: Depending on circumstances.

(HON. DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing, entered and took his seat.)

ANNOUNCEMENTS

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

- **Ministry Paper No. 47**
  Cabinet agenda issues for the 19th of April, 2010
- **Ministry Paper No. 48**
  Cabinet agenda issues for April 2010
- **Auditor General's Department**.
  Performance Audit Report on the administration of Stamps on Properties by the Post and Telecommunication Department
- **Certified Appropriation Accounts**
  His Excellency the Governor General and Staff for 2007/08; and Ministry of Education 2008/09
- **Office of the Contractor General**
  Report of investigation into the alleged conflict of interest on the part of Dr. Henry Lowe, former Chairman of the Bureau of Standards of Jamaica, in the procurement of Health Insurance service for BSJ, whilst he was Chairman of Blue Cross of Jamaica Limited.

(HON. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works, entered and took his seat.)

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 23rd day of April, 2010, a Bill entitled, AN ACT to Amend the Industrial and Provident Societies Act was passed in the Senate with twelve (12) amendments.

Signed: Oswald G. Harding,
President of the Senate."

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, the Minister of Finance has asked me to signify his willingness to take charge of the Bill.

Bill shortly entitled:

"The Industrial and Provident Societies (Amendment) Act, 2010",

read a first time.

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

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

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, at the next sitting of this Honourable House I crave your leave to give notice of the following motion:

Be it Resolved that this Honourable House consider changes to the law and practice of probate and administration of estates with a view to simplifying procedures, reducing costs and expediting the settlement of the estates of deceased persons in Jamaica.

May it please you.

(MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, entered and took his seat.)

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, we do intend to take questions today, but with regard to the fact that we are planning to start the Sectoral Debate, we intend to give prominence to the debate and then return to Questions at a later time.

The SPEAKER: We will have a recommittal of Questions and Answers.

Mr. HOLNESS: Recommittal.

The SPEAKER: I just want to point out though, House Leader, that the Speaker is going to remind you regularly of questions which should be answered on a regular basis. So that up today we have at least seven (7) questions - six (6) questions which should be answered and tomorrow it will be seven. Let us see if we can get through as many of them as possible.

(MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western, entered and took his seat.)

Mr. HOLNESS: Mr. Speaker, 1 appreciate the reminder but just to inform you that it will not be necessary. We have started the process, Mr. Speaker, of ensuring that we answer our questions on a timely basis; and where we are not able to do so, that the appropriate notice is given.

The SPEAKER: Yes, Dr. Davies.

Dr. DAVIES: Mr. Speaker, on that note, what do you plan to do about the questions which were not answered last year?

The SPEAKER: Well, let us see. It will be recommitted shortly.

Mr. HOLNESS: Mr. Speaker, questions that were not answered that are not on the Question Paper would not be in your remit.

The SPEAKER: Dr. Davies, questions that were not answered last year you have to bring them back. You must bring them back if necessary. They weren't carried over.

Dr. DAVIES: Mr. Speaker, during my contribution to the budget debate I drew reference to and I brought your attention to aspects of the Standing Orders which deal with questions which had been ignored and...

The SPEAKER: The position though, Dr. Davies, is that we did advise, and l am sure that the questions - we have not amended the Standing Orders as yet, so that motions and questions automatically carry over, which we hope we will do for the next year. But we are asking - and remember Rev. Thwaites has done that already - to re-ask the questions formally.

Dr. DAVIES: If I get it clear, you omitted to take the actions permitted by the Standing Orders.

The SPEAKER: No, no, no! It's not that I can do it. Until the Standing Orders are amended, it cannot be done.

Yes, Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, with your leave may I enquire when the resolution

permitting the Standing Orders Committee to continue its work will be taken?

The SPEAKER: I expected that question from you, Rev. Thwaites.

Rev. THWAITES: Much obliged, sir. So the answer is ready.

The SPEAKER: l did enquire of the House Leader. It will be done tomorrow.

Rev. THWAITES: Thank you very much.

The SPEAKER: I was asking for it today but I got instructions that it will be done tomorrow.

Rev. THWAITES: Thank you. That's good.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled, **"The University of the West Indies (Mona Campus Security) (Amendment) Act, 2010".**

Bill shortly entitled:

"The University of the West Indies (Mona Campus Security) (Amendment) Act, 2010"

read a first time.

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

The SPEAKER: Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled, **"The Child Care and Protection (Children's Homes) Regulations, 2005".**

Bill shortly entitled:

"The Child Care and very much. Protection (Children's Homes) Regulations, 2005, Validation and Indemnity Act, 2010",

read a first time.

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

The SPEAKER: Thank you Mr. Spencer. Mr. Gallimore.

Mr. GALLIMORE: Mr. Speaker, on behalf of the Minister of Agriculture, I now move to introduce and have read a first time a Bill shortly entitled, "**The Agricultural Development Corporation Act 2010".**

The SPEAKER: Thank you Mr. Gallimore.

Bill shortly entitled:

"The Agricultural Development Corporation (Change of Name) Act, 2010"

read a first time.

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

The SPEAKER: Thank you Mr. Gallimore.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business today, we will start the long-awaited Sectoral Debate. The first speaker will be the Minister of Industry, Investment and Commerce.

Mr. Speaker, you made certain comments regarding the technology being employed in the representation. The Minister of Industry, Investment and Commerce wants to display to the nation that this Parliament embraces technology. I wonder, Mr. Speaker, what was

said when the microphone was introduced into the first Parliament.

Mr. PICKERSGILL: Check Hansard.

Mr. HOLNESS: The point is, Mr. Speaker, that eventually, like it or not...

(Inaudible comments by Mr. Paulwell)

It's the second time it is being done. But like it or not, we will have to find ways to incorporate technology into the Parliament. It must be done in a tasteful way and adds value and does not take away from the sanctity of this hall.

Dr. DAVIES: Fix up the Parliament.

(Inaudible comments)

Mr. HOLNESS: Precisely.

Mr. Speaker, at the beginning of the Sectoral Debate, I would also like to remind the speakers that for the efficiency of the running of the Parliament that both sides have agreed on time limits. The Sectoral Debate this year will be divided into two debates, one on Economy and Production and Infrastructure, the other on Education, Social Policy, Health. The Minister of Industry, Investment and Commerce will lead this debate, so he will have 45 minutes as the mover of the motion for this debate.

Opposition MEMBER: You leave out some.

Mr. HOLNESS: He is provided that, by virtue of the Standing Orders. We will give a discretionary 45 minutes as a Minister for him to complete his presentation. In total that will be an hour and thirty minutes for every...

(Inaudible comments)

Mr. HOLNESS: An hour and thirty minutes, 45-45. For an Opposition spokesperson, they will have 30 minutes by virtue of the Standing Orders and an additional 30 minutes to complete their presentation. Same for Ministers of State. Other Members will have the 30 minutes as allotted and a discretionary 45 minutes to complete.

A MEMBER: Fifteen minutes.

Mr. HOLNESS: Fifteen. Sorry. Fifteen minutes to complete. We need to do this, Mr. Speaker, in order that the business of the House be run as efficiently as possible. The Minister of Industry, Investment and Commerce will start...

(Mr. Kellier rises to speak)

The SPEAKER: No, the Leader of Opposition Business.

Mr. KELLIER: Mr. Speaker, I wish to concur with the arrangements because we had started it last time around and it's a continuation of that process during this period.

The House Leader mentioned at the beginning that he wanted to, instead of us going to Questions as the Order Paper would dictate, in order of sequence, as he wanted to start with the Sectoral Debate. I would hope though that since he has placed the emphasis on the Sectoral Debate, that the speaker from the Opposition is given the opportunity to speak immediately after the Minister speaks because if that is not so, it means that the emphasis really is not on the Sectoral Debate but is just gymnastics to allow the Minister to speak before Question time as the Order Paper dictates. And we really want to ensure that our Member gets the time to speak immediately after and the rest of issues can be brought back. Because in truth and in fact any issue to come after will be an issue of recommittal. And we would want to make sure that the Sectoral Debate, which the House Leader rightly says he wants it to take precedence,

and I want to support it, that our Member gets the opportunity to speak immediately after the Minister.

Mr. HOLNESS: Mr. Speaker, on this one occasion, I would concede the point. But just on this one occasion.

Mr. SPEAKER: Yes. No problem. Very well. Mr. Samuda.

(Applause)

BUDGET (SECTORAL) DEBATE

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

Mr. Speaker, I rise today to make the opening presentation for this sector of the Debate. This, Mr. Speaker, marks the 30th consecutive speech that I am giving in this Honourable House. (Applause) And it should not go without noting, of course, that it has not always been from one side. (Inaudible comments)

A MEMBER: Right.

Mr. SAMUDA: That gives me a tremendous advantage. I have perspectives of both sides of this aisle.

Mr. Speaker, in starting this presentation, I want to pay particular tribute and once again bring to the attention of this House the tremendous loss that we have suffered in the constituency of North-Central St. Andrew where we lost our long serving Councillor and representative for the constituency who died tragically recently. I know for a fact that were he alive, I could look there and be sure that he would be up there. He has never missed one. And although he is not here physically, I would like to believe that spiritually he is very much with us.

Mr. Speaker, to my wife who has stood by my side for the last 30-odd years, since we first married. In fact the first place I took her when I met her was to a political meeting. And she has stuck with me through these many, many years.

(Inaudible comments by Mr. Pickersgil)

MEMBERS: No, no!

Mr. SAMUDA: No, it was a meeting in East Rural St. Andrew in Maryland. She has stuck with me all through these many years. We have three lovely sons and I just want to pay particular tribute to them for their patience and support over these many years. (Applause)

Mr. Speaker, anyone who stands in this Honourable House cannot do so without being mindful and reminded every day that their existence in this Honourable Chamber is due entirely to the people who support them. To those who not only vote for them, but who stand by their side through thick and thin, through the good times and the bad times, and are willing to work through the night to assist them in achieving the goals set for themselves and everyone in the constituency that they represent. And it is for this reason that it gives me a particular sense of pleasure to welcome a representative group from my constituency who have stuck with me right thorough the good and the bad times. And I want to thank them very much for that. (Applause)

And I want to express my deep regret that I'm not able to be in the constituency as I would like to. And one day, perhaps before I leave these hallowed Chambers, these hallowed walls and this Chamber that I love so much, we will get around to talking about fundamental constitutional reform that will enable Members of Parliament to have the time to spend to dedicate to the development and wellbeing of those who elect you to come here and to speak on their behalf. But that's

another subject for another time.

To my Minister of State who has worked so hard and has been through so much turmoil as a result of my colleagues on that side... (Laughter) ...who had to go about the job of being here twice when most of us have only had to fight it once. Among others, my young friend from East Portland who had to go through the...

(Inaudible comments)

West Portland. I'm sorry. Dr. Todd, I tend to... He's not going to be there for long. So it's all right. (Laughter) And of course, my...

Mr. PICKERSGILL: Mind you get in trouble now you know, because you might ... (Inaudible)

Mr. SAMUDA: ...colleague from North-East St. Catherine. Anyway, he's my friend. I don't mind.

Yes, Mr. Speaker, to my Minister of State who works very hard, an experienced businessman in his own right and who brings to the Ministry of Industry, Investment and Commerce a tremendous value. To my Permanent Secretary who is here, Mr. Reginald Budhan and his team who are here, to the Board Chairmen, some of whom are here; to others who have come to hear what I have to say, I really welcome them and hope that at the end of this presentation, you will feel satisfied that it was a worthwhile afternoon well spent.

To my colleagues on the other side many of whom are my good friends. Many of whom who were here and no longer here remain my very dear friends. And I think everybody on that side knows the ones I refer to specifically. But the fact is, Mr. Speaker, that no matter what happens across the aisle, in the final analysis, we must never lose sight of the fact that it is nothing personal, it is just business. And so, we must cherish the relationships that we develop. Because like myself, there are others, we are senior in years and as we move on, we must move on with fond memories and the retention of relationships that have been built over the years that are cordial and with a sense of decency.

Mr. BUNTING: Sounds like a valedictory speech. (Laughter)

Mr. SAMUDA: It may well be.

Mr. Speaker, I don't come to this speech with any pre-conceived notion of my own sense of importance. I'm just an ordinary guy who is passionately in love with his country and his countrymen, who have sought to use all that God has given me to work as hard as I can in the interest of the people of Jamaica who I love so much, especially those who have had to suffer over the years in trying to come from under to make a good life for themselves and improve the quality of living for themselves and their communities.

So, Mr. Speaker, I am given this task. I am given this task and I accept it with pride because it is something that I honour and cherish. And for that, l wish to formally again thank the Prime Minister for his confidence that he has bestowed in me in taking on a portfolio that has in total some 22 agencies. Today, Mr. Speaker, I am not going to even attempt to go into all the agencies. My Minister of State who will be speaking soon will deal with a large number of the agencies, particularly as it relates to that section of the Ministry dealing with commerce.

But what I want to concentrate on today, Mr. Speaker is, what are the factors that are going to make us move from here to develop an economy, to grow our economy, to enrich

our country and to improve the quality of life of our people. Our Ministry is the Ministry charged with the responsibility of doing that. We feel that the strategies that will attend that process revolve around the development of the MSME sector, which employs some 80% of our total workforce, the application of science and technology for business development, to establish international financial services that perhaps offer the greatest single opportunity for us to earn our way out of these difficulties. And finally, what are the things that we have to do to increase local and foreign investment, our exports and expand our production.

Mr. Speaker, my presentation today will primarily focus on my portfolio that is pivotal to growth, employment, and development. As such, I will speak specifically of the promotion of local and foreign direct investment to generate hard currency earnings and create jobs, to growing the micro, small and medium-sized enterprise sector, to infusing into that process, science technology, and innovation in new entrepreneurial ventures.

And I might pause here to simply say, Mr. Speaker, that I remind this Honourable House, I have said it so many times before, that it is those people who innovate, who own the rights to the innovated product, when manufactured and sold, get the lion share of the value of that product. So that the owner of an innovative - innovation that leads to a finished product gets 60 per cent of the value of the product. Those who make it only get between 12 and 15 per cent. So, you can see the important role that science and technology plays as we strive to expand our process by which we become innovative as a country.

And, of course, Mr. Speaker, as the business ministry of the Government I would like to briefly outline some of the strategies for the way forward. But make no mistake about it, Mr. Speaker, in this journey to successful economic development, to make our economy more efficient, competitive and business-friendly, we have made achievements as a Government, but there is still a very long way to go to reach our destination.

(HON. EDMUND BARTLETT, (JLP), St. James, East Central, Minister of Tourism, entered and took his seat.)

I would like, however, just to pause here for a moment, Mr. Speaker, and to do a little housekeeping. First of all, you know, not long ago, when we moved the Factories Corporation offices to New Kingston, many people said that we were going in the wrong direction because, instead of going back Downtown, so that we could revitalize the town and so forth, we were going Uptown, running away from Downtown. Well, the fact of the matter is, I can report to this Honourable House today, that we have taken a decision within our Ministry to acquire the five floors that now house Air Jamaica in the Air Jamaica Building on Harbour Street. We have entered into an agreement, and in fact, have made a payment having tendered for the property, and it is the intention within the next six months to move the ministry from New Kingston to Downtown. So, not only are we going to move a department, but the entire ministry will be moving Downtown.

(Applause)

We have also undertaken another significant piece of real estate - or about to undertake a significant piece of real estate

transaction, in that we are making an arrangement with the Guardian Insurance Company to acquire their premises that is immediately adjacent to JAMPRO - and my colleague on the other side who was the Minister responsible will immediately recognize, and so the former Chairman of JAMPRO, that it was really, in a sense, it might have been an oversight that we didn't realize that JAMPRO would so quickly outgrow the parking space. And so, our staff and visitors have to travel across a busy road, a twin carriage road in order to get park. And immediately adjacent to us was this piece of land that is now being used as a parking lot, and we are negotiating with the Guardian Group of companies to acquire it, and those negotiations are well advanced. And as soon as it is acquired, which will then make the property more saleable, more marketable, it is our intention to dispose of it, and to relocate Downtown because we feel that the business ministry should be in the business centre of the country, which is Downtown Kingston to give Kingston a new lease on life in terms of activities.

Mr. Speaker, we face many challenges to business in Jamaica. Among these, and perhaps the most significant challenge is in the area of excessive bureaucracy. We suffer from a lack of access to capital, high energy cost, high security cost and an insufficiency of training at the workplace. Mr. Speaker, would you realize that 80 per cent - perhaps a little less by this - of our total workforce receive no vocational training at all? And to be attractive as a destination for foreign direct investment, one of the things that they use to measure our ability to respond to large investments is the extent to which our workforce is adequately trained. And when you can publish the fact that three-quarters of your workforce receive no vocational training, it is time for us to do something, and do something seriously.

In the area of bureaucracy, Mr. Speaker, it has always been a problem to register companies. The business community will forever complain about the registration of companies. And what have we done about that? We have, Mr. Speaker, created in the Companies Office, well-advanced, and will soon be put out to the public, we have created a super form which will incorporate HEART, NIS, NHT and TCC, eliminating multiple registration. Once that is done it will put us on a path to be considered by the *Doing Business Report* out of World Bank as some nation that is serious about reforming the methods by which we go about doing business.

And so, this is one of the most revolutionary things. And not something that has just sprung up over night. For a number of years we have been tackling that problem. We have just had one set-back after the other. But we are now determined that the time has come, we are at a level where if we are not competitive in this world we have no chance, no chance of ever being able to earn our way and to work our way out of our problems. And so, I am very happy to be the man-on-the-watch under whose portfolio this responsibility lies.

It is one of the priorities, Mr. Speaker that we recognize, where we can now register a company on a priority basis in one day; normal registration, four days.

A MEMBER: Yes.

Mr. SAMUDA: And by the end of the year, we expect to register electronically, which is something that I know the former

Minister had brought to this House and had been striving for.

(HON. DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade, entered and took his seat.)

And I am very happy to be that Minister at this time who will steward that into existence.

So, we will eliminate multiple registrations. So, can you imagine, Mr. Speaker, you register a company and you automatically avoid having to register with HEART/NTA, NIS, National Housing Trust and TCC, the Taxpayer Compliance Certificate, just by registering your company? All of that is taken care of, one shot. So, the registration certificate means automatic registration with all of these other regulatory agencies.

But, Mr. Speaker, this is intended to enable us to be more competitive. So we have looked and said, how do we set up a framework that will make us more competitive, and bring things together, instead of everybody talking about the same thing in different fora, and everybody getting confused as to who is saying what, when, where, and for what purpose? So, what we have done in our pursuit of sustainable growth, we have created a National Competitiveness Council. And this National Competitiveness Council incorporates, or collapses into it, the National Export Council, the Trade Facilitation Board, the Target Growth Competitiveness Committee, all elements under one house, one time. And this is another of our strategies to reduce bureaucracy and duplication of efforts, and to enable us to be competitive.

Mr. Speaker, this House will recall when we first came to office we had a National Planning Summit. That too has been collapsed into what we now have as the *Partnership for Transformation* which includes the National Export Council, Trade Facilitation Board and the Target Competitors Committee. The whole idea here, Mr. Speaker, is to enable us to go to one place and know exactly what is happening with respect to competitiveness, and those factors that will enable us to be more competitive. And that is our responsibility.

We have gone one step further in facilitating the business community of the country. JAMPRO has always been seen as an agency that was designed to encourage foreign investments and to facilitate business. But when you walk into JAMPRO, you don't get a sense that it is a facility that is business-friendly that will attend to you in an efficient and competent manner, and will expose you to all the various agencies with which you have to interact in doing business.

So, what we have done, we have established the only one-stop business facility of its kind in Jamaica, probably in the Caribbean, quite frankly, where 7,000 square feet on the ground floor of JAMPRO, in the building, will be dedicated to business facilitation; the entire half of the ground floor - the other half is occupied by JIPO, Intellectual Property - so that we will have easier and more direct access by clients to business information. It will offer a permanent showroom, an exhibit, with an emphasis on displaying new and emerging products. So, as the product is developed from Scientific Research Council, or wherever it is, and is introduced into the market, that will be a

location where a visitor or a prospective business person can come and view and understand and hold discussions with people responsible for promotion.

So, we will have a visual and physical information hub that provides data to assist clients in making critical business decisions. And even more importantly, it will facilitate full-service-days. We will offer full-service days where it will assemble all the Government-related services to conduct the business at the business hub. So, you walk in and all the agencies dealing with Government will be available to assist in developing their businesses and giving advice.

Mr. Speaker, one of the things that have plagued us over the years is this question of access to capital. And we focus our attention, primarily, on growing the MSME sector. What I can say is that the Government of Jamaica disbursed over $4 Billion in the years 09/10 through the DBJ, NIF, MIDA, Pan Caribbean and Development Options. That is the Government's contribution.

The leading private sector houses provided $2.7 Billion. So in essence we had a total amount available to the MSME sector of $6.7 Billion.

Mr. Speaker, in our Ministry we are responsible for certain agencies that are desired to improve the possibilities for the small business sector. You will recall when the Prime Minister gave instructions for the establishment of a programme through the JBDC as a pilot programme, where $150 Million would be made available for direct lending by a Government agency to people interested in doing business, many of whom were in business already but in the productive aspect of business, not in trading but in production. I can report to this Honourable House that that facility was well used, well managed. And I'm very proud of those who guided that process.

I'm very proud of the fact that that $150 Million was loaned out and that from the time we got the money which was January last year to now they are running on reflows now because the additional hundred Million that we are to get as a first tranche from the DBJ has not yet come in, but so far they are running delinquency accounts of somewhere in the region of just under four per cent (4%), which again goes to show that if you give the people of Jamaica an opportunity at the micro and small business level that they'll pay back their loans and do well in the business venture that they undertake.

We are looking forward to getting not - Prime Minister said that if we did well with the $150 Million - he would see to it that the Minister of Finance provides us - well the figure l won't tell you the figure because it's far more than I'm sure he is able to provide at this time but certainly we are expecting that we will be getting a handsome inflow into JBDC'S banking sector relating to this particular facility, sufficient to enable us to continue the great work that they have been doing down there.

We have the Self-Start Fund that loaned $27 Million than, Mr. Speaker, the MIDA, which is the lending agency that my good friend opposite had said that it was under the control of JBDC. The fact of the matter is, MIDA is not under the control of JBDC, MIDA simply has - the Board of JBDC is the single Board that manages MIDA but the entity MIDA runs on its own as an independent body and conducts its business

independently of JBDC, but the leadership by which it is guided is the board that runs the JBDC. There is no conflict of interest there.

And they had, last year MIDA disbursed $172 Million to finance 885 micro businesses and generated 1,184 persons within the period. The majority of these, Mr. Speaker, 85 per cent, were service type loans. Manufacturing accounted for eight per cent (8%) of the loans and agriculture seven per cent (7%) and the reason is very simple. The rates of interest for these funds are a little higher than those that you would get from JBDC because that is geared to production and if you are dealing with agriculture and manufacturing you are not going to be inclined to go for that sort of high interest-bearing loan.

So, Mr. Speaker, the category known as the MSME is so critical for our development, because this category accounts for approximately 36.8 per cent of our total labour force, averaging 415 thousand persons and representing an increase of 3.5 compared to 2008.

JBDC, their share of that, they assisted 12,350 individuals. So you see, when I give these figures it's not just for effect but it is to indicate that although things are tough, and we know they are tough, although business is not as vibrant as we would like, we have great things on the horizon and there are many Jamaicans at the micro level right through to the medium and large level who are working hard to make a contribution to the development of our country and they should be credited with that.

Last year JBDC had 2,200 new clients. People new going in to do business and they created 534 jobs. Now you may say that is modest and indeed, maybe it is, but the fact is that it is on an upward trajectory, it's an upward trajectory, they are increasing as they go along.

The commercial banks total $2.7 Billion. The Government has neither the financial resources, Mr. Speaker, nor the expertise to single-handedly fill the financing gap facing the MSME sector. We welcome the increasing involvement of the private financial institutions including Jamaica National, NCB and Scotia Bank among others. But, Mr. Speaker, I'm very happy to announce here today and I'm very glad as I said, I'm happy it's happening on my watch. We are providing this year the largest amount of money ever given and made available to the micro sector. The smallest denominator down the bottom, the guy who is going to buy one more piece of equipment and probably as a result hire one more person and he is operating at a small level probably in his backyard, making a few pieces of furniture; or the lady in her home sewing a garment, she is going to be able to buy one more sewing machine or she is going to be able to take on somebody else so that she doesn't have to work until 12 o'clock at nights because the kids giving her pressure because she can't handle the 15/16, 18 hours a day. This is what this money is for and I'm very happy that on my watch the comment that I represent has seen it fit to provide $750 Million dedicated to the sector that I'm talking about.

(Applause)

These funds will be retailed through Jamaica National (National Growth and Assistance Financial Services). Quite frankly the DBJ is $2 Billion but dedicated to the micro sector is $750 Million. It's a spread of funds but it's dedicated funds to the micro

sector. Retailed through the Jamaica National (National Growth and Asset Financing Services). And because of the scheme that we have, the interest rate they would range for retail and so forth below 15 per cent, below 15. For production ten per cent (10%)

There are attempts being made to sort of stretch us to go beyond ten but we don't want to and I want from now, we don't want to go up in fact I want it to go in the other direction but it's a question of the source of funding, where we get the money. So if we get the money, concessionary funds then we can keep the rates down but our objective is to carry the funds, make the funds available to the smallest businessman in the country, businesswoman.

(Applause)

Give them a chance to make a life for themselves and move from poverty to having the potential to become very wealthy, that's the goal, the objective, the spirit that I bring to the job I have. As l said when I started, I'm just an ordinary Jamaican trying to help everybody because a ya me born! Father born ya, grandfather born ya, great grandfather born ya. Pickney dem born ya, everyone da ya. So I have no problem with that. Any time you want check out wi credentials check me!

(Laughter)

So, Mr. Speaker, this is the scope of what we are talking about but we are going one step further and this is all in facilitating business, you must understand. This is about cutting bureaucracy and making it more accessible. We talk about a collateral system and what we are working to do, Mr. Speaker, is, if you analyze the collateral system in Jamaica it needs a complete and comprehensive reform. This involves passing a new secured transactions Act, the establishment of a registry of secured interest and the abrogation of existing legislation governing the creation and enforcement of security interests.

Currently, financial leases, higher purchase arrangements and bills of sale may only be used to finance new equipment. What we are now moving towards, Mr. Speaker is a new collateral system that includes security interest in movable property and the establishment of an electronic notice register in which all interests would be registered. Any corporate entity or individual should be able to give or take security in movables of any nature. So you don't have to be relying always on fixed assets or real estates and all of that but can be on movable assets. In other words, there should be no distinction and this happens so often and we all who do business realize that there should be no distinction in the process between companies, sole proprietorships, individuals, producers or consumers. They should be all treated on an even basis.

Now, during the debate on the economy my good friend of many years and colleague...

Mr. MONTAGUE: Who dat?

Mr. SAMUDA: The former Minister...

Mr. MONTAGUE: Bunting?

Mr. SAMUDA: No. Had said that...

A MEMBER: Paulwell, Paulwell!

Mr. SAMUDA: ...he had some words to say about the KURP, KURP you haven't forgotten? Kingston Urban Renewal Project in New Kingston. That was only couple weeks ago. You've forgotten?

Mr. PAULWELL: Me?

Mr. MONTAGUE: Yes, you.

Mr. SAMUDA: You.

Mr. PAULWELL: Me?

Mr. MONTAGUE: He has forgotten.

Mr. SAMUDA: It's in your speech.

Well, that project was a project undertaken and I know the Leader of the Opposition is keenly interested in this. And it's a pity that the Member has left the room while I'm speaking although he hasn't taken his accoutrements but it affects him and you will see the extent to which it affects him. I probably should go and tell the people that he has walked out on my presentation but that's for another time.

Central Kingston. One hundred and four young entrepreneurs had been trained in small business management. Thirty-two businesses have been approved to benefit from a loan fund under the project, 130 students have participated in HEART/NTA certified training programme, 250 persons have been employed through various components of the project, 62 interns have been placed and 45 have received literacy training. We are very, very proud of this programme and I cannot describe to you how proud I am of VALERIE VEIRA who has been the driving force behind JBDC and this programme in particular. Very good.

(Applause)

You know, she and I go back before you came to the Ministry.

(Laughter)

So don't worry.

Mr. CLARKE: You remember when you were PNP?

(Exclamation by Mr. Samuda)

(Laughter/Applause)

Mr. SAMUDA: You know how things are.

Now I'm going to invite you all, if I may, I'm going to invite you all and I really ask that you pay particular attention to this short presentation that is going to be very, very informative and as I say, you can tell the Member from Central Kingston what he missed because when he comes back he may want to know what has happened in his constituency. They haven't seen him for some time but you can roll the film and we will wait. With your kindness, Mr. Speaker.

The SPEAKER: How long is this film, Mr. Samuda?

Mr. SAMUDA: About five (5) minutes.

The SPEAKER: You know, this is unusual you know.

Mr. SAMUDA: It's all right, but we are breaking new ground as the Leader of the House said

(*Sotto voce* comments by Opposition Members)

Mr. SAMUDA: All those in favour? (Laughter)

(All agreed) (Laughter by Members)

(The Film began)

(Applause)

The SPEAKER: (Gave1s) The minister's time for speaking and perhaps video presentation has expired. (Laughter by Members)

Mr. HOLNESS: Mr. Speaker, l beg to move for suspension of the Standing Orders to allow the Member an additional 45 minutes, which he does not need, to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Minister a further 45 minutes to complete his presentation?

Put to the House and agreed to.

The SPEAKER: (Gavels) Minister Samuda.

(*Sotto voce* comment by Mr. M. Peart)

Mr. SAMUDA: Thank you. You not getting anymore. Thank you very much, Mr. Speaker.

Mr. Speaker, as you can see on the screens there - and l really thank you Mr. Speaker, for your tolerance and for acceding to this request of ours, because we think these are the things that have to be seen, people only spend all their time looking at the negatives. And I might have ribbed my friend from Central Kingston, but I am the last person who would do that with him because we were once part of the same organization. (Laughter) And we have a number of things in common and we share a certain sense of concern for those people who are seen in that film. And I know he is very serious about that.

Mr. Speaker, we have 11, what we call Business Information Centres that catered to the micro and small business sector across the country. Over 2,000 persons were assisted through these centres which were operated in 2009 by JBDC. We have 80 business service providers throughout the island. Through this network clients are provided with first-class JBDC services and are assisted in identifying and meeting new needs.

So, Mr. Speaker, you can see that the work that JBDC is doing in helping the micro and small business sector is very significant, as a strategy for moving forward.

And I must pause here to thank the Board of JBDC and particularly the Chairman, MR. CLEVE STEWART, who is here with us, for guiding the process and working so well with the members of staff to ensure the success of that organization.

(Applause by both sides)

That organization, Mr. Speaker, also controls . . .

Rev. THWAITES: Good organization.

Mr. SAMUDA: Good organization, excellent!

Rev. THWAITES: Well managed.

Mr. SAMUDA: Very well managed. Excellent organization.

Things Jamaican is - when Things Jamaican, when they took over as my colleague will recall, they had no revenue, they had no assets, they had nothing, they had a name, Things Jamaican, and I can report here today, that, the operations of Things Jamaican, they have some 500 active suppliers and they operate in five (5) retail outlets and last year their sales amounted to $92 Million, 50% increase over 08/09. So all that we talk about sometimes when we become pessimistic and depressed, just go to JBDC and see the kind of enthusiasm and work that is taking place there, training people to become efficient.

And I don't know how to thank Valerie and her team for doing the work that they are doing on behalf of Jamaica.

(Applause by both sides)

Mr. Speaker, you know, we have an incubator programme that is sponsored by the Bureau of Standards, they put $35 Million into it for woodwork. And that is supported by the Ministry of Education, HEART/NTA and the Jamaica Wooden Products and Furniture Association. It is intended that over a three-year programme that will be increased to $100 Million to develop the woodworking area. They have a design centre at the Bureau. For 2010, January to December, we are looking towards the establishment of six hubs islandwide for technical and financial training and the incubator of 50 wooden furniture manufacturers.

The Member - and many asked during the Finance Committee of the House about PSDP, the Private Sector Development Programme, which is part of the development of the small business sector, and l can report to the House, it started not on my watch, it started way back, about three years before I got there, the work has been tremendous. It has been very beneficial and JBDC had some of it, I think they had five clusters and JAMPRO had about two or three clusters. But I can report that all targets have been met. Over 16,000 interventions, over 80% of beneficiaries of the PSDP grants were of the MSME enterprise sector. Over 33% of the beneficiaries were female and this is very important, they headed the businesses, because one good business woman better than any 10 man. (Laughter)

A MEMBER: True!

Mr. SAMUDA: I make no apology for saying that.

Mr. E. SMITH: That's true. That's a fact.

Mr. SAMUDA: That's about my ratio. One good family-oriented businesswoman worth any ten men. And so when we see that so many women are involved, we feel comforted. One hundred loans to firms, averaging in approximate size of $3.6 Million were given out on that programme.

S.R.C.

And, Mr. Speaker, I turn now to science, the Scientific Research Council, science and technology. That holds the key to our future in terms of being a truly independent nation. Because if we can, through innovation, produce goods that can be sold at all levels locally and abroad, this country has a great future ahead of it and we must take it seriously.

Many years ago, in this very House, probably 20 years ago, I said to Professor Lalor, I said Professor Lalor, all the good things you are talking about this must be the best kept secret in Jamaica. And the fact of the matter is that it was perhaps the best kept secret, because they are scientists and they go about their tasks very diligently. They are not marketers, they are not representatives that go out and market their products, but they work diligently and they are very productive.

And Mr. Speaker, 180 enquiries from farmers came in for the product that they are promoting at this tune. And this product, Mr. Speaker - I have a piece of it right here for you, a sample of it - lemon grass. Lemon grass is an incredible product, the whole industry.

Mr. M. PEART: Fever grass.

Mr. SAMUDA: Fever grass?

Mr. D. PEART: Yes. Same thing.

Mr. SAMUDA: Same thing.

Well, you a country man, I come from town. (Laughter) I am a town man. The country man here know, you know, he is an agriculturalist. But these are the products, fantastic products that are made - and this is marketed here, this is made for this company that packages it and markets it. I recommend it highly. Have a look, pass it around.

(*Sotto voce* comments)

We have a commitment for 986 acres of lemon grass production, because of the work of the Scientific Research Council. (Sotto voce comments) Thirty-two formulas were sold, for personal care and food last year, which is a 55 per cent increase in the request for food products developed by the SRC. One hundred and seven per cent increase in contracts with MSME for research and development through the SRC, one of the - DR. AUDLEY GORDON -

Jones, that's his thing. Excellent, fantastic guy, fantastic, a real entrepreneur who has had hard times, had difficulties. But he is going to overcome, because with that kind of entrepreneurial spirit and the quality of that packaging, the sky is the limit.

One of the most recent projects of the SRC, Mr. Speaker, is a three-year, Rural Youth-Employment project, made possible through a US$1.25 Million support from the United States Agency for International Development US-AID, and the United Nations Development Programme, UNDP. The project launched in March 2010, is really an - it is an incredible project and it's an initiative of the SRC and the Planning Institute of Jamaica, PIOJ. Its main objective is to reduce rural youth unemployment in the parishes of St. Thomas, St. Ann, Trelawny and Manchester. There are good things in store for members from those places. My dear friend and buddy of years, you know what that will mean to relieving the suffering and giving the youth an opportunity in agriculture. The project primarily targets youths who are unattached, have nowhere going, need help, as well as those earning a living directly or indirectly through agriculture.

Through the Rural Youth Employment Project, youth will have, in addition to important life skills, the necessary skills to identify and access opportunities for engaging in other businesses along the agricultural value chain. The project will work through established community groups, but will also accommodate youth not currently involved in such groups.

Mr. Speaker, we expect this project to enhance current efforts to strengthen the linkages between agriculture and tourism, because this is where it all has to start. This business about us not being able to produce things that will encourage tourism to buy from us locally can be solved through this organization known.

And I had the greatest pleasure of visiting the arena - I met my friend from Southern St. Andrew there, and I almost never recognized him, became they were all young people and he looked so young himself I thought he was one of the students. You not looking bad these days, you now, Omar.

Dr. DAVIES: There were a lot of girls around.

Mr. SAMUDA: I know, a lot of girls, you were right in there.

(*Sotto voce* comment from Dr. Davies)

Mr. SAMUDA: Right. I had just left that spot. (Laughter)

Dr. DAVIES: They came after you left. They came when you left.

Mr. SAMUDA: And this slide here is just - I brought it here specially to show. I was never so moved. I left there full of hope, encouragement, I was invigorated by being in the presence of the young people. And so much so that I have today taken the liberty of asking the SRC to invite a few of them who were there. And I wonder if they would just stand, those who are here from the schools.

(The young people in the Gallery stood and were applauded by the Members)

(*Sotto voce* comments)

Mr. SAMUDA: There they are, some of our - eh? (*Sotto voce* comment from a Member)

Mr. SAMUDA: Yes, that's right. Thank you very much. Absolutely phenomenal.

Mr. Speaker, anybody who starts being pessimistic about Jamaica, anybody who

believes that this country is about to fold up, you go and be in the presence of the youth with brilliant minds, innovating in front of your very eyes, and you will be so encouraged you won't have any time to talk negative. (Applause)

Government MEMBER: You hear, Roger? Don't be pessimistic. .

Mr. SAMUDA: We have - in enabling economic activity; the SRC has interacted with over 2000 customers, mostly through the efforts of the Markitec Ltd. And as l said earlier, they weren't marketing their own products, and now they are doing so. They have increased contracts, and they have produced more products that are getting responses that are positive from the investing community. Over thirty-two food and personal care formulations have been sold to the MSME sector, and you just saw one of them there.

So you see, Minister, when we talk about JBDC and the incubator down at Garmex, and we talk about the SRC, it was a little disappointing when you mentioned to us in the Finance Committee that JBDC emerged out of the production train. And that was surprising when l heard you say that because there are some unsung heroes in the micro and small business sector, and I can recount the people who I have seen and met and worked with and respect. The late LESTER KIRKALDY, a sound person who thought nothing but micro and small business, development of it; ADOLPH BROWN, ABE WILLIAMS, DAPHNE GRAHAM, and ST. PAUL MILLER, former SENATOR PAUL MILLER, whose daughter is now Permanent Secretary in the Office of the Prime Minister. I remember him speaking so feelingly about the micro and small business sector.

So I was so disappointed, because you should have known better than that. At the time that these people were doing all this work for the small business sector, l recall you were in the public sector. In fact I recall that you - and you were good in it probably you should have stayed in it... (Laughter) ...because you were my trade administrator at the time, in the Ministry of Industry, Tourism and Commerce. (*Sotto voce* comments And I took - you know, he succeeded me when I left. But he was a good trade administrator. Probably he should have remained in the public sector, he would have made a - anyway, you are a good guy. (*Sotto vote* comments) From early you exhibited - from early - and I can tell you, my wife actually looked at you and said, you know PHILLIP PAULWELL is one day going to be a very powerful man in Jamaica.

Mr. MONTAGUE: Leader of the PNP. President of the PNP.

Mr. PAULWELL: I love your wife.

Government MEMBER: Mind Peter vex wid you.

Mr. SAMUDA: Now, Mr. Speaker, we go to the question of **Brand Jamaica**. And I can show you some of the greatest violations - and my dear, darling friend, where is she? I can show you some - I am going to send these around.

Mr. D. PEART: Yes, send them around; send the bottle of rum first.

Mr. SAMUDA: I can show you some of the greatest abuses to what we represent in this great country of ours. Our name, they try to rob us. And what we mean? Look at this, Jamaican coffee. Jamaican coffee. (Holding up a package)

MEMBERS: Made where?

Mr. SAMUDA: Spring Lake,

Minneapolis, in the States. (Laughter) Ohio, this is made in Ohio. One hundred per cent Jamaican Blue Mountain blend. (*Sotto voce* comments) Look at this one, this is the most brazen of all. This one has the Jamaican flag, this one has the humming bird, Boston Jerk Sauce, Costa Rica. And look at this now. This one is Jamaica rum in Brazil.

Dr. DAVIES: Keep that away from Montague.

Mr. STERN: Is like they are trying to imitate Appleton.

Mr. SAMUDA: So you see, this shows - goes to illustrate the extent to which this name that we take for granted is so valuable.

Dr. DAVIES: What action are we taking about it?

Mr. SAMUDA: Now, our best defence of the brand will be a strong offensive JIPO-led geographical indicators project to assist exporters in protecting their goods. Geographical indicators, where we can be aggressive and proactive. JIPO-administered codes of practice, for legal protection of exports. That is the agency that we have to rely on, that's the agency. And they are doing a fantastic job in pursuing it. But it's not an easy job, you know, it's a difficult job. And so we will continue the vigilance, and we will continue ensuring that all appropriate agreements are signed in order to give strength to JPO, for them to pursue this vital role that they are playing in protection of our brand.

And as we speak of brand, you will recall that we debranded JAMPRO, and we renamed it what - we didn't rename it, it was always there, JAMPRO. But this thing that it was, JTI, nobody could get familiar with JTI. You know, the former Chairman who was here - I am sorry he left, because I think it was under his....

Mrs. HENRY WILSON: He has not left, he is over here.

Mr. SAMUDA: He is here? I think it was under your watch, nuh, that you changed it. And nobody could - it mesmerized everybody. And as recently - after it had been in existence for some three years, an informal poll was taken, and more people knew JAMPRO. One ambassador said to us the other day, we know JAMPRO, what is JTI? The fact is, we went back to our roots. So it's not just a name change. If you look at it you will see the significance of it. We have maintained the Trade and Investment Jamaica in it, and we have got permission to use the Coat-of-Arms, that which we are so proud of.

JAMPRO has been comprehensively refocussed, more aggressive investment and export promotions, connecting competitive Jamaican products with local and foreign buyers. New Board, a new Board has been appointed under the leadership of the HONOURABLE GORDON BUTCH STEWART, Chairman, and a new management team has been put in place. And be sometimes look and say well, boy, things are so down, everything must be collapsing around us. What are the facts?

The facts are that in terms of landed investments, we landed 76 per cent of our target, 76 per cent. Seventy-two - and even $22 Billion we got $17.2 Billion. I think that was $17.2 Billion of CAPEX. You know, when I went there first I used to in this very House - every time you spoke I questioned these targets, because I said how do you measure them? Well, since I am there I have

come to understand that they are carefully measured; they are actually signed off and verified.

Dr. DAVIES: So you are apologizing? You withdraw the question?

Mr. SAMUDA: It's part of the process.

(Laughter/*Sotto voce* comments)

So they have done credibly well, incredibly well under the circumstances, make no mistake about that. Improved performance in non-traditional exports; $3.43 Billion in export sales, for which we were assisting.

Nine Hundred and Thirty-five Million Dollars in linkage contracts and the creation of 4,574 jobs. Now when you look at the CAPEX and you look at the jobs you immediately ought to ask the question, how come it cost so much to produce only 4,700 jobs? Well the fact of the matter is that a lot of the things that we have suffered from when people see our foreign direct investment and they see our employment they wonder what is going on, we are not growing and we are not - our employment is remaining stable.

It's because of the cost of the infrastructure to create the job and because the investments are coming mainly from the hotel sector which really, outside of construction does not match the kind of outlay of capital, but the spinoffs and the linkages that the tourism sector provides is where the answer is. So we can't assess it on the basis of the cost of job. And that's one of the reasons why we are placing so much emphasis on the micro and small business sector because that sector can create a job for minimum quantity of money - another chain-saw, another circular saw, another band-saw, another rotor, can create a job for someone in a small little thing at home where they are making some furniture. So that is why our focus, in terms of creating employment, it has to be on the micro and small business sector. But there are other areas which I will come to very shortly. I hope and pray l won't run out of time. We had 22 new projects added to the investment portfolio in 2009. So things are moving.

Colleagues, I tell you things are moving and I am encouraged by it. We had twelve (12) ICT projects, one (1) creative industries project, five (5) tourism projects, two (2) manufacturing projects, two (2) agricultural projects, all amounting to $41.2 Billion. But the jobs in relation to the $42.1 Billion is only 3,371. So we've got to now look at something that's going to create more jobs, more jobs without having that massive CAPEX with minimal amount of jobs. Jobs is what this ministry is about and I will show you where it's going to come from.

For instance to give you an idea of the size of this CAPEX I am talking about, foreign direct investment certifiable. When you look for instance at the investment in two projects, Secrets/Seawind, $100 Million last year and Palmyra $47 Million, $147 Million in just two. So it tells you what I am talking about and the job creation there is minimal outside of the construction period. So we have to find another area and if you look on your board there (referring to the power point presentation) there are a number of projects ranging from Kingston, Hanover, Manchester, St. James, right across-the-board.

Mr. M. PEART: Read out the Manchester…

Mr. SAMUDA: You want the Manchester. Carol and Peart, 50 jobs,

US$75,000. You want another Manchester.

Mr. MONTAGUE: Community Centre at Battersea.

Mr. SAMUDA: No more Manchester. (Laughter)

In Westmoreland, Every Time Cafe, Westmoreland, US$500,000, tourism.

Dr. DAVIES: Two jobs.

Mr. CLARKE: Where?

Dr. DAVIES: How many in South St. Andrew?

Mr. SAMUDA: I don't have the address here.

Mr. MONTAGUE: Not your constituency.

Mr. SAMUDA: They don't want to go to Central Westmoreland. The Spa Retreat...

Mr. CLARKE: They want one in Russia.

Mr. SAMUDA: The Spa Retreat, you need to go and look at that one. That is US$2.3 Million, employing 50 people and in agriculture, Marado Farm, Westmoreland.

(*Sotto voce* remarks by Members)

Mr. SAMUDA: You can't follow me on my speech. If you try to follow me in the written text you are going to be in trouble.

Dr. DAVIES: That's a big confession you are making.

Mr. SAMUDA: We have a number of projects throughout the country, as I said, generating in all some US$41 Billion, but creating only 3,371 jobs.

Dr. DAVIES: US$41 Billion?

Mr. D. PEART: That could cover the whole island.

Mr. SAMUDA: What did I say?

Dr. DAVIES: Billion.

Mr. SAMUDA: No, sorry, US$41 Million.

New investment income pumped into the economy - Boy, things would be bad if we weren't going to create more jobs with that amount of money.

The investment spent in the area that is critical to us, the ICT sector, $500 Million, creating 2,100 jobs. And you now, Mr. Speaker, I mentioned the question of the amount of jobs in relation to the money spent, but in the ICT sector is where the employment really rests and the future for employment. And years ago the former Minister said that he was going after a target of 40,000 and many would have then said, oh, it's not possible. The real facts are that today it's very possible. It's very possible. And it's possible because of what I am going to read to you and this is coming from "Jamaica: the Full Picture" published by the influence "Nearshore Americas":

> "The dedication and work ethic of Jamaicans far surpasses many other countries. The workforce is polished and professional with excellent communication skills. We are optimistic that Jamaica will continue to expand as a nearshore location serving the United States of America."

Now, Mr. Speaker, with those kinds of credential it's no wondered demand outstrips our ability to service that sector. We need space. We need to construct ICT facilities. And that is why I am so happy working in concert with **Jampro,** Factories Corporation of Jamaica, to start with 100,000 square foot ICT facility at Naggo Head. That project is designed and funds, the majority of lands are in place to start that project. From there we will move to Garmex where we will be

building additional factory spaces. But right now the priority is on the ICT because we have ready customers knocking down our doors literally, wanting to come here to set up business but they won't even talk to us without the space, and so we are building it as quickly as we can.

Dr. DAVIES: What about the private sector?

Mr. SAMUDA: Private sector partnership, we have been trying to get them on board.

Dr. DAVIES: What's the problem?

Mr. SAMUDA: I am beginning to get a resurgence of interest primarily because you can't earn money as easily on paper anymore, so you got to put it now in real estate and development. So we are now seeing a real interest in the private sector coming as partners with us. That's what we want. Because we want to go in, build and sell. We don't want to open ourselves up to ownership and be rent collectors. Our job is to pioneer development. So we go in, build and then we sell and build again and we want the private sector to partner with us in this.

If you look at the global demand for nearshore ICT destinations you will see very quickly, just at a glance, that we are a preferred destination from the United States of America, a preferred destination. We are in the priority areas for the ICT sector. And if you look at the other slide on the monitor you will see that it is not just the kind of routine Call Centres that we used to have. Right now - and this should make everyone who has ever looked at this area very encouraged - they are now looking at hiring. You are dealing with logistics, which is over 50% of the total demand. Worldwide spending, approximately $460 Billion in 2007 and it is expected to increase to $680 Billion by 2011. You are talking about a humongous industry that offers greatest opportunity for our youngsters, bright youngsters who want to be involved. Sales and marketing comprises just under 40% of demand. Customer management about 10% and it falls off.

Financing HR training is down the bottom and procurement is down the bottom, way down. So the point is logistics where it offers an opportunity for our brightest, those youngsters up there in the audience, with brains who can go in back-room operations and start designing and doing real serious type of work in the ICT sector, to show to the world and to showcase our skills and to give every child an opportunity to get ahead.

Through the national export strategy we are going to be working closely with the sector because exports from the call centre industry to the United States market alone conservatively, is estimated to be between US$300 and US$400 Million. That's what is sitting just above us. And we don't have time, time is not on our side, we have got to move and move quickly. At the moment our current services are back office and customer contact. But the emerging services is common corporate functions where you are dealing with maintenance, procurement, financial services, *et cetera*, and the future service is the knowledge service and decision analyses at a much higher level. And we have the ability, our kids are bright they have the ability to become powerful in this sector.

Mr. Speaker, I give you a case of a company that just opened, one of the success stories. **Minacs** is a new investment which was landed in February 2010 with 200 agents in debt

collection business. Potential employer of a large amount of University graduates. One possible platform for international financial services, which I will come to later on if the House Leader doesn't stop me before, employment potential of 1500 and more agents and it's looking for local partners. This, Mr. Speaker, is a 20-year-old company that services Fortune 500 clients in business processing outsourcing. They employ l3,000 professionals around the world and they are right here in Jamaica started this year with 200 people, looking to expand. What is noteworthy about this investment is that **Minacs** also has expertise in finance and accounting functions as well as IT software development, which is just up the street for bright young children, kids coming out of school.

Jamaica also now has the opportunity to transition into providing back-office services to the investment banking sector which will form a platform of our international financial services which is almost there. Mr. Speaker, it should be of note that Xerox in Jamaica, which is here with us, has a financial administrative service of excellence and employs almost 1,000 professionals with some form of tertiary accounting and business qualification. That is what other people are doing with us, investing in us. So while so many of us sitting down and bellyache, the world is going ahead and passing us by. Because what we need to be focused on is that positive approach to saying not how difficult it is to get things done, but let's all get together and go out there and do it so that we can give especially, our young people a chance.

Then there is the question of the success story of Tele-performance, an ICT investor, one of our largest operators in expansion mode at the moment, added 220 new agents between July and August last year. Another 500 agents by July of this year - by July of this year it will be adding another 500 agents; currently looking for space to expand between anywhere 20,000 to 50,000 square feet. So any of you know of space between 20,000 to 50,000 square feet, they are looking for it.

Dr. DAVIES: Air Jamaica building.

A MEMBER: South West St. Ann.

Mr. SAMUDA: No, that's ours already. Potential for 500 new jobs by 2011. And you are talking about jobs of youngsters, you talked about unattached, you are talking about let's get the children connected. They need to be connected with this industry because this industry is not a sort of sweat shop, 807-type operation; this is a sophisticated industry that opens the gates of opportunities for brilliant youngsters in our country.

Vistaprint, 11 acres of land at Fairfield St. James, in the soon to be developed Barnett Technology Park, 90,000 square feet customer service and design centre. Development, Mr. Speaker, is currently underway. So you, see, Mr. Speaker, this is just an example of the great things. You take for instance, my good friend from Sandy Bay. For years the Jockey Factory remained there closed up. And because of what we are, because of who we are, because we are a fine destination to do business, what other people can have confidence in, while we beat down ourselves and kill each other violently, there are people out there with money willing to come here and invest with us. And if you look on that screen you will see, the Sandy Bay suite, capital of US$1.2 Million, and it's opening next month. (Applause)

Three hundred permanent jobs.

(Applause) You know what, you can talk about all the negatives in the world, but you tell the people of Sandy Bay how they feel today to know that they have a manufacturing entity in their communities again, employing their women and their men, to be assured of an income so that they can make a life for themselves. This is a company that has great spin-off possibilities, for manufacturers of granulated sugar, flour, all the corrugated boxes, transportation, concessionaire services and also to serve the tourism industry, Mr. Speaker. Great opportunity. And that's not all, because there are others, too. I have been working on a project. I went to Toronto and saw the people. At one stage I got despondent because I thought it was not going to happen. But I'm happy now to know that they have signed off on the money and they are expecting to come here shortly. And the Member from South St. Catherine will attest to the fact that the new cement plant in Clarendon is on. It is here for real. It will not only produce foreign exchange for us, because they are going to export a lot of it, but it will form the thing that I love the most, competition, for the monopoly that now exists. (Applause)

Now, we are going to see the horses run. Now, we're going to see who can produce more economically. The greatest friend of a consumer is competition. That's why we believe in it like cook food. We believe in competition. That's what we thrive on. (Inaudible comments)(Laughter)

Opposition MEMBER: That's bogus work, bogus work. Want the real thing.

Mr. SAMUDA: Three Hundred and Forty Million US Dollar investment, Madam Leader of the Opposition. Four hundred and fifty permanent workers. We are criticized for not creating jobs. You realize how many jobs I've been talking about ever since?

Government MEMBERS: Jobs, jobs, jobs!

Mr. SAMUDA: Jobs, jobs! When you talk about where is the statement enjoys. I've been talking about nothing but jobs. The creation of jobs, 450 permanent jobs and 1,500 to 2,000 temporary jobs during construction. That's the real world. Not the imaginary world where we tend to get great glee and pleasure out of criticizing without getting the empirical evidence. And I'm seeking to bring some of that here to you.

My colleague, the Minister of Tourism, spoke to you about his success of his trip in Spain where he met and spoke with the principals of one of the leading hotels here in Jamaica and visited our prized possession in Font Hill.

I had discussions with the people involved and they have said that there are difficulties. There are difficulties...Land is the most beautiful in the world. The beaches are fabulous. But there are difficulties. There are logistical difficulties. You can't build a hotel two and half hours away from the airport. So, I said to him, okay, you might not be interested in building there now because we need an airport. Come with me and invest in an airport on the South Coast so that we can then expand the South Coast and make into what it really has the potential to be. And he has given me a commitment. We shook hands. He says, the deal is on. Get the plans together. We will work together. I'll build the airport for you.

And that is reality. (Applause) (Inaudible comments) We are going to build a powerful multi-modal system in this country.

(Applause) He tells me I have seven minutes left and I cannot finish in seven minutes. I have just a short while. I ask you bear with me. It's not long. But not seven minutes. We go to another area with great potential, the creative industries. And when the Minister of Youth arid Culture comes to speak, she will elaborate on that. It's her pet subject. It's her place. But the creative industries that we have responsibility for is JAMPRO, but we work closely together, especially in the film area and so on, we have to, and entertainment and all of that. But the film projects, including music videos, employed 770 and generated $272 Million...

Mr. STERN: Two ninety-two.

Mr. SAMUDA: Two hundred and ninety-two. I'm sorry. Big studio Hollywood movies, Knight and Day, was filmed in Port Antonio, a part of it, with Tom Cruise and Cameron Diaz. Fantastic opportunity. We employed 80 people and spent $135 Million within one month. Can you imagine if we had five going one time? And we are a film maker's paradise. We just need to set the framework. One hundred per cent hotel occupancy during that time. JAMPRO would be working assiduously to encourage that. And you know, we had at the Jamaican Film Commission's creativity and distinctive fair in marketing the island as an attractive film location, was celebrated recently with the runner-up award for Best Theme Booth at the Association of Film Commissioners International, recently. And they celebrated... The booth's visual display was anchored by a large poster of that great film, *The Harder They Come*, in honour of the great PERRY HENZELL who produced that film. (Applause)

So we will be working assiduously with that industry. But the Minister of Youth, Sports and Culture, she will handle most of that.

Mr. Speaker, we have other areas of great concern to us in terms of potential development especially the tourism sector. But quite frankly, speaking of the Minister of Investments, I'm not happy with the pace at which some of this celebrated investments which we had planned years ago. Didn't start on our watch. But it's been dragging too long. And I speak of, for instance, the whole Harmony Cove Development. It's going too long.

A MEMBER: Celebrations.

Mr. SAMUDA: Celebrations.

(The Minister's time for speaking having expired, a motion is moved for a second suspension of the Standing Order to allow him 15 minutes to enable him to complete his presentation)

The motion was put to the House and agreed to.

The SPEAKER: Minister Samuda.

Mr. SAMUDA: I want to thank my colleagues in the House. But let me tell you something, Mr. Speaker, I'm only dealing with about 4, 5, maximum, areas, l have 22. My Minister of State has a big job ahead of him because the Ministry that I have the honour and privilege to serve is a huge Ministry. So, it's all right. I will get through.

Mr. Speaker, we have the ICT, we have the manufacturing sector, we have the micro business sector. These are important sectors. We have the agriculture sector. Tourism, of course, speaks for itself.

But as l stand here, I am convinced that perhaps the greatest opportunity for us to create wealth lies in the International Financial

Services. Starting with you, got bogged down. We gave a commitment that we would dust it off and get it going. We are far advanced in establishing it, to deal with international insurance, banking, treasury management, private wealth management, international trade and commerce, Trust Fund management. Potential market niches, for instance ships and aircraft registries, regional headquartering, entertainment, sports, copyright, financing. We have over 15,000 of the most qualified people in finance, managers. We have an army of youngsters graduating from school ready to participate in being one of the most successful financial services centres in the world.

Mr. Speaker, we are talking about an industry that is between Five and Seven Billion, sorry, Five and Seven Trillion US Dollars that operates within approximately 80 jurisdictions. It is estimated by the professionals whom we have asked to undertake the study, it is estimated that Jamaica could earn and I want the Opposition spokesman on finance to hear this carefully. We could - and you know it - we could earn if we get it successfully up and running, we could earn between thirty - it is estimated - between thirty, as a start, up to US$300 Million *per annum*. That is the potential. And that is why I took it with great anxiety. And we are moving ahead rapidly. We are going to be looking at things like Jamaica's double taxation treaties because there are a number of things that have to be done in preparation.

We have decided that in terms of the actual body that will manage and regulate, that we house that in Montego Bay rather than in Kingston, simply because it's a kind of destination that big players would like to come and play some golf while they talk big business and the kind of environment that is conducive to this kind. But it hinges on our being able to offer to the world a level of transparency and lack of fear against money laundering and other indisciplined locations where this has been the case.

So, Mr. Speaker, I realize that this, coupled with those other areas of great importance to us for the future development of our country which offers professionals an opportunity because we have them: the proximity to the wealthiest market in the world, the infrastructure that is here and the level of competitive advantage that will flow from that will be tremendous for our development. So, Mr. Speaker, I'm very encouraged.

And finally, Mr. Speaker, finally, finally, finally, finally, and I wish my colleague, the former Minister of Finance will listen me out carefully. I came to this House two years ago and I said to you that I had a vision for the development of the Caymanas lands. A vision that I see could offer employment for 20,000 people. I had a vision of seeing people going back and forth in buses and cars to work. I had a vision of seeing Kingston and deprived areas of Kingston and Southern St. Catherine get an opportunity to have permanent employment. To develop not only the land but to be able to see and take advantage of the facilities that exist at our port and to create the linkages that could enhance our being able to retain more of our tourism spent rather than to have to spend some 70% of it and only retain probably 20-30% of it. All of these things, to create a hub for the world. Because we happen to be in the best piece of real estate in contemporary economics of the thing. We are in the most

expensive real estate in the world perhaps, just below the United States of America surrounded by Brazil to the South, all of Latin America, Central America and Eastern Caribbean.

And, Mr. Speaker, I embarked on this programme despite my friend from Central Westmoreland telling me that he would rather have a few roots of cane there. I saw this as being a much bigger picture. But it has not been an easy task as I have come to learn. The wheels of big investment turn very slowly. And I've come to appreciate that. And I'll share it with you. It takes time. But in order for us to get out of the mess we are in in terms of our debt, in order for us to get out of the mess we are in terms of debt, we need a big project.

All the things I talked about in terms of small business and employment for ICT, they are very important, manufacturing. The President of the Manufacturers Association, MR. OMAR AZAN is here. The President of the Factories Corporation, MR. NEIL SEATON, is here. All these things we talked about are very important. But to get out of debt, we need a big, big bounce!

Therefore we need to go in search of people with big bucks. We got to start thinking big, with big money. People not only with the money but the willingness to invest. People who have chosen Jamaica as their home in the Caribbean. People who can make a decision tomorrow that can change our lives forever. And so on my trip to China, I had occasion to speak with the Prime Minister about an expanded vision of what l thought I had brought to this House. And I said what we need is we need now to incorporate the lands at Caymanas...

Mr. PERALTO: You have more than Caymanas now.

Mr. SAMUDA: ...the port, the Free Zone, Tinson Pen and Vernamfield as an area of investment worth Three to Five Billion US Dollars. Just think about it. Three to Five Billion Dollars. Now, we have decisions to take and they are tough decisions. They are not easy decisions. We must now decide whether or not our concern for the ownership of these locations is more important than the development of the lives of our people.

We must now begin to ask ourselves the question, do we go on a crawling peg development strategy, or, do we go in a meaningful way to dispose of those assets that are attractive, that cannot remove from our shores. Nobody can come and take up Caymanas and shovel it up and carry it to any part of the world. And as a government we have the power to regulate its use and how it's done. And we must decide as a nation, with these assets that can make a difference not only in terms of the cash they can bring immediately, Three to Five Billion Dollars.

Our IMF Agreement is about $1.6 Billion. Our entire IMF Agreement. We must now decide what kind of strategy is going to get us out of this difficulty in the shortest run. (Applause) we won't have time. We don't have time to mess around with things that don't contribute to the development and the enhancement of every woman, every man, every baby to give them the potential that they deserve and that they ought to achieve.

And, therefore, I have put it to the Chinese investors, an expanded plan, supported a hundred per cent by our Prime Minister when he listened to me as he always does. And he thought to himself, land. He doesn't make

decisions hastily. And he is in agreement with it in principle. There are details that have to be worked out. There are procurement procedures that have to be worked out. And that is another..... Well, we won't bother do discuss that today.

(Inaudible comments)

Yes. But we have to move quickly. When I put it to them they accepted it. They embraced it and they have provided for us a term sheet which spells out the extent to which they wish to invest in the country. And they have taken it one step beyond that which I have spoken about. They also want to acquire the Norman Manley Airport as part of the deal. And we talking cash.

Mr. M. PEART: Mine wha' yuh a seh you know. Mine we ca' lef yah.

(Laughter)

Mr. SAMUDA: Now, that is the offer and you know, former minister of finance what a term sheet means. A term sheet is an expression...Well, the Member from Western St. Andrew is an expert in it. It's an expression of intent as to what they wish to do. But knowing the source from which it comes and being exposed to the level of commitment that they have so far exhibited, I am absolutely certain that we have a great potential there.

So, Mr. Speaker, we are now embarking on a much larger development plan, coupled with the Jamaican investor side of the Caymanas lands which are 200 acres. Fully, fully, fully supported by local investors who are willing to partner with us. And therefore, l believe that with all of these factors taken into account, our country has a great future ahead of it.

In summary, we have reduced bureaucracy by a single body to address competition through the National Competitiveness Council; we have reduced the time to register companies; we have access to capital to the tune of $4 Billion from the Government of Jamaica; for capacity building JBDC assisted 12,350 individuals; KURP trained 104 young entrepreneurs; the PSDP had 16,000 interventions; Products to market: 500 micro business displayed in Things Jamaican direct jobs created, 5,358 - JBDC 334, KURP, 250; JAMPRO 4,574, jobs.

We had 32 new formulas by the Scientific Research Council in the areas of innovation; in investments $17.2 Billion in total spend this year - last year; $3.43 Billion in export sales; 935 Million in linkage contracts; 22 new projects valued at $41.2 Billion; geographical indicators legislation for the JIPO to protect our brands. And, Mr. Speaker, we are on the verge of introducing, perhaps the most meaningful new economic venture, the International Financial Services that we intend to offer here as a centre in Jamaica to make us financially independent.

Mr. Speaker, it has been a pleasure to give this, my 30th contribution to this Honourable House. We will leave the rest, some to my Minister of State, and my good friend and colleague, Minister of Culture - Youth and Culture who will elaborate on the creative industries.

Thank you very much, Mr. Speaker. Now, let us all work together. Let us work together. Let us work in a mature, positive and united way to make a better quality of life for the people we serve.

Thank you very much.

(Applause)

Mr. HOLNESS: Mr. Speaker, earlier we had indicated that we would have the Member

from St. Catherine East Central making her address in the Sectoral Debate. Unfortunately, we are not able to accommodate that presentation today. And I would therefore, Mr. Speaker, like to move for the suspension of Standing Orders for the recommittal of the item in the Order Paper, 'Statements By Ministers'.

The SPEAKER: Members, the motion before you is for the recommittal of 'Statements by Ministers'.

Put to the House and agreed to.

STATEMENTS BY MINISTERS

CHRISTOPHER (DUDUS) COKE/MANATT, PHELPS & PHILLIPS

The PRIME MINISTER: Mr. Speaker, I wish to address the House on two related matters that have generated much public discussion and controversy. One has to do with the request by the US Government for the extradition of CHRISTOPHER COKE. The other, with the engagement of the US law firm of MANATT, PHELPS & PHILLIPS.

Mr. Speaker, the Extradition Treaty between Jamaica and the United States, specifies the type of information that must be provided in support of a request for extradition. Article 9(1) of the Treaty states that:

> *"If the Minister considers that the information furnished is not sufficient to fulfill the requirements of the Treaty, she shall notify the US authorities in order to enable them to furnish additional information before the request is submitted to the Jamaican courts for extradition proceedings to commence."*

I want to repeat that, Mr. Speaker.

> "*...before the request is submitted to the Jamaican courts for extradition hearings to proceed."*

The Government maintains that the information presented in support of this particular request is unacceptable, because it has been used in violation of Jamaican law and in contravention of the expressed order of a Judge of the Supreme Court. For the Minister to ignore this violation, and issue the authorization to proceed, would be to condone and legitimize this violation and would be a dereliction of duty.

From as far back as September of last year, the Government wrote formally, to the US authorities requesting them to provide additional or separate information that would enable the Minister to fulfill the request.

We assured the United States authorities that once this is done the Minister will sign the authorization to proceeded. The United States has steadfastly refused to do so contending that the information already submitted was presented in accordance with existing bilateral agreements between both countries as are allowed under section 16(9) of the Interception of Communications Act.

The agreements referred to, Mr. Speaker, which were entered into in 2004 relate to the sharing of information as part of the cooperation between law enforcement agencies of both countries This is an arrangement that the Government wholeheartedly endorses and we are appreciative of the considerable assistance and support provided by the United States government in carrying out these arrangements.

However, Mr. Speaker, these agreements are patently clear as to how information so shared is to be used. These agreements state explicitly that any information so shared is provided only for intelligence purposes and cannot be used in affidavits, court proceedings, subpoenas or for legal or judicial purposes unless it is provided in accordance with the requirements of the laws of Jamaica. And again I ask you to allow me, Mr. Speaker, to repeat that. The agreements provide for the sharing of intelligence. The agreement states explicitly that information so shared is provided only for intelligence purposes and cannot be used in affidavits, court proceedings, subpoenas or for legal or judicial purposes unless it is provided in accordance with the requirements of the laws of Jamaica.

The United States Authorities have acted in contravention of this provision in the bilateral agreements. Our contention, therefore, is that with regard to Article 1X(1) of the Treaty, the information supplied cannot fulfil the requirements of the Treaty. The Minister has still not refused the request and remains ready to sign the authorization to proceed once those requirements are met.

I want to make it clear, Mr. Speaker, that the Government will, without hesitation, facilitate the extradition of any Jamaican citizen wanted to stand trial for extraditable offences once the obligations under the Treaty are met.

Christopher Coke is wanted for an alleged crime in the United States for which he ought to be tried and the Government of Jamaica, consistent with its obligations under the Treaty, will do everything necessary to facilitate his extradition once it is done in accordance with the provisions of the Treaty and in accordance was the laws of Jamaica.

Some argue, Mr. Speaker that this is a matter for the Courts and not the Minister to determine. They are wrong. As I have already pointed out... (Laughter) ...as I have already pointed out the Treaty makes it clear that information sufficient to allow the Minister to authorize extradition proceedings must be presented before the request is submitted to the Courts in order that the request can be submitted to the Court. What we have, therefore, is a dispute regarding the application of the Treaty. A treaty dispute cannot be resolved by the Courts of either Jamaica or the United States, it's a dispute in the application of a treaty and this is why we have used every conceivable means to resolve this dispute through dialogue with the US authorities.

Mr. Speaker, this is not the first time there his bee a dispute between Jamaica and the United States regarding the application of the Extradition Treaty. Such a dispute arose in 1992 when a Jamaican National, Richard Morrison, extradited on one set of charges to be tried in a particular Court was placed on trial for a different set of charges in a different Court, in breach of Article XIV of the Treaty.

The then PNP Administration, quite rightly, took strong exception and formally noticed the US government that such violation of the Treaty provisions could not be tolerated. At a meeting with the United States Department of Justice in Washington on October 13, 1994, the then Minister of National Security and Justice the HONOURABLE K. D. KNIGHT, advised the US authorities - and I'm taking this straight from

the notes that were taken of that meeting - advised the US Authorities:

1. of the importance State parties must attach to the existing statutory, statutory and Treaty provisions as extradition is a "politically sensitive issue",
2. that failure to follow the letter of the Extradition Treaty could unnecessarily test the cordial relations between Jamaica and the United States with respect to criminal matters;
3. that if the Government of Jamaica considers that the US will violate the terms of surrender, it will not surrender the fugitive.

That was what was stated by the then Minister of National Security and Justice to the Department of Justice in Washington.

Subsequently, subsequently, Mr. Speaker, in a Cabinet Submission dated February 3, 1995, the then Minister of Foreign Affairs and Foreign Trade, the HONOURABLE SEYMOUR MULLINGS, proposed to Cabinet, *inter alia*, that pending resolution of the question of a breach of the Extradition Treaty, the Minister should not issue any warrant for extradition unless he is absolutely certain that the provisions of the Treaty will be observed faithfully by the US authorities or, alternatively, the Minister of Foreign Affairs put an alternative to Cabinet that the Minister should not issue the authority to proceed in respect of any extradition request until the issue of the breach of the Treaty has been resolved. Third of February 1995.

The then Government...

(Inaudible comments by Mr. D. Peart)

Mr. SAMUDA: You won't understand.

(*Sotto voce* comments.)

The PRIME MINISTER: The then Government was very strident, the then Government was very strident in its insistence that the US authorities must comply with its obligations under the Treaty. Indeed, Mr. Speaker, in an interview with MR. WILMOT PERKINS on KLAS Radio on January 26, 1995, the then Prime Minister, the HONOURABLE P.J. PATTERSON, stated that the breach of the provisions of the Treaty had, and I quote him

> *"very, very clear adverse implications for the obligations under the Extradition Treaty*".

And he went on to say that the Minister would not be signing any other extradition documents unless he is

> *"absolutely satisfied that in no circumstances will there be a recurrence of the breach that occurred in the Morrison case*"

That dispute, Mr. Speaker, remained unresolved for three years during which no extraditions took place until the US government, by way of a letter from the Department of Justice dated April 27, 1995, gave the Government of Jamaica the assurance that it would conform to the provisions of the Treaty and that direction had been given

> "*to carefully review all cases involving extradition from Jamaica and to coordinate closely with our prosecutors to ensure that they maintain strict compliance with Article X1V"*

In a Cabinet Submission dated May 19, 1995, the then Minister of National Security and Justice advised of this development and sought the authorization of Cabinet to continue the extradition process with the

Government of the United States of America based on the assurance given. The Cabinet, by Decision No. 20/95 dated May 25, 1995, accordingly issued the authorization for extradition to the United States to resume.

Speaking in the House, Mr. Speaker, on June 6, 1995 the then Minister of National Security and Justice stated and I want to quote him, the HONOURABLE KD KNIGHT stated in this House:

> "I wish to give the assurance that my Ministry will do everything in its power to ensure that the extradition process in Jamaica is carried out in a manner which is faithful not only to our international obligations but also to the fundamental concepts of justice and fairness as enshrined in our Constitution ".

Mr. Speaker, that is also the assurance of this Government.

The position taken by the Government then did not evoke any public consternation and condemnation. There was no alarm that this action would sour relations between Jamaica and the United States and would lead to retaliatory action such as the cancellation of visas. Nor was there any protest by the then Opposition that the actions of the Government were tarnishing the good name of Jamaica. Indeed, the Opposition supported the Government's insistence that the provisions of the Treaty must be faithfully observed and that the concepts of justice and fairness be upheld. It wasn't a matter, Mr. Speaker, that could have been resolved by the Courts either here or in the United States. It was a dispute between parties to a Treaty that was eventually resolved through dialogue, albeit it took three years, three long years before the matter was resolved.

The Government is very clear as to the responsibilities of the Minister in this particular case. However, in view of the controversy that has developed and in view, Mr, Speaker of the suggestion that the Government's stand is motivated by partisan considerations, we have retained the services of DR. THE HONOURABLE LLOYD BARNETT Q.C., to seek a declaration from the Court as to the duties of the Minister, not so much the authority of the Minister because that has not been challenged, but to seek a declaration from the Courts as to the duties of the Minister and the matters she must properly take into account in exercising her Authority under the Extradition Treaty. On conclusion of the matters that have been placed before the Court, the Minister of Justice will act in accordance with the declaration that has been sought.

This Government and the previous JLP Government of which I was a part, have always sought to strengthen our relations with the United States, often attracting criticism and ridicule from that side. We value the friendship and co-operation that have long existed between our two countries. Friends will, from time to time, have disagreements. The true value of friendship is the ability to resolve those differences in a spirit of understanding and mutual respect. That, Mr. Speaker, is what friends are for. That is what we seek to do and I have every confidence that that is what we will do.

I turn now, Mr. Speaker, to the issue of the involvement in this matter of MR. HAROLD BRADY and **Manatt, Phelps & Phillips.**

On March 16, I stated in this House that - and I want to quote from Hansard -

> *"The Government of Jamaica has not engaged any legal firm, any consultants, any entity whatsoever in relation to any extradition matter other than deploying the resources that are available within the Attorney General's Department''.*

That was the position then, it remains the position to this day, save and except for the engagement of DR. LLOYD BARNETT, to which I have referred.

The initiative which led to the engagement of **Manatt, Phelps & Phillips** by Mr. Brady, started within the Jamaica Labour Party in September of last year, when he was approached to see whether, through his contacts with persons in the American political system, assistance could be obtained in finding a way to resolve what was seen as a treaty dispute between Jamaica and the United States. Mr. Brady is a member of the Jamaica Labour Party. He is a former Executive Secretary of the International Democratic Union, an organization of centre-right parties, including the United States Republican Party, which was founded in 1983, currently headquartered in Oslo, Norway and of which the Jamaica Labour Party is an associate member.

Mr. Speaker, I sanctioned the initiative…

Opposition MEMBERS: What!

The PRIME MINISTER: …knowing that such interventions have in the past proven to be of considerable value in dealing with issues involving the Governments of both countries.

(*Sotto voce* comments by both sides)

And I want to give you an example, Mr. Speaker, I want to give you an example, Mr. Speaker, of the ways in which that kind of intervention has helped this country.

In the 1980s, somebody in giving testimony before a Congressional Committee, made some of the most damaging remarks about the then Prime Minister and the Government of Jamaica. Damaging! The testimony was given at 11:00 o'clock in the morning. Through these contacts which we had and which we utilized, a Press Conference was held by the State Department that afternoon, presided over by the Deputy Secretary of State, to declare that they had no reason to believe that anything in that testimony was factual and that they had every confidence in the integrity of the Prime Minister of Jamaica and the Government of Jamaica.

Mr. PICKERSGILL: We know that.

The PRIME MINISTER: A week later, Mr. Speaker, a week later, when that person appeared before the Committee again and was cross-examined, he admitted that he came by the information because he was sitting in a bar in the Cayman Islands and heard two people whom he didn't know, whom he had never seen before, discussing the matter.

(*Sotto voce* comments by Opposition Members)

By that time, by that time, Mr. Speaker…

Mr. SAMUDA: You not listening man!

(*Sotto voce* comments by Opposition Members)

Why you don't shut up and listen!

Mr. BUCHANAN: Duppy!

The SPEAKER: (Gave1s) Members, Members!

Mr. SAMUDA: Shut up and listen!

The PRIME MINISTER: Mr. Speaker, by that time, had that intervention not been made, Mr. Speaker, by the time the admission was made a week or ten days later, incalculable damage would have been done to the image of Jamaica.

I made it clear, however, Mr. Speaker, I made it absolutely, unmistakably clear that this was an initiative to be undertaken by the Party not by or on behalf of the Government. Mr. Brady's contacts…

(Disturbance)

Mr. BUCHANAN: You are rude!

The SPEAKER: Mr. Buchanan, please. Members, the opportunity will be given to you to ask questions afterwards. Those who interrupt, I am going to ensure that you don't get a chance to ask questions if you interrupt.

(Applause)

(Cross talk)

The PRIME MINISTER: Mr. Speaker, Mr. Brady's contacts referred him to the firm to Manatt, Phelps & Phillips, a highly reputable US law firm, which opened to assist on a professional retainer basis. Mr. Brady's firm retained Manatt, Phelps & Phillips in September of last year to pursue discussions with relevant officials of the United States Government. A payment of U5$49,892.62 cents, was made to Manatt, Phelps & Phillips on September 18, 2009. These funds were sourced from financial contributors to the Jamaica Labour Party.

(*Sotto voce* comments by Opposition Members)

Mr. Speaker, rumours and speculation carried in the media that these funds were provided by Christopher Coke are completely false, as the Party is fully aware of the source of these funds.

Mr. Speaker, the engagement of lobbyist to act on behalf of foreign political parties or corporation is a well known practice in the United States and it is governed by law. There is absolutely nothing illegal or surreptitious about it. Interestingly, Mr. Speaker - and I say interestingly because this particular individual has had so much to say about the matter. Interestingly, in the RICHARD MORRISON case, PROFESSOR DAVID ROWE whose firm was retained by the then government to seek to secure his return after he was prematurely extradited, wrote in a memorandum to the government dated June 17, 1991 as follows. This is what PROFESSOR ROWE said to the government:

> *"There are at least three options which we may pursue:*
>
> 1. *Diplomatic - primarily through discussions with the Department of State,*
> 2. *Political - through discussions with interested members of Congress and the United States Attorney for the Middle District of Florida or appropriate members of the executive branch, for example, the National Security Advisor, who we believe acts as the liaison between the Department of Justice and the National Security Council.*
> 3. *Legal - to continue efforts to intervene in the criminal case against Morrison and to delay or stay his prosecution.*
>
> *We recommend proceeding on all three parallel tracks. "*

Professor David Rowe.

(*Sotto voce* comments by both sides)

The PRIME MINISTER: Mr. Speaker, Mr. Speaker, Mr. Brady, from as far back as September, Mr. Brady had contacted the Solicitor General to discuss issues relating to the extradition request. These discussions included e-mail correspondence sent to Mr. Brady, at an e-mail address provided by him, which it was subsequently discovered is an address belonging to **Manatt, Phelps & Phillips**. The correspondence related to issues concerning the extradition request which the Government of Jamaica had raised with the US Government.

From the investigations that I have made, **Manatt Phelps & Phillips** were led to believe that Mr. Brady was acting for the Government of Jamaican rather than the Jamaica Labour Party, and that their engagement was authorized by the Government of Jamaica. Accordingly, in filing its representation with the Department of Justice on October 13, 2009, as it is required by law to do, it listed as its client "**The Government of Jamaica through Harold Brady and Company**". I only became…

(*Sotto voce* comments by Mrs. Hay-Webster)

Mr. D. PEART: You sanctioned it!

The PRIME MINISTER: The Leader of the Opposition won't demand respect in this Parliament. I say no more.

(*Sotto voce* comment by Mr. Pickersgill)

The PRIME MINISTER: Mr. Speaker, I only became aware of this when it was brought to the attention of the House on March 16. The Attorney General subsequently wrote to Manatt, Phelps & Phillips stating that neither Mr. Brady nor his company was engaged as a consultant to the government nor was either of them authorized to act on behalf of the Government or to engage their services on its behalf.

Mr. D. PEART: Too lie man.

(Laughter by Opposition Members)

The PRIME MINISTER: Would you like me to yield, Member for North West Manchester?

(Cross talk)

The SPEAKER: (Gavels) Members, Members, Members. At the end of the Statement you can ask questions.

The PRIME MINISTER: Mr. Speaker, it has already been acknowledged that the Solicitor General and other government officials who went to Washington in December for a meeting with officials of the State and Justice Departments met with representatives of Manatt Phelps & Phillips at the invitation of Mr. Brady. It has also been acknowledged that a representative of the firm offered and was allowed to attend the scheduled meeting with the State and Justice Department officials, but of significance, took no part in the discussions. It is of significance, Mr. Speaker, because had he been there representing the Government of Jamaica and took no part in the discussion, his silence would have warranted explanation. In discussions between the Solicitor General and Manatt, Phelps & Phillips following the meeting with the State Department and Justice Department, it was suggested that a draft release be prepared on the outcome of the meeting. E-mail correspondence ensued between the Solicitor General and Manatt, Phelps & Phillips on the contents of the release, but the issuing of the release was eventually not pursued.

DOCTOR RONALD ROBINSON, Minister of State in the Ministry of Foreign Affairs and Foreign Trade and Deputy General Secretary of the JLP, while on a private visit to Washington was invited by Mr. Brady to attend a meeting at the State Department, but declined to do so. He did, however, attend an informal meeting between Mr. Brady and a representative of Manatt, Phelps & Phillips on November 20th to discuss the matters in relation to which the firm had been retained.

Opposition MEMBER: Poor Ronald.

The PRIME MINISTER: Manatt, Phelps & Phillips has relied on these meetings between its representatives and government officials and the e-mail correspondence to which I have referred as authentication that it was acting on behalf of the Government of Jamaica. However, Mr. Speaker, Mr. Harold Brady was and is not a consultant to the government and was never authorized to act on behalf of the government or to engage the services of Manatt, Phelps & Phillips to so act. Manatt, Phelps & Phillips registered the Government of Jamaica as its client without the knowledge of the Government or without the appropriate authorization of the Government.

(Laughter by Opposition Members)

The PRIME MINISTER: Thirdly… Mr. Speaker…

The SPEAKER: (Gavelling) Mr. Harris! Dr. Harris! You not in Falmouth, you know, man?

(Heckling)

The PRIME MINISTER: Thirdly, Mr. Speaker...

The SPEAKER: Stop the shouting! (Cross talk)

The PRIME MINISTER: ...the Solicitor General was not aware that Manatt Phelps and Phillips had already been retained by Mr. Brady when he met with their representatives...

Opposition MEMBERS: What!

(*Sotto voce* comments)

The PRIME MINISTER: ...only that their services were available should the Government wish to retain them. Had he been so aware, he would not have entertained any such meeting.

And finally, Mr. Speaker, the engagement by Mr. Brady of the services of Manatt, Phelps and Phillips, has been terminated.

Mr. PICKERSGILL: What dat? You finish?

Mr. HOLNESS: Mr. Speaker, there are two questions on the Question Paper which relate to the matter which the Prime Minister just addressed. I suggest to Members opposite, that it would make for good order if we were to take those two questions, Question Number 7, standing in the name of the Member from East Central St. Andrew, and Question Number 12, standing in the name of the Member from Western St. Andrew. We could proceed in the following way, Mr. Speaker. The P.M….

The SPEAKER: House Leader, there are two things that have to be done first. First, the Members would have to agree for the answers to be given earlier than tomorrow. So if the Members do agree - you agree that the answers could be given today, Dr. Phillips, to your –

(*Sotto voce* comment by Dr. Phillips)

The SPEAKER: No, it's the 12th; it's the 12th Dr. Phillips.

(Cross talk)

Mr. HOLNESS: Yes, but may I suggest that we move for the necessary…

The SPEAKER: No, no! House Leader - Dr. Phillips, you will accept it earlier? And Mr. Hylton, you accept that the answers can be given today?

Dr. PHILLIPS: I would like to ask questions...

The SPEAKER: Afterwards.

Dr. PHILLIPS: …and supplementals.

The SPEAKER: Absolutely.

Mr. HOLNESS: Mr. Speaker, the proper protocol, Mr. Speaker, is that it is the Ministers to whom the questions are asked that would give the approval for answering before the time allotted.

The SPEAKER: No!

Mr. HOLNESS: Yes.

The SPEAKER: Consent. Consent on both sides.

Mr. HOLNESS: Yes:

The SPEAKER: Consent on both sides.

Mr. HOLNESS: Yes. So we are seeking that - but the Members have to approve answering the questions before time.

The SPEAKER: Yes, yes, okay.
House Leader, you can...

Mr. HOLNESS: They are not bound to answer.

The SPEAKER: ...also ask for the recommittal of...

Mr. HOLNESS: Yes. Mr. Speaker, the time for questions...

(Cross talk)

Mr. HOLNESS: The time...

The SPEAKER: Members! Members! Please!

Yes, House Leader.

Mr. BUNTING: Mr. Speaker, just for clarity. Is it that the House Leader is saying that no questions will be allowed on the Statement by the Prime Minister?

The SPEAKER: No, no.

Mr. HOLNESS: No, that's not what…

The SPEAKER: No, no, the Speaker will allow questions.

Mr. BUNTING: No, no, allow me, Mr. Speaker. Is it that after the - when he treats with the specific questions...

The SPEAKER: Yes, yes, yes!

The PRIME MINISTER: Mr. Speaker...

The SPEAKER: Yes, Mr. Bunting, yes, yes.

The PRIME MINISTER: Mr. Speaker...

The SPEAKER: So, in other words, we are going to allow questions and the supplementary questions on the questions, and also questions on the Statement no problem. But we'll just for good form do all of them together.

Mr. KELLIER: Mr. Speaker, a Statement has been made by the Honourable Prime Minister.

The SPEAKER: Yes, yes.

Mr. KELLIER: We need to dispense with that...

The SPEAKER: No, no! With respect. ..

Mr. KELLIER: Just a minute, Mr. Speaker, just hear me a minute and then guide me. If the questions that are on the Question Paper become obsolete by virtue of that discussion, then the questions can be withdrawn. But you can't take questions for tomorrow, today, and in this context. It cannot be done that way, it just can't be done that way. The Prime Minister made a statement...

The SPEAKER: No, I don't - no, Mr. Kellier, I don't agree with you.

Mr. KELLIER: .....dispense with it. But you can't take tomorrow's business today. How can you tip tomorrow's business today?

The PRIME MINISTER: Might I suggest Mr. Speaker...

The SPEAKER: It can be taken today if the parties consent and they have consented. They have consented.

(Cross talk)

Mr. KELLIER: You want to do it? Oh, if you want to do it is all right.

The SPEAKER: Very well. Could you move for the suspension of Standing Orders.

Mr. HOLNESS: Mr. Speaker, the time for questions is passed. I will now move for the suspension of Standing Orders to allow us to take questions beyond the time appointed for questions.

The SPEAKER: Members, the motion before the House is for - is that the time is beyond 3:15 p.m. and therefore the time for question has passed. So the motion before the House is for the suspension of Standing Orders to allow Questions and Answers to Questions to be taken at this time.

Put to the House and agreed to.

RECOMMITTAL OF QUESTIONS AND ANSWERS TO QUESTIONS

Dr. PHILLIPS: Mr. Speaker...

The SPEAKER: Just a second, Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, l am not certain - I have no objections to the statement in a sense being treated as an answer, providing we are able to secure the specific answers. I don't know how you intend us to proceed at this point.

The SPEAKER: My understanding, Dr. Phillips, is that the questions that both yourself and Mr. Hylton asked, that specific answers will be given. So that, based on that, you can then follow to not only with supplementary questions, but also with questions on the statement that was made, all of which are dealing with a similar matter.

Mr. HOLNESS: Mr. Speaker, from the point of the recommittal of questions, the Prime Minister and the Deputy Prime Minister indicated to me that they have answers already prepared for the questions standing in the names of the Member from East Central St. Andrew and Western St. Andrew. If those Members have no objection, they could so stand and declare that they have no objection and would be willing to receive the questions.

The SPEAKER: Dr. Phillips, could you just indicate - Question 7 on the Order Paper.

Dr. PHILLIPS: Yes, Mr. Speaker. I hereby ask the Prime Minister questions standing at Number 7, standing in my name.

The SPEAKER: Very well. Could we go through with that first, Prime Minister?

RE: MANATT, PHELPS & PHILLIPS/HAROLD BRADY

The PRIME MINISTER:

Question 1: Is the Prime Minister aware of reports posted on the website of the Department of Justice of the United States to the effect that the US Law Lobbying firm, Manatt Phelps & Phillips had a contract with the Government of Jamaica for the period October 2009, to February 8, 20102

Answer: Yes.

Question 2: Is the Prime Minister aware that, according to the postings on the United States Department of Justice website, the contract was entered into by Mr. Harold Brady who asserted on the face of the document that he was authorized so to do by the Government of Jamaica?

Answer: Yes.

Question 3: Is the Prime Minister aware that the Solicitor-General of Jamaica asserted on public media that representatives of Manatt Phelps & Phillips attended with him at a meeting held between the Government of Jamaica and the Government of the United States of America at which the issue of a current extradition request from the United States Government was discussed?

Answer: Yes.

Question 4: Is the Prime minister aware that at the time when that meeting took place, Manatt, Phelps & Phillips had already represented to the United States Government that they were agents of the Government of Jamaica?

Answer: Yes.

Question 5: If yes, does the Prime Minister still stand by his statement to Parliament in March that the Government of Jamaica has had no arrangement with Manatt Phelps & Phillips and has relied only on the resources of the Attorney-General's Department in relation to extraditions?

Answer: I stand by my statement as recorded in **Hansard** that "the Government of Jamaica has not engaged any legal firm, any consultant any entity whatsoever in relation to any extradition matter other than deploying the resources that are available within the Attorney-General's Department," save and except for the retention of the services of Dr. the Honourable Lloyd Barnett to seek a declaration from the Court in relation to the obligations of the Minister in the exercise of her authority in the matter.

Question 6: Is the Prime Minister aware of published reports in the *Washington Post* Newspaper to the effect that a Minister in the Government of Jamaica attended a meeting with US authorities at which Manatt Phelps & Phillips was (were) present?

Answer: Mr. Speaker, although this question is in contravention of Standing Orders 16(2)(c), I am prepared to answer it. The answer is yes.

Question 7: Is the Prime Minister aware of such a meeting? lf so, who was the Minister who attended the meeting?

Answer: Again, Mr. Speaker, a question that should not have been allowed, it is a contravention of Standing Order 16(2)(c). But my answer is as follows: I am not aware of any such meeting. The only meeting that has taken place between a Minister of Government and US authorities in relation to this matter was a meeting between the Minister of Foreign Affairs and Foreign Trade and the Assistant Secretary of State, MR. ARTURO VALENZUELA, at the State agent on March 16th. No representative of **Manatt, Phelps & Phillips** was present or was in any other way involved in this meeting.

The SPEAKER: Mr. Hylton, Question 7 - question, sorry - you are Question 10.

Dr. Baugh, did you issue - Question 10. Question 10, yes, Mr. Hylton.

Mr. HYLTON: Mr. Speaker could the Deputy Prime Minister answer…

Dr. PHILLIPS: There is one more Question and Answer.

The PRIME MINISTER: Mr. Speaker, there apparently was a clerical error. But l can advise the Minister...

Dr. DAVIES: Minister?

Dr. BAUGH: Former.

The PRIME MINISTER: …the Member.

Answer: The meeting which was attended by the Foreign Minister was in pursuance of ongoing discussions between the Government of Jamaica and the Government of the United States, in an effort to resolve the dispute relating to the application of the Extradition Treaty. The persons who were present - what am I looking at?

Dr. DAVIES: I don't know.

The PRIME MINISTER: I am looking at the question from the Member from Western St. Andrew.

The SPEAKER: Question 7, Number 8. I think you are referring to Dr. Phillips.

MONIES PAID TO MANATT, PHELPS & PHILLIPS

The PRIME MINISTER:

Question: 8: Could the Prime Minister indicate if the Government of Jamaica or anyone acting on behalf of the Government of Jamaican has paid any monies to Manatt, Phelps and Phillips?

Answer: Absolutely, emphatically – give me a few more - undoubtedly, assertedly, no.

The SPEAKER: Mr. Hylton.

Mr. HYLTON: Mr. Speaker, could the Minister of - the Deputy Prime Minister and the Minister of Foreign Affairs, answer Question Number 10, standing in my name?

The SPEAKER: Very well. Dr. Baugh.

APPROVAL RE TRAVEL OF DR. RONALDROBINSON/M.P.P./ CHRISTOPHER DUDUS COKE, ETC.

Dr. BAUGH: Thank you, Mr. Speaker.

Mr. Speaker, I now provide the answers to questions posed by the Member of Parliament from Western St. Andrew on May the 14th, (sic) 4th, notice of which was given on May the 14th (sic).

Question 1: Did the senior Minister in the Ministry of Foreign Affairs and Foreign Trade approve or otherwise assent to the travel of junior Minister DR. RONALD ROBINSON, to Washington D.C. in November, 2009, at which time Dr. Robinson admittedly met with representative(s) of the firm Manatt, Phelps & Phillips?

Answer: Dr. Robinson's visit to Washington was a private visit of which I was notified and the expenses for which were not borne by the Ministry. Dr. Robinson paid his fare himself.

Question 2: If the answer is in the affirmative, what was/were the purpose(s) of the Junior Minister's travel to Washington D.C. and was/were the purpose(s) related to his ministerial responsibilities?

Answer: Please see answer to Question 1.

Question 3: If the answer to Question 1 above is negative, who, if anyone, approved Dr. Robinson's travel to Washington D.C. and did the ministry or any other government body pay for any or all of his travel to/from Washington D.C. and for his expenses while there?

Answer: Please see answer to Question 1.

Question 4: Did Dr. Robinson report to you and/or the ministry the substance of his meeting/discussions with representatives of MPP, Manatt, Phelps & Phillips and/or the State Department of the United States?

Answer: No. Please also see answers to Question 1. Dr. Robinson had no meeting with any representatives of the US States Department during his visit to Washington.

Question 5: If, yes, was the substance/subject of those discussions related to or concerning the extradition request from the US for Christopher 'Dudus' Coke?

Answer: Please see answer to Question 1.

Question 6: What role, if any, did the Ministry of Foreign Affairs and Foreign Trade play in the MPP affair or in any diplomatic efforts connected with the extradition referred to in No. 5 above?

Answer: The Ministry of Foreign Affairs and Foreign Trade had nothing to do with Manatt Phelps & Phillips. It has fulfilled its normal diplomatic functions in relation to the extradition matter by:

(a) transmitting official communication between the relevant Government of Jamaica and the United States Government offices using its customary diplomatic channels;

(b) convening or facilitating meetings with US officials in Jamaica and in Washington in an effort to resolve the dispute in the application of Extradition Treaty.

Mr. Speaker, 1 must add that the meeting to which the Prime Minister referred at the Department of Justice, involving representatives from the Department of Justice of the United States as well as State Department members, that meeting was convened as a consequence of a meeting held in my office between the Attorney General, the Solicitor General, the representatives of the United States Mission here in Jamaica and ourselves, including my Permanent Secretary.

(*Sotto voce* remark by Dr. Harris)

Dr. BAUGH: I will soon be finished. Following that meeting, it was felt necessary that the issues were technical legal issues and that lawyers needed to meet with lawyers and so that meeting in the United States, at the Department of Justice, was organized; and that meeting was attended by my Permanent Secretary along with representatives of the Attorney General's Department.

Question 7: Has the Minister himself, either in his party or ministerial capacity, and/or any other representatives of the Ministry of Foreign Affairs and Foreign Trade met, or had discussion with representatives of MPP concerning the extradition request referred to in 5 above or any other meaty matters since 2007?

Answer: Neither I nor any representative of the Ministry of Foreign Affairs and Foreign Trade has had any discussions with any representatives of Manatt, Phelps and Phillips. An officer of the ministry attended the meeting of the Department of Justice on December 17 where the Solicitor-General led discussions with the United States government officials in relation to the Extradition Treaty and at which a a representative of **Manatt Phelps & Phillips** was present but took no part in the discussion.

Opposition MEMBERS: No!

Mr. PICKERSGILL: That's bad. US$49,000, not even you believe that, Minister.

Dr. BAUGH: How you mean bad? What's bad about that?

(*Sotto voce* remarks by some Members)

The SPEAKER: Members, it's not time for supplementary questions.

Dr. BAUGH: Maybe they are not interested in facts; they are looking for some excitement.

Question 8: If, yes, would the Minister please state the circumstances and the substance of said meeting/discussions and the parties at the said meeting/discussions?

Answer: The meeting was arranged by the ministry in collaboration with the United States Embassy in Jamaica to have discussions at a technical level on the dispute which has arisen in the application of the Extradition Treaty. The other Jamaican representatives at the meeting were the Solicitor-General, the Deputy Solicitor-General. The US Government representatives at the meeting were officials from both the Justice and State Departments.

Thank you Mr. Speaker.

The SPEAKER: Okay, Dr. Phillips.

Dr. PHILLIPS: I am presuming that in accordance with . . .

The SPEAKER: You can ask the question and also supplementary to your questions.

Opposition MEMBER: Dictator, man, dictator!

Dr. PHILLIPS: Mr. Speaker, the Prime Minister asserts in his answer to the questions that he stands by his statement in the Parliament that and quoted to us . . .

Mr. D. PEART: Boy, mi neva know seh man coulda lie so!

Dr. PHILLIPS: Hansard: "That the Government of Jamaica had no arrangement nor knowledge of any arrangement nor did they utilize any services of anyone". Does the Prime Minister recall that he also accused Members of the Opposition of various motives, including searching for headlines and other things? My question is simply, if the Prime Minister had authorized the arrangement which he had said he had authorized with Mr. Brady to enter into this scheme, purportedly on behalf of the Jamaica Labour Party, why did he not just say so then?

(Applause by Opposition Members)

(*Sotto voce* remarks by Members)

The PRIME MINISTER: Mr. Speaker, the question that l was asked is whether the Government of Jamaica has engaged the services of Manatt and I go further - and I am going to urge, Mr. Speaker, I am going to suggest to you because it's an approach I am going to adopt. I am going to start staying scrupulously by the rules. There is a great deal of latitude that is allowed. There are many courtesies that are extended in this House, including extended questions on Statements, a courtesy and yet in my effort to deliver a statement today I had difficulty because of the lack of courtesy. The Member ought to be aware that in Standing Order 16 he can only ask a question of a Minister in his official capacity in relation to his portfolio responsibility. You cannot ask in the House anything about my responsibilities as Party Leader.

Mr. MONTAGUE: Out of order.

Dr. PHILLIPS: Mr. Speaker, I do not

appreciative attempt of the Prime Minister to intimidate. He once said that political parties are not private clubs and this is the reputation of the people of Jamaica that has been affected. Don't try come here and intimidate anyone. (Applause) Nobody is afraid and I don't think it is the appropriate way to treat the business of Jamaica.

The PRIME MINISTER: On a point of order, Mr. Speaker.

Mr. E. SMITH: Wait until I talk tomorrow! Is excitement you are looking for.

(*Sotto voce* remarks)

The SPEAKER: (Gavels) Mr. Smith.

The PRIME MINISTER: It is precisely this disrespect for the Rules of the House where the Member is using your privilege that you have granted him to ask questions, to make statements. I invite him to look at Standing Order 16 (2)(11).

(*Sotto voce* remarks)(Cross talk)

(*Sotto voce* remarks by some Members)

The PRIME MINISTER: You cannot ask question in the House dealing with the action of a Minister for which he is not responsible to the legislature. That is what the rule says and this rule is going to apply to everyone of us in this House, including the Member for East Central St. Andrew.

Mr. PICKERSGILL: But you are the Prime Minister.

Mrs. HAY-WEBSTER: The Chief Servant.

Dr. PHILLIPS: Mr. Speaker.

The SPEAKER: (Gavels) Dr. Phillips…

Dr. PHILLIPS: Mr. Speaker, I am….

(*Sotto voce* remarks)

The SPEAKER: Could you allow the Member please to ask his question.

Dr. PHILLIPS: I am proceeding to ask, but I must observe that the Standing Orders don't only apply over here. (Applause) The Prime Minister also ascribed motives when we asked the question about a listing on a website which said that a lobby firm represented the Government of Jamaica. That means it is our business here. And if he knew….

Mr. E. SMITH: That's answered already.

Dr. PHILLIPS: He has now today spoken and said that it is the Jamaica Labor Party's business. If he had ordinary courtesy then…

Mr. HENRY: Point of order, Mr. Speaker.

The SPEAKER: Dr. Phillips, next question. (Members Heckling)

Mr. HENRY: Mr. Speaker, point of order.

Dr. PHILLIPS: Ordinary courtesy then…

The SPEAKER: Next question.

Dr. PHILLIPS: Mr. Speaker . . .

The SPEAKER: No, Dr. Phillips will ask the next question.

Mr. HENRY: You must rule that the Member cannot continue on that line.

The SPEAKER: Dr. Phillips, could you yield.

Mr. PICKERSGILL: Don't yield!

The SPEAKER: Let's hear the next question now.

Dr. PHILLIPS: Mr. Speaker, the Prime Minister….

(*Sotto voce* by Mr. Montague)

Mr. PICKERSGILL: You name Warmington? Weh Warmington deh?

Dr. DAVIES: You are advising the Speaker.

(*Sotto voce* remarks by Government Members)

Dr. PHILLIPS: Mr. Speaker, can we ask the Prime Minister when was this scheme to engage Manatt Phelps & Phillips developed?

The SPEAKER: But, Dr. Phillips, the Prime Minister is saying this is a matter outside of government.

Dr. PHILLIPS: Mr. Speaker, it is the subject of his statement. He said he authorized it. My question to him is when?

Mrs. HAY-WEBSTER: Use sanction!

Mr. PICKERSGILL: Well that's a stronger word.

The PRIME MINISTER: Mr. Speaker, I crave…

Mr. PICKERSGILL: Ernie, *mens rea*.

The PRIME MINISTER: …your direction. The Member cannot be allowed to walk all over the Standing Orders in this way. The fact that I make reference to something in a Statement does not mean that you are not obliged by the rule of Standing Order 16. Ask any question of me of my official responsibilities and I am prepared to answer that.

Mr. PICKERSGILL: Whose credibility is at stake here? You made the Statement.

The SPEAKER: Please, Members. The point is that the Prime Minister gave a Statement about a matter where he made reference - where as the Leader of the Jamaica Party he said that he authorized it. This is not a matter. . .

Mrs. HAY-WEBSTER: On what basis? Speaker, please don't insult us.

The SPEAKER: The question.

Mr. D. PEART: Don't talk foolishness. The man must answer the question!

The SPEAKER: That is why you can't ask the question.

(*Sotto voce* remarks by Opposition Members)

The SPEAKER: If there is no Ministry of Labour Party, that's why you can't ask the question.

The PRIME MINISTER: Mr. Speaker.

The SPEAKER: Yes.

The PRIME MINISTER: Mr. Speaker.

The SPEAKER: Yes.

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

The SPEAKER: Prime Minister, let me hear Dr. Phillips first. Yes, Dr. Phillips.

Dr. PHILLIPS: Could the Prime Minister tell us where in the Standing Orders it is possible to ask about a matter affecting Jamaica's relations in the International Community where the issues regarding Jamaica's reputation, the reputation of the Government of Jamaica, for which he has responsibility, where is it in the Standing Orders that it says that we cannot ask about it? (Applause)

The SPEAKER: Dr. Phillips, what the Prime Minister has indicated is that...

Miss HANNA: Not the case, not the case.

The SPEAKER: ...a number of matters were addressed which had nothing to do with Government, it had to do with party matters. And you are seeking to ask questions relating - to matters relating to the party.

Dr. PHILLIPS: Mr. Speaker....

Opposition MEMBERS: No, no, no!

Dr. PHILLIPS: Mr. Speaker.

The SPEAKER: Yes.

Mr. E. SMITH: Mr. Speaker, on a point of order. On a point of order, Mr. Speaker, the Member cannot be addressing the Speaker and eating at the same time.

(Laughter) (Cross talk)

Dr. PHILLIPS: Mr. Speaker...

The SPEAKER: Yes, Dr. Phillips.

Dr. PHILLIPS: The Members might think it is a laughing matter. Every major capital in the world...

The SPEAKER: Yes. No, but, Dr. Phillips, Dr. Phillips, Dr. Phillips, Dr. Phillips, what the Prime Minister is saying is that matters which dealt with...

Dr. PHILLIPS: I respectfully, Mr. Speaker...

The SPEAKER: One second, one second, Dr. Phillips. Matters which were dealt with between the Jamaica Labour Party and Mr. Brady and Manatt & Phillips, are not matters which have to do with Government of which he is responsible.

Opposition MEMBERS: No-o-o-o-o!

Opposition MEMBER: Rubbish. Rubbish!

The SPEAKER: No, with due respect, your next question could be, who is it that paid the money. And that is not a party matter - and that is not a government matter.

Dr. PHILLIPS: Mr. Speaker.

The SPEAKER: Yes.

(Inaudible comments by Members)

Dr. PHILLIPS: With the greatest of respect to you, I disagree.

The SPEAKER: Yes.

Dr. PHILLIPS: And I was telling you why I disagree. For one thing, it is the reputation of Jamaica which has been impugned by this matter. (Applause) Another thing, the filing on the website which could not have occurred if the...

The SPEAKER: Yes. No, but let us get to the question, now, Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, the Prime Minister can't deny me now my right to speak.

The SPEAKER: Yes...

Dr. PHILLIPS: He cannot deny me my right to speak or to address the Speaker. (Heckling) l am addressing the Speaker and you will please...

Mr. HOLNESS: On a point of order, Mr. Speaker. On a point of order, Mr. Speaker.

The SPEAKER: Yes.

Dr. PHILLIPS: Mr. Speaker...

Mr. HOLNESS: You want a tell you the point or order.

The SPEAKER: Let us hear the point of order.

Mr. HOLNESS: The Prime Minister has indicated that by virtue of Section 16 sub-section (xi), Item (xi), Standing Order 16 (xi)...

Mr. PICKERSGILL: What that have fi do with Standing Order?

Mr. HOLNESS: ...Standing Order 16(xi).

Opposition MEMBER: Sit down!

Another Opposition MEMBER: Shut up!

The SPEAKER: Yes.

Mr. HOLNESS: That no question may be asked...

Dr. PHILLIPS: Wow, which part a the...?

Mr. HOLNESS: ...on a matter dealing with an action of a Minister for which he is not responsible.

Mr. PICKERSGILL: Then who is responsible? Who is responsible for National security...? (Inaudible) Who is responsible? Who is responsible?

Opposition MEMBER: And Justice as well.

Mr. PICKERSGILL: Who is responsible? Nobody is responsible over there?

Mr. HOLNESS: Mr. Speaker...

The SPEAKER: Mr. Pickersgill, as you in your *sotto voce* comments said, there is no Minister of the JLP in here.

(Inaudible comments by Mr. Pickersgill)

The SPEAKER: So that matters relating to the JLP are not appropriate questions.

Mr. PICKERSGILL: I disagree with that. Nonsense!

(Inaudible comments)

(Heckling)

Dr. PHILLIPS: While the Prime Minister does not want to answer a matter relating to the state of the Jamaican nation, let us go on!

Mr. E. SMITH: What about Trafigura now?

The SPEAKER: (Gavelling) Mr. Smith. Mr. Smith.

(Inaudible comments by Mr. E. Smith)

The SPEAKER: Mr. Smith, Mr. Smith…

Opposition MEMBERS: No, no, no!

The SPEAKER: Mr. Smith, Mr. Smith, if you do that again, we may have to exclude you, you know.

Mr. BUCHANAN: Nuh may, have to. Run him out.

Mr. M. PEART: Mr. Speaker, I need for you to clarify the point of order that has been raised. The Prime Minister gets up, makes a statement...

The SPEAKER: Yes.

Mr. M. PEART: ...and specifically states that he did something, in whatever capacity, he said he did it...

The SPEAKER: Yes.

Mr. M. PEART: ...which Standing Order prevents a Member from asking the Prime Minister on the specific matter that he spoke?

(Inaudible comments)

The SPEAKER: The Prime Minister... Mr. Peart, the Prime Minister has given a Statement which is for information to the House. Okay. Whether you ask questions relating to him in his capacity as leader of Government or leader of the party we are only allowing as leader of Government. That's what we are saying.

(Inaudible comments by Miss Hanna)

Dr. PHILLIPS: Mr. Speaker, I will continue the question.

The SPEAKER: Yes.

Dr. PHILLIPS: Mr. Speaker, I would like to ask the Prime Minister whether in light of his Statement and in light of the other information publicly available, that he considers that the Government and the people of Jamaica can continue to retain confidence in the Solicitor General and the Attorney General by virtue of their handling of this matter. I ask this, Mr. Speaker, against the backdrop of the…

Government MEMBERS: Shut up. Sit down.

The SPEAKER: Allow the Member to finish.

Mr. SAMUDA: We don't need the background, we need the question.

Dr. PHILLIPS: I have asked the question and I...(Heckling)...since you won't understand it, Mr....

The SPEAKER: (Gavelling) Please. Is another question, Dr. Phillips?

Dr. PHILLIPS: Mr. Speaker, it is the FARA Rules, Foreign Agents Registration Act, do not permit...

(Inaudible comments by the Prime Minister)

Dr. PHILLIPS: I have asked you whether in light... then. Let's get to the question the other way around. In light of the fact that the rules of FARA would not allow an observer to be present in the meeting...ln light...lt is quoted on the web site. In light of the public statements...

(Interruptions)

Dr. PHILLIPS: In light of the public statements, Mr. Speaker...

The SPEAKER: Please, could you allow the Member to...

Dr. PHILLIPS: All kinds of ....and lies and abuse will not make me sit down here and not defend the rights of the Jamaican people. (Applause) And if they think the name of Jamaica is something to be trifled with, we on this side do not accept it. We hold it sacred...(Applause) And let dem know nuh baddy ova yah nuh fraid a none a dem.

The SPEAKER: (Gavelling) Continue, continue with the question.

Dr. PHILLIPS: Paint up wall as much as yuh like, threaten as much as yuh like.

(Applause by Opposition)

The SPEAKER: Continue.

Dr. PHILLIPS: Mr. Speaker, does the Prime Minister consider it appropriate that the Government and the people retain confidence in view of the fact that it was obviously not true that Manatt, Phelps & Phillips could have attended as an observer?

Government MEMBER: Grandstanding Shut up!

Mr. SAMUDA: You are a CIA.

The SPEAKER: Please, Mr. Samuda. Continue.

Dr. PHILLIPS: Mr. Speaker, before you claim ignorance...

The SPEAKER: Could you allow the Member to finish his question.

(The Leader of the Opposition rises to speak)

Yes.

Mrs. SIMPSON MILLER: Mr. Speaker, the entire country is watching us.

The SPEAKER: Yes.

Mrs. SIMPSON MILLER: We cannot continue and the issues that are being raised and the questions asked and the Prime Minister's Statement, have relevance not only to Jamaica but to the International Community of nations. (Applause) Could you have some calm so that the House can continue to carry out the business of the people of this country?

The SPEAKER: Well, you know, the only way we are going to achieve this calm is that persons who interrupt repeatedly, we may have to exclude, and l am going to do it. Dr. Phillips, continue, please.

Dr. PHILLIPS: And also, in view of the fact that the Attorney General, six months after this firm was employed, proclaimed ignorance of it in view of the fact that the Solicitor General who said that Manatt attended as an observer, when the rules of the US Government do not allow under FARA Rule, any bi-lateral...

(Inaudible comments)...

Dr. PHILLIPS: It is an American Law, daily. I can cite him the date. They say definitively that those are the rules. The journalist... It is published in a paper...

(Cross talk)

The SPEAKER: Allow the questions, please.

Dr. PHILLIPS: Mr. Speaker, can the Prime Minister, in the light of all that has transpired, consider that confidence can still

be reposed in these two officials?

The SPEAKER: Let the Prime Minister answer that question. Are you willing...?

Miss HANNA: Him doan need no fan!

The PRIME MINISTER: Mr. Speaker, I'm not quite sure what the question is. There was a question that was raised asking if I considered something. The Member has been in the House long enough to know that he can't speak properly under Section 16 of the Standing Orders, an opinion. He ought to know that.

(Heckling by the Opposition)

The PRIME MINISTER: I am not aware, Mr. Speaker, of this rule to which he is referring. And therefore he must accept responsibility for the accuracy of that statement. I am not aware of that. What I do know is that based on the advice that I have been given, this representative of Manatt Phelps a Phillips attended that meeting, took no part in the meeting, was allowed to attend the meeting as someone with whom the Government had had discussions towards the possibility that if the Government needed their services in the future, they would be available. And it was on that basis that they attended.

Mr. SAMUDA: What is wrong with that?

The PRIME MINISTER: This issue, Mr. Speaker...If this issue of Manatt Phelps & Phillips has done nothing, it has given life to the dead.

Members in this House, or, perhaps most of us are either too old or too young to remember. The Member for Eastern Hanover may be able to offer some guidance, that some 40 years ago, the then Leader of the Opposition called a press conference to announce that the Minister of Agriculture had entered into a contract with a firm from England, advertising contract in some questionable way. The headlines blazed the following morning. A censure motion was brought here that lasted for three days. And the then Leader of the Opposition admitted in the House that he thought that this is what was happening. He thought a contract had been entered into. Now that he had recognized that no such contract existed he was prepared to admit that he made a mistake. Is it too much to ask his heirs and successors to demonstrate that same kind of integrity?

(Applause by Government Members)

Opposition MEMBERS: Oh-oh-oh-oh-oh!

Dr. PHILLIPS: Mr. Speaker, Mr. Speaker, in view of the fact.

(Interruptions. Inaudible comments)

The SPEAKER: Allow the Member to...Yes.

Dr. PHILLIPS: In view of the fact that at the particular time when the Solicitor General attended the meeting with Manatt Phelps & Phillips, the law firm had already been representing the Government of Jamaica by their own filings, for three months. Does the Prime Minister still consider that this arrangement by the Jamaica Labour Party, which we cannot ask him about here, was appropriate in the circumstances: (1) given the obvious confusion that has arisen in relation to the affairs of the Government of Jamaica, and (2) does he really think it plausible that having been representing the Government of Jamaica for three months, not being permitted to attend a meeting unless you are counsel for one of the parties? Does he really think it plausible that these people were in the room attending the meeting and took no part?

The PRIME MINISTER: Mr. Speaker, I am going to answer the question. But, I again call attention, and 1 am going to do it every time the infraction takes place, the way in which the Standing Orders are being completely ignored. I am going to answer the question. (Cross talk)

The PRIME MINISTER: Do I consider... do I consider - that was the question, a question that is not allowed under the Standing Orders - But, do I consider...

(*Sotto voce* comment)

The PRIME MINISTER: No, you can't ask me if it is a fact. He is asking me an opinion.

MEMBERS: Yes.

The PRIME MINISTER: Do I consider that it was appropriate for the Jamaica Labour Party to engage Manatt, Phelps & Phillips? There is absolutely nothing wrong with it. It is a reputable - one of the most reputable law firms in the United States.

(*Sotto voce* comments)

The PRIME MINISTER: What was wrong, was that it was represented to Manatt, Phelps & Phillips, that they were acting for the Government of Jamaica, when they were acting for the Jamaica Labour Party.

That is what was wrong. And I have already said... I have already said...

(*Sotto voce* comments)

The PRIME MINISTER: Well, I will challenge anybody, including those who I know have access to information, to produce one document from an appropriate officer in the Government of Jamaica, whether the Attorney General, the Minister of Foreign Affairs, myself the Solicitor General, any document that represents a formal engagement of this legal firm by the Government of Jamaica. It cannot be, Mr. Speaker, that I could be head of a legal firm in the United States - reputable legal firm - and somebody walks off the street and says, I am a consultant for the Government of Zambia, and I am retaining you on behalf of the Government of Zambia and I immediately enter into an arrangement.

Mr. PICKERSGILL: Walks off the street!

The PRIME MINISTER: And Manatt, Phelps & Phillips cannot produce one single document that represents any authorization on the part of the Government of Jamaica to an engagement of their professional services on behalf of, and in the name of the Government of Jamaica. That cannot be produced.

The SPEAKER: Rev. Thwaites.

The PRIME MINISTER: A mis-representation was made. A mis-representation was made. And that is something that I am saying. (Heckling)

The SPEAKER: (Gavels) Reverend Thwaites. Reverend Thwaites...

Rev. THWAITES: Mr. Speaker, is the Prime Minister familiar with the pleadings in the instant matter of Dorothy Lightbourne against Christopher Coke, and other defendants, no longer extant? Is he familiar with the pleadings therein?

The PRIME MINISTER: Mr. Speaker, I wouldn't be familiar with all of the details, but it is a matter on which I have been briefed.

Rev. THWAITES: Mr. Speaker, has the Prime Minister been briefed on the evidence that has been given, the statements, given by deponents, other than that collected as a result of wiretapping?

The PRIME MINISTER: I think the Member ought to know better than that. He is now venturing on a matter that...

The SPEAKER: In judicial proceedings.

The PRIME MINISTER: He is venturing on a matter that has been put before the court.

The SPEAKER: Put before the court, it can't be dealt with here.

Rev. THWAITES: Mr. Speaker, Mr. Speaker...

Mr. PICKERSGILL: A public document!

The SPEAKER: It is a matter before the court, and you should know better than that, Mr. Pickersgill. You cannot enquire on matters before the court.

MEMBERS: Mr. Speaker, Mr. Speaker...

Mr. PICKERSGILL: A public document!

Mr. HOLNESS: Mr. Speaker, on a Point of Order...

The SPEAKER: You cannot enquire on a matter before the court. I am aware of that.

Mr. HOLNESS: Mr. Speaker, on a Point of Order, we are planning over roughshod over...

The SPEAKER: Yes, I am aware of that, so it is ruled out of order.

(*Sotto voce* comments)

Mr. HOLNESS: Mr. Speaker, it is not merely your awareness of it. Mr. Speaker, subsection (16) - section (16) of the Standing Order, subsection (6) says that we cannot...

Mr. PICKERSGILL: It is a matter before the court. We know that.

Mr. M. PEART: Siddung now. Siddung now!

Mr. HOLNESS: ...reflect upon any decision that is now before the courts. So, Mr. Speaker, I would encourage you Mr. Speaker...Mr. Speaker, the Member from East Central St. Andrew made several statements which were in contravention...

Mr. PICKERSGILL: The case finish.

Mr. HOLNESS: ...asking about accuracy of information, and soliciting the opinion of the Prime Minister which are all barred by the Standing Orders.

(Heckling)

Mr. HOLNESS: I implore you, Mr. Speaker, please, let us not have chaos; let us have the Standing Orders guide the discussion.

The SPEAKER: Yes, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, my question has nothing to do with the decision in the judicial process.

The SPEAKER: Yes.

Rev. THWAITES: Mr. Speaker, can I be clear?

The SPEAKER: Yes, no...

Rev. THWAITES: My question to the Prime Minister has nothing to do with the decision of the judicial process. But you, Mr. Speaker, are fully aware of the parameters of the *sub judice* rule, as indeed you are of the Standing Orders. My question was, whether the Prime Minister... (Cross talk)

The SPEAKER: (Gavels) Can you move on, Rev. Thwaites.

Rev. THWAITES: My question was…

The SPEAKER: Yes.

Rev. THWAITES: ...whether the Prime Minister has been adverted to the character of the evidence other than the wiretap evidence which, on the face of it, indicates a most powerful *prima facie* case against the persons for whom extradition is sought. And to answer why...

(Heckling)

Mr. HOLNESS: That question is prejudicial.

Rev. THWAITES: That is the gravamen of the issue.

Mr. HOLNESS: Mr. Speaker, on Standing Orders 16, subsection (6)...

(Cross talk)

Rev. THWAITES: You don't need to deal with wire-tapping, you need to deal with the statements of the people on the record of the courts.

Mr. HOLNESS: Mr. Speaker, reflecting on the decision of a court of law or being likely to prejudice a case which is under trial. He cannot ask a question like that, Mr. Speaker. I urge you to rule on the Standing Orders.

The SPEAKER: Yes, yes. (Gavels) Yes, Mr. Hylton.

Rev. THWAITES: What is your ruling, Mr. Speaker?

The SPEAKER: No, no, it's breaching of Standing Orders.

Rev. THWAITES: Please tell me the Standing Order I have breached?

The SPEAKER: The Standing Orders, Mr. Thwaites - could you look at 16(6)...

Rev. THWAITES: In what respect is that Standing Order breached?

The SPEAKER: Could you listen?

A MEMBER: Mr. Speaker...

The SPEAKER: No, no, no, one second, Mr. Peart.

(*Sotto voce* comments)

Rev. THWAITES: You don't want that point to come out, you know. That's evidence separate and apart.

The SPEAKER: Sixteen (1)(g)(6):

> "Reflecting on the decision of a court of law, or being likely to prejudice a case which is under trial..."

(Cross talk)

A MEMBER: Case throw out, case throw out. No case, no case!

Rev. THWAITES: Mr. Speaker, l am not prejudicing anything. I am, in fact, insisting that that evidence that is before the court by the very Attorney General be the subject of probative action by our court in Jamaica. This is the point.

The SPEAKER: That is a matter for the court. Mr. Hylton.

Mr. HYLTON: Mr. Speaker...?

The SPEAKER: Yes, Mr. Hylton.

Mr. HYLTON: Does the Prime Minister not consider that the reference on Page 5 of the many e-mails between the Solicitor General and what happens to be the Manatt Phelps & Phillips firm...

(*Sotto voce* comment by Mr. Pickersgill) Please, Bobby...

The SPEAKER: (Gavels) Mr. Pickersgill, we are trying to hear Mr. Hylton.

Mr. HYLTON: Does the Prime Minister not consider that the statement... Is the Prime Minister inviting us - this House, Honourable House, to believe that the e-mails between Solicitor General and what turns out to be Manatt Phelps & Philips law firm, that it not give Manatt, Phelps & Philips reasonable basis and ground to believe that they were dealing with the Government of Jamaica?

(*Sotto voce* comments)

The PRIME MINISTER: It may very well give reasonable grounds to assume. It does not represent the form of a contract of engagement. And that's the question.

Mr. HYLTON: Is... is...

The PRIME MINISTER: Would the

Member, please... It cannot be that the Government is going to assume contractual obligations every time some officer in the Government send a few e-mails on a matter. As an attorney himself he knows that his service cannot be retained on that sort of flimsy basis.

Mr. PICKERSGILL: No, that's not true, once the man gives him money...

(*Sotto voce* comments)

Mr. HYLTON: Mr. Speaker…

The SPEAKER: Yes.

Mr. HYLTON: Is the Prime Minister... Bobby...

The SPEAKER: (Gavels) Please... yes, Mr. Hylton.

Mr. HYLTON: Is the Prime Minister aware of the principle of apparent authority?

The SPEAKER: Apparent..?

Mr. HYLTON: Is the Prime Minister aware of the principle of apparent authority?

The SPEAKER: (Laughs) I don't know. What's the relevance?

Mr. HYLTON: Mr. Speaker, under that principle, it is very clear that under the principle of apparent authority, the Solicitor General, through the e-mail can bind the Government of Jamaica.

(*Sotto voce* comments)

Mr. HYLTON: The other point... let, me move on, let me move on.

The SPEAKER: You have another question, Mr. Hylton? Dr. Davies wants to just follow up a question. Yes, Dr. Davies.

The PRIME MINISTER: Would you allow me, Mr. Speaker, just to make it clear to the Member for Western St. Andrew that nothing in any of the e-mails that transpired - nothing that had been reported to me - nothing in any of those e-mails would represent the engagement of services. They had to do with issues. ln one case, issues that the Government of Jamaica had already raised with the United States Government. In another case, issues relating to the content of a three-paragraph statement that it was suggested, might have been sent out after the meeting with the Department of Justice in Washington. Only those two matters. And nothing in any of those e-mails as I have been advised and has been reported to me, could in any way represent a form of contract, or an authorization to act on my behalf.

(*Sotto voce* comments by Mr. Hylton)

The SPEAKER: Dr. Davies just wants to follow-up on a point. Yes, Dr. Davies.

(Cross talk)

The SPEAKER: Mr. Hylton, just hold. Yes, Dr. Davies.

Dr. DAVIES: Through you, Prime Minister, I have noticed... Mr. Speaker, I noticed your ruling, so I am sticking to the statement, Page 6, paragraph (3). With regard to the e-mail correspondence between the Solicitor General's Office and Manatt, Phelps & Phillips, has the Prime Minister had – the legal term - *had sight* of these e-mails? This one is following the meeting in Washington, where...

The PRIME MINISTER: I have seen the e-mails. The e-mails had to do with setting up a conference call to discuss the contents of the draft release. And the conference call, I am told, lasted fifteen minutes. A representative of Manatt made some suggestions. There were some amendments made. The decision was eventually taken not to pursue it, primarily because time had elapsed. The meeting was the 17th December and by the time all the connections were made and the conference

call took place, so many days had passed; we were virtually into Christmas and therefore, the issuing of the release was not pursued. It was to have been a release that we would have put to the US Government to see whether or not it could be a joint release from both Governments arising out of the meeting that was held on 17th December.

(*Sotto voce* comments)

Dr. DAVIES: A follow-up question. Is there anything which would prohibit publication of this exchange of e-mails?

The PRIME MINISTER: I would take advice on it. 1, myself - I would prefer... I am not a lawyer, much as l am a student of law, but I would wish to take advice on the matter.

The SPEAKER: Mr. Hylton... Mr. Hylton had a follow... sorry, you finish...?

Mr. MONTAGUE: Omar asking some good questions.

Dr. DAVIES: I would like to know how soon would the Prime Minister be able to tell us whether this exchange of e-mails could be published.

(*Sotto voce* comments)

The PRIME MINISTER: Well, I am due to declare open the JAPEX show in Montego Bay at 7:00 o'clock this evening. Therefore, it is not going to be possible to do it this evening. If you give me a couple of days, I will seek that advice.

(*Sotto voce* comment)

The SPEAKER: No, Mr. Hylton wants to finish up his questions.

Mr. HYLTON: Thank you, Mr. Speaker. This to the Minister of Foreign Affairs. You indicated in your answer to Number 1, that the Minister of State was, at the time - but he was on a private visit to Washington. Was the Minister of State on an official leave from the Ministry, at the time? Was the Minister of State on official leave, or vacation from the Ministry, at the time?

(*Sotto voce* comment/Laughter)

Dr. BAUGH: I allowed him to go on a private engagement.

A MEMBER: Fast.... fast, you fast! (Laughter)

Dr. BAUGH: I can't remember... I can't recall now, the times when he was on leave. But he went on a private engagement.

Mr. HYLTON: Does the Minister...

(*Sotto voce* comments)

Did the Minister of State, on the visit that you allowed, the private visit, did he travel on his diplomatic passport, or official passport?

(*Sotto voce* comments)

Dr. BAUGH: I am sorry, I couldn't say. 1 don't think there is any objection to him travelling on his passport - while he is a Minister, while he is a Minister of Government, there can't be any objection to him travelling on his diplomatic passport when he is going on private business.

(Cross talk)

The SPEAKER: Yes, Mr. Hylton. (Gavels) Mr. Hylton.

Mr. HYLTON: The Minister concedes... the Minister concedes that though he was on a private visit, he remained a Minister of the Government. You can see that though he was on a private visit he remained a Minister of Government. And it is in that capacity, as Minister of Government that he met with representatives from Manatt, Phelps & Phillips.

The SPEAKER: No...

MEMBERS: No, no. What's the question?

Mr. HYLTON: The question is...

Government MEMBER: Sit down, now!

Mr. HYLTON: No, no, you can't decide that.

The SPEAKER: What is the question, Mr. Hylton?

(Heckling)

Mr. BUCHANAN: The question will be asked.

Mr. HYLTON: Did the Minister – the meeting with Manatt, Phelps & Phillips representative, admitted to, did he meet with them in his capacity as a Minister of the Government of Jamaica?

Mr. BUNTING: The question was answered.

The SPEAKER: That question was answered already, Dr. Phillips, Mr. Bunting.

Mr. BUNTING: Thank you Mr. Speaker.

Mr. HYLTON: For whom was the question answered?

The SPEAKER: The question was answered. The man was on a private visit. Yes, Mr. Bunting.

Mr. BUNTING: This is a question on the Prime Minister's Statement. On the statement by the Prime Minister where he said that...

The SPEAKER: I can't hear you, is your mike on?

Mr. BUNTING: Are you hearing me now?

The SPEAKER: Yes.

Mr. BUNTING: Mr. Speaker, would the Prime Minister say whether there would not have been a conflict of interest for the Government to engage the services of Manatt, Phelps & Phillips after...

(Cross talks)

Mr. BUNTING: No, but the Prime Minister's Statement says the Government was contemplating that is why the person was allowed to attend as an observer, that's what the Prime Minister's Statement said. Now given that Manatt, Phelps & Phillips had already been engaged by the Jamaica Labour Party on this matter, would it not have been entirely inappropriate and a conflict of interest for the Government to be engaging the same firm to represent them?

The PRIME MINISTER: The answer to that is, yes, absolutely yes. And that is why in my own interview of the Solicitor General he declared quite assertedly that had he known that this firm had already been engaged by Mr. Brady, (he didn't even know under whose auspices), but by Mr. Brady, he would not have entered any discussions with the firm because there would be a...

Mr. PICKERSGILL: Because Brady tell him not to comment. Isn't that obvious?

(Heckling)

The PRIME MINISTER: Somebody of your seniority ought to display a little discipline, little discipline.

(*Sotto voce* comments by some Members)

Mr. PICKERSGILL: Because Brady told him he was representing the Government that's why.

The PRIME MINISTER: So you are right, you're right it would have been totally improper for the Government to engage their services in those circumstances.

Mr. CLARKE: But you have not?

The PRIME MINISTER: But we have not engaged the services of...

The SPEAKER: Mr. Peart.

Mr. M. PEART: Mr. Speaker, it is clear now that Mr. Brady contracted Manatt, Phelps & Phillips...?

(Heckling)

(Inaudible - malfunctions) ...the Government of Jamaica... (Inaudible)…

entered into agreement with anybody, is the Government contemplating taking legal action against Mr. Brady for misrepresenting his position?

(Heckling)

The PRIME MINISTER: I'm not sure myself whether or not there exists any legal liability in the matter. There are other measures that I believe can be taken in the appropriate quarters.

The SPEAKER: Mr. Clarke.

Mr. CLARKE: Prime Minister, it is evident that in your administration you extradited people before Mr. Coke, you have extradited since Mr. Coke. Is it that it is the only one that came up short in terms of, in terms of the proper information from the United States of America?

The PRIME MINISTER: I have asked for the research to be done. Don't hold me to the exact number but all of the 29, I believe it is, cases of extradition that we have dealt with during our time not one of them has this particular defect. The research actually went back further, I can't tell you how far back it has gone, but the advice that I have is that they have not found any situation in which this defect occurred.

Let's be clear, Mr. Speaker, let's be clear, and I don't want this to be misunderstood.

Parliament, Parliament has on several occasions, under different administrations, taken legislation right into the heart of Fundamental Rights and Freedoms. Right into the heart. It is allowed under the Constitution. But because you are going so directly against the bone of fundamental rights, Parliament normally sets out scrupulously the measures that must be pursued in doing that. It may be necessary to do it in national interest but Parliament says, look, since you are interfering with fundamental rights here is a way that it has to be done. You cannot trample over that. And what I find absolutely bewildering is the complete difference in posture between the position that was taken by the government of 1992 to 1995. It wasn't that this person wasn't wanted, because there was a second extradition request for that person in relation to the charges on which they were tried, it's just that that extradition request had not been authorized. The one before that had been. And the then government took a position that you have obligations under the Treaty and those obligations must be faithfully observed. Where on the current Opposition benches can we find that strength of character?

MEMBERS: No, no?

Dr. HARRIS: Mr. Speaker, Mr. Speaker... No, no, no!

(Heckling)

Mrs. SIMPSON MILLER: Mr. Speaker, honestly the Prime Minister said something serious about the integrity of Members of the Opposition.

MEMBERS: Yes.

Mrs. SIMPSON MILLER: The Prime Minister must withdraw that statement or do not call upon us to cooperate with anything for Government if we have no character over this side.

MEMBERS: Yes.

(Applause)

The SPEAKER: Yes, Dr. Harris.

Dr. HARRIS: Mr. Speaker...

(Heckling)

A MEMBER: Patrick, Patrick sit down til him withdraw, sit down til him withdraw.

(Heckling)

Other MEMBER: Hold your breath!

The SPEAKER: He has not said anything that is in breach of Standing Orders. He has expressed himself strongly but I can't...

(Heckling)

Mrs. SIMPSON MILLER: We take our integrity seriously and a number of young Members of Parliament who have gotten involved, that were not in here from when; and I'm just saying, the Prime Minister is saying none of us over here has any moral authority to speak on certain things. We have no moral authority to support the Government on any issue.

(Heckling)

The PRIME MINISTER: Mr. Speaker...

Mrs. SIMPSON MILLER: Very unfortunate coming from a leader of a country.

The PRIME MINISTER: Mr. Speaker, what l had hoped was that I would have seen the response that would have reflected the quality of the thinking that existed in the government in 1992 to 1995.

(Applause)

Mr. ARSCOTT: Support you with what? (Heckling)

The PRIME MINISTER: I don't believe that Richard. Morrison, 1 don't believe that the then government held any brief or any stories or any sympathy for Richard Morrison but the then government took a position rooted in principle.

Mr. ARSCOTT: Totally different, totally different thing.

The PRIME MINISTER: Principle. For three years it refused to extradite anybody. It said, look, in a Extradition Treaty we're not senior and junior partners we are equal partners and therefore everybody must respect, both partners must respect the terms of the Treaty. I'm just appealing to the Opposition to see whether or not they can find that quality of commitment to the principle of justice.

(Applause)

Mr. BUCHANAN: That is not going to happen.

The SPEAKER: Dr. Phillips.

(Cross talks)

Mr. BUCHANAN: Come, shut your mouth.

The SPEAKER: Mr. Buchanan.

Dr. PHILLIPS: Mr. Speaker, the Prime Minister seems to suggest that there is something comparable or analogous strictly between the situation then and now. The fact of the matter is that there are substantial differences in that situation. There was a clear treaty breach at the time, the person extradited was not a member of the People's National Party at that time, or any time subsequently and certainly, and certainly was not any major drug kingpin as having been defined by those requesting him and certainly, certainly there was a treaty issue which was resolved by treaty means. What has been asserted by many here and by the Prime Minister is that the matters involve evidentiary issues which ought to be heard by the appropriate...

The SPEAKER: What's the question?

Mr. HOLNESS: Mr. Speaker...

(Heckling)

Dr. PHILLIPS: The question, Mr. Speaker, is this, the question, Mr. Speaker is, this, can the Prime Minister - I would like if the Prime Minister could clarify for me and for this House what on the face of it seems to be I don't know at least a divergent position, on the one hand I hear the Prime Minister to be saying that there is a treaty...

(Inaudible comment by a Member)

Dr. PHILLIPS: I'm asking.

The SPEAKER: He is asking the question, allow him, please!

Mr. MONTAGUE: He is taking a long time.

Dr. PHILLIPS: Boss, if you are so slow l can't help you. (Applause)

Dr. PHILLIPS: On the one hand you seem to be saying that there is a treaty dispute.

(Heckling)

Dr. PHILLIPS: Mr. Speaker, I'm going to ask you to stop the Member from interrupting me.

The SPEAKER: Continue.

Dr. PHILLIPS: That there is a treaty dispute and that that matter - there will be no extradition until the treaty matter is resolved on the basis of negotiations. On the other hand - 1 may have misunderstood. On the other hand there is the suggestion that the matter has been brought, given the level of public interest into the Court, and that the Government will abide by whatever ruling or declaration the Courts make. Is there any difference in those positions, is there any contradiction? On the one hand is the dispute matter - would it be resolved by the Court decision? That's my question.

The PRIME MINISTER: Let me make it clear. The Government has not taken any position that it will not consider any extradition until this dispute is resolved. That was the position taken by your government in the past.

Dr. PHILLIPS: In this?

The PRIME MINISTER: No, as a matter of fact, we've gone further. We have through the Foreign Minister conveyed to the US government that notwithstanding the difficulties that have been entailed in this one, that the Government remains prepared to consider extradition requests. We only insist that they must conform to the requirements of the Treaty.

In relation to the second matter, we are not in any lack of confidence the positioning the Attorney General has taken, the Minister of Justice as to what she considers to be her duties, not authority, authority has never been in question, but she feels she has an obligation to take certain things into account. But the matter has become one of significant controversy.

The United States Government has remained virtually intransigent on the matter or intractable, inflexible and in addition to that in addition to that the suggestions have been made by a number of persons, including the Member who has asked the question that suggests that this thing is motivated by partisan political concerns, and because of those factors, we have said look, can we place the matter of the Minister's exercise of authority, not a right to, but in exercising that authority can we get a declaration from the Court as to the duties…

Mr. PICKERSGILL: Wrong question.

The PRIME MINISTER: Would the Member for Central Kingston like to make a presentation?

Mr. PICKERSGILL: Yes, the questions were wrong, they are already stated in law.

Mr. MONTAGUE: Bobby, be quiet, wey yu know bout law? (Laughter)

The PRIME MINISTER: ….but to seek a declaration from the Court. And we have given an undertaking publicly which I restated here today, that we are prepared to abide by whatever is the guidance given by the Court, whatever is the declaration, and whether that conforms with or that varies from the position

that the Minister of Justice has taken, we will abide by that.

Dr. PHILLIPS: Finally, Mr. Speaker, for me. The Prime Minister indicated that Manatt, Phelps & Phillips were led to believe they were representing the Governmental that, Jamaica. Can he say whether there was anyone other than Mr. Brady, who in his view, may have contributed to such an impression being developed, or put the question another way. Is the Prime Minister aware of published report that a Minister of Government attended in the discussion with - not the Minister of State the Ministry of National Security, that a Cabinet Minister attended meetings Manatt, Phelps & Phillips and Brady, is he aware that there have been those published reports?

The PRIME MINISTER: Mr. Speaker, you know, one of the reasons why the Standing Orders says what it says, is that, any Member can get up in this House, any Member can get up in this home and say ‘are you aware of published report', published where? Published in India, published in Turkey, published in Australia, right.

(*Sotto voce* comments by Opposition Members)

The PRIME MINISTER: And that's why, that's why Standing Order is very clear, you can't ask questions based on publication, newspaper publication. But, but, but, we have already indicated that Dr. Ronald Robinson, not in any official capacity . . .

(*Sotto voce* comments by Opposition Members)

The SPEAKER: (Gavels) Members, please, allow the Prime Minister to finish his answer.

The PRIME MINISTER: …That Dr. Ronald Robinson met with Mr. Brady and one of the representatives of Manatt, we have already acknowledged that. I have already indicated that the Ministry of Foreign Affairs, on official duties met with the Assistant Secretary of State. There was no representative of Manatt there. I am prepared to say to you, no Minister of Government, other than the encounter with Dr. Ronald Robinson on a private visit, who has other responsibilities, no Minister of Government met with Manatt. I say something further. I say something further. As far as I am aware, up to the time when Manatt filed its representation with the Justice Department, which I believe was the 13th of October, the only person who would have interfaced with Manatt on this behalf would have been Mr. Brady, because the meeting with Dr. Ronald Robinson didn't take place on the 20th of November, that is long after the filing was done.

And I say with absolutely factually, that I was not aware of this filing myself until the Member brought the matter to the attention of the House on the - I think it was the 16th, 16th of March, I was not myself aware. And it is as a result of that knowledge that I undertook the level of investigation that I have, and I believe that l am fully seized now of all the developments that took place.

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further . . .

Dr. DUNCAN: I have a question for the Prime Minister.

(Laughter)

The SPEAKER: (Laughter) A short question.

Dr. DUNCAN: Why you say short, Mr. Speaker?

The SPEAKER: (Laughter) Go ahead.

Dr. DUNCAN: I have three questions.

The SPEAKER: This is the last intervention, yes.

Dr. DUNCAN: Would the Prime Minister say that the - I know you have to catch a plane, you can answer this very quickly. One, can you say that the person that you authorized to speak, to do something on behalf of the JLP was Mr. Brady, Mr. Brady? Would Mr. Brady assume you were speaking to him as the Prime Minister or the Leader of the Jamaica Labour Party?

Mr. SAMUDA: No, he would . . .

The SPEAKER: Let, let, let . . .

Dr. DUNCAN: No, l am asking - he can say no. The Prime Minister referred to me in relation to some questions of integrity, I am trying to guide the Prime Minister's thought along a route which suggest that is not unreasonable for people to feel doubtful along the way in relation to how the issue has developed. For example, would you say, would you agree with the sentiment, with what has come out of the discussions about the 1992 treatment of the Government? I wasn't in the government, so I don't recall the exact details, but as the dialogue has progressed, it is suggested . . .

The SPEAKER: Continue, Dr. Duncan.

Dr. DUNCAN: …that the issues that were at stake, I don't know the details, the issues that were at stake when the Government did not . . .

(*Sotto voce* comment by Opposition Member)

Dr. DUNCAN: No, I can speak man, I can speak. No, because I want to let you go quickly - . . . that those issues might have been broader issues as distinct from this particular issue with Mr. Christopher Coke, involving the one issue, one aspect of the Treaty, which was whether or not they got the information legally? Why you have been able to - why you didn't have to stop all extraditions, is that the issue that developed was not a broad issue but a single issue within the confines of the Treaty?

The SPEAKER: Okay.

The PRIME MINISTER: Two things. I made it very clear to Mr. Brady when I was briefed on the matter, made it absolutely clear that this was a party initiative, absolutely clear. There was no - there could have been no ambiguity of mind about it and, therefore, what I have to say is that my directions were not complied with.

On this matter, the issues were different but the implications for obligations under the Treaty are the same. In the one case, it was a clear breach of Article 14 of the Treaty. In this case, it is a failure to fulfill the requirements of Article 9 of the Treaty.

Now, we can argue what is the difference between a breach and a failure to fulfil. What we are saying is that the Treaty has to be perfected, because if you start allowing the Treaty to go through, to go through with whimsical, with arbitrary decisions. Well, we have satisfied all these four but we are not going to satisfy this one, before you know it a Treaty has been gutted. And quite frankly, that was the position that Mr. Patterson took. I think must have been his only interview on WILMOT PERKINS Show and I can't swear to that. But he took a very strident position that the provisions of the Treaty have very, very grave implications if they are not faithfully observed. And that's the positioning I believe that every Leader of this country ought to take, ought to take.

Now, I am surprised and disappointed at the suggestion by the Member for East Central St. Andrew that the political connections of the subject, the person involved ought to influence your decision. So, if...

Dr. PHILLIPS: I never suggest anything... (Inaudible)

The PRIME MINISTER: So, if he…

Dr. PHIILLIPS: If the Member would yield? If the Member would yield, Mr. Speaker?

The PRIME MINISTER: No, I am not going to yield. Not going to yield.

Dr. PHILLIPS: lf the Member suggested that it was a factor, I would say obviously . . .

The PRIME MINISTER: Mr. Speaker, Mr. Speaker, what Member said, what the Member said, and he mustn't resile from it. The Member said that Richard (Storyteller) Morrison's case was different from the Christopher Coke's case because in the case of Richard (Storyteller) Morrison, he was not a supporter of the People's National Party, almost as if, whether he is a supporter or not ought to influence your position in terms of how the Treaty is to be applied.

(*Sotto voce* comments by both sides)

The PRIME MINISTER: That's the natural implication. That's the natural implication.

(*Sotto voce* comments by both sides)

The PRIME MINISTER: And if the Government, if the Government led by the Honourable P.J. Patterson, took the position that it did, notwithstanding the fact that Richard (Storyteller) Morrison was not a supporter of his party, then today I salute him.

The SPEAKER: (Gavels) Okay, yes, House Leader.

Dr. DUNCAN: I was asking the final question.

The SPEAKER: You have another question?

Dr. DUNCAN: I said I had three questions, I asked two. You answered two, so I have the third which you pre-empted.

In the light of the - even just the two questions I have raised, would the Prime Minister reconsider whether or not he is still of the view that to raise these questions without necessarily zeroing on the one that you want answered in relation to Morrison, does not represent a lack of integrity or character by Members on this side? In asking these questions, in probing these questions in the light - I try to as far as possible to summarize, in the light of the various contradictions from the very moment you said very stridently in here, that you knew nothing about this thing and said . . .

(*Sotto voce* comments by Government Members)

Dr. DUNCAN:…..no no, okay… that you knew nothing about Manatt, Phelps & Phillips, you knew nothing about MPP being engaged by the Government, I am saying in the light of all that has occurred, culminating with the questions in here, that there is room for these questions to be legitimately asked without feeling that we have - there is a lack of integrity or character on this side?

The PRIME MINISTER: I don't know if it's because we are getting old, Mr. Speaker, because the Member and I are not that far apart in vintage, but I used to credit him for his memory, tremendous memory; and, therefore, I am surprised that he does not recall and this is why I made sure the Member

- the Minister of Industry warned me, him sey look, quote from **Hansard**, the specific question I was asked is, did the Government engage. And I answered that question.

Now, now, now in - sorry, there was a second part of your question that you….

Dr. DUNCAN: Yes, in light of…

The PRIME MINISTER: Oh, yes, sorry, sorry, sorry!

Dr. DUNCAN: Having answered it that way, whatever way you answered it, what subsequently took place in the country in relation to how the information came out drip by drip, drop by drop…

Dr. DAVIES: Dripping by dripping.

Dr. DUNCAN: …it didn't come out with any comprehensive statement.

The SPEAKER: I think he got it now.

Dr. DUNCAN: And even the statement by the Minister…

The SPEAKER: Yes, yes, I think he got it now.

Dr. DUNCAN: You get the drift, Mr. Speaker?

The SPEAKER: Yes.

Dr. DUNCAN: And you agree with me?

The SPEAKER: I understand your question.

Dr. DUNCAN: Thank you. But you agree with me?

The PRIME MINISTER: I recall some not dissimilar emergence of fact a couple of years ago in relation to another matter involving some external entities. As I said before, Mr. Speaker, what went wrong was the misrepresentation, and if that misrepresentation had not taken… Quite frankly, quite frankly. If the Government was minded to engage the services of Manatt, Phelps & Phillips, we would have done it. In the same way that the previous government engaged the services of HOLLAND KNIGHT of which PROFESSOR DAVID ROWE was one of the lawyers acting on the matter. You did. And if we had thought that this was the appropriate and necessary thing to do - the Attorney General did not feel that we needed external legal assistance at this time because we certainly had not gotten to the stage where we were going to be getting into that kind of discussion. The discussions were being facilitated through the Ministry of Foreign Affairs and it was through those discussions that it was decided that the lawyers from both sides, meaning the Attorney General's Department, not the Minister, and the lawyers from the Justice Department need to meet to look at these technical questions. That is how that December 17th meeting came about. So up to that point, we did not see any need to go and engage overseas legal representation. But as I pointed out, the previous government saw the need do did so in relation to RICHARD MORRISON'S case and we could have done similarly here. We didn't think it was necessary.

The Party felt that because of the connections we have through the IDU, we may be able to get some assistance to improve the quality of the dialogue, let me put it that way, improve the quality of the dialogue, because we didn't feel that the temperature and the tone of the dialogue that was taking place was geared and committed towards finding a resolution of the matter. It was rather, it was rather terse put it that way, and therefore, it was felt get that initiative going. I have already indicated to you where the thing went wrong.

The SPEAKER: House Leader.

ADJOURNMENT

Mr. HOLNESS: Thank you, Mr. Speaker, it is not proposed to do any further business. . .

Mr. PICKERSGILL: You anxious to do that nuh!

Mr. HOLNESS: No, the Prime Minister has a plane to catch.

(*Sotto voce* comments by Opposition Members)

Mr. HOLNESS: Mr. Speaker, I now move that the House do adjourn until the 12th of May, 2010, when we will resume the Sectoral Debate.

The SPEAKER: (Gavels) Members, the motion before the House is that this Honourable House do adjourn until Wednesday the 12th of May at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House was adjourned at approximately 6:22 p.m.

WEDNESDAY, May 12, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.25 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry and Commerce.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Culture, Sports and Culture.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

MR. KERN O'MAR SPENCER, (PNP), St. Elizabeth, North Eastern.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Mrs. Sharon Hay-Webster.

The House resumed its sitting at 2.25 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome from Westmoreland a number of supporters, members of the Constituency Committee, business persons who are here to hear their Member of Parliament this afternoon from Eastern Westmoreland. (Applause) I am sure you will enjoy the presentation of your Member of Parliament and also to enjoy the sitting of the House this afternoon.

Just one remark. Please make sure your cellphone is off or on vibrate. And you can't really participate in the sitting. You just have to sit and listen and watch.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Yes.

Mr. HOLNESS: Mr. Speaker, several questions are due for answer today. The answers, to my certain knowledge, are ready, but the Members are not here. However, Mr. Speaker, we have three questions ready for answer for which the Members are here and we will begin with the Minister of Health in response to the Member from Central Kingston.

The SPEAKER: Could you let me know the three questions that we can have answer...which ones?

Mr. HOLNESS: Question No. 6

RE: NATIONAL NUTRITION POLICY

The SPEAKER: Rev. Thwaites, Question No. 6.

Rev. THWAITES: Mr. Speaker could the Minister of Health respond to the Question No. 6 in my name.

The SPEAKER: Thank you, Rev. Thwaites. Mr. Spencer, question No. 6.

Mr. SPENCER: Thank you, Mr. Speaker.

Question: Will the Minister please formulate and seek to have implemented the National Nutrition policy promised by March, 2010.

Answer: The National Nutrition Policy is well advanced in its development. We are now in the process of drafting the policy paper for Cabinet.

At a meeting with key stakeholder: MOH, Nutrition Unit, Ministry of Agriculture and Fisheries, Policy Unit, and Caribbean Food and Nutrition Institute, in October 2009, the Ministry of Agriculture and Fisheries indicated that additional issues were identified for inclusion in the policy. These are being developed and a new projected completion date is set for October, 2010.

It is to be noted that the absence of the policy the following initiatives related to major policy guidelines and proposed strategies and actions are being pursued: Nutrition objectives being included into development policies and programmes as evidenced by Vision 2030. ECD National Strategic Plan and Social Safety Net Initiatives; initiatives from MOH regarding efficient and sustainable practices for farmers and farming; nutrition education regarding improved infant and young child feeding practices, increased fruit and vegetable consumption; income generating projects to assist vulnerable families; healthy school initiatives; alliance with FBOs and NGOs regarding the role of nutrition in healthy lifestyles; strengthening of nutrition surveillance system to identify vulnerable groups.

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, will the Minister agree it sounds like we are just beginning this issue.

(MR. DERRICK CHARLES SMITH, (JLP), St. Andrew, North Western, entered and took his seat.)

The SPEAKER: Could you repeat the question.

Rev. THWAITES: Will the Minister agree that we are far further behind on this matter than he had previously intimated when it was promised in March of this year?

(*Sotto voce* comment by Dr. Davies)

Mr. SPENCER: No, no, it is a fact that we are behind, there is no doubt. But it is a very comprehensive thing I might advise the Parliament, it is very comprehensive and we are deliberate in what we are doing, because I

know the Member from Central Kingston would want it no other way. It's a little bit late but the Parliament will be pleased that we have taken so long in developing a good policy. (Applause)

Dr. DAVIES: Mafia glasses....Ray Charles. (Referring to Mr. D. Smith) (Laughter)

Rev. THWAITES: Mr. Speaker, would the Minister be able to make available the policy paper that's being prepared? Surely that could make the Parliament - the Ministry of Health and the Government could benefit from the exposure to Parliament of what is referred to in the first paragraph of his answer.

Mr. SPENCER: I think it will be a little bit unfair to the Cabinet, Member. But in so far as the submission is concerned, whenever the submission is made definitely I would have no objection in sharing it.

The SPEAKER: Very well.

Rev. THWAITES: Mr. Speaker, would the Minister acknowledge then that in the meanwhile the Jamaican populace and particularly the Jamaican children, without any further advice, keep on being saturated by the Cheese-Trix and bag juice and fast food culture. Will the Minister and the Government take responsibility for that delite?

Mr. SPENCER: I like you, Member, I share your concern. That's not very good nutrition for our children; and I promise that it will be ready in October.

Rev. THWAITES: Mr. Speaker, will the Minister say what are the additional issues that were identified in relation to paragraph 2 of his answer?

Mr. SPENCER: The Ministry of Agriculture and Fisheries identified that they have some concerns. We have turned over the matter to them and as soon as it is available, Member, it will be available to you.

Rev. THWAITES: Mr. Speaker, will the Minister indicate his assurance that the best nutritional practice are being included in the School Feeding programme now, or is this also pending in respect of the finalization of this policy?

Mr. SPENCER: In so far as we are concerned, we are taking the best approach to it and we have been assured that we are taking the nutrition of the children seriously and that is being pursued.

Rev. THWAITES: Mr. Speaker, apropos the last answer, is the Minister prepared to - in a position to say if the Local Dairy industry and the Local Egg industry, both purveying and producing very nutritious products by any standard - are now included fully in the School Feeding programme and in the Feeding programme for institutions in order to satisfy a market for local production, provide a market and also to increase nutritional standards, or are we still dependent upon imports, which further wean our foreign exchange and debilitate our physical health?

Mr. SPENCER: In so far as the Ministry is concerned, the Ministry of Agriculture and Fisheries is pursuing that and they have a recommendation. This is why, Member, we will be ready in October.

The SPEAKER: Dr. Ferguson.

(*Sotto voce* comment by Dr. Ferguson)

(DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern, entered and took his seat.)

The SPEAKER: Very well. House Leader.

Mr. FAGAN: Mr. Speaker.

The SPEAKER: Yes, Mr. Fagan.

Mr. FAGAN: I have some questions.

The SPEAKER: Hold a second, Mr. Fagan.

Mr. HOLNESS: Mr. Speaker, Question No. 8 and Question No. 9 are ready for answer. Question No. 9, I am the Minister to respond. It is a procedural - it's fairly inconsequential, Mr. Speaker. If I could just able the answer.

The SPEAKER: Mr. Kellier.

Mr. KELLIER: Mr. Speaker, could I crave your indulgence and that of the House Leader. The Member in whose name the Question No. 9 stands is at an official function at the JAPEX.

The SPEAKER: Will she be here shortly?

Mr. KELLIER: He. And in that regard, Mr. Speaker, I would, unlike it coming from the other side, I would request of the Member to hold the answer.

The SPEAKER: What about No. 8?

Mr. KELLIER: The other Member is expected to be here a little later and we could seek...

The SPEAKER: Could we recommit them later then?

Mr. KELLIER: I will seek the permission of you and the House to recommit it at that time.

The SPEAKER: Very well.

Mr. HOLNESS: Mr. Speaker, the Leader of Opposition Business is asking that we...

The SPEAKER: Stand them down.

Mr. HOLNESS: Stand them down to accommodate those Members.

The SPEAKER: Yes, that is the request. (Laughter)

(*Sotto voce* comments by some members)

The SPEAKER: Yes, Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, I rise to enquire as to the fate of Question 1, Question 2, Question 4 and Question 5 all in my name, which are due for answer?

Mr. HOLNESS: Mr. Speaker, as I said before, to my certain knowledge these questions have answers prepared and ready but the Members are not in the House today. The Prime Minister and the Minister of Transport and Works are at an official engagement in Montego Bay. The Minister of Finance is off the island.

The SPEAKER: I guess the - my understanding, Rev. Thwaites, is that at the next sifting they will be available.

Rev. THWAITES: Mr. Speaker, you are such a stickler for the Standing Orders. I suggest you read it again.

The SPEAKER: I did, I did. And you know that I have indicated to the House Leader to allow these to come within the Standing Order and as he has indicated the reason why they are not being provided say today is because of the absence of the Members.

Rev. THWAITES: Under the Standing Orders is that a sufficient reason?

The SPEAKER: Well permission is being asked to allow the House to hear the answers next Tuesday, if that is agreeable. And I am saying in the light of the fact that the Members are absent, we ask you to consent for the answers to be given next Tuesday.

Rev. THWAITES: You know, Mr. Speaker, graciousness must always be accorded, of course. But I don't think that the issue of questions is being given sufficient attention. This has been an issue that has been brought before the House before by other

Members and promise was made, upon enquiry yesterday, that they would have been answered today. That was what I understood.

The SPEAKER: Yes, and as the...

Rev. THWAITES: And last week, we were told that they couldn't be answered because there was no water in Gordon House. Really, Mr. Speaker, where is this going?

Mr. HOLNESS: Mr. Speaker, I don't know who told the Member that, last week. Last week we followed the procedure, as set out in the Standing Orders, and we wrote to the Clerk of the House asking for an extension for two weeks. We did. So, Mr. Speaker, that time would not have yet expired.

The SPEAKER: Reverend Thwaites, I don't think we are doing too badly at the beginning of this session. Ten (10) questions have been asked at the beginning of this session; by the end of the day, five (5) questions would have been answered. And be it next Tuesday, another three or four will be answered. Let us see how it goes.

Rev. THWAITES: Mr. Speaker, we understand your standards entirely, sir. But in respect of the House Leader's last remark, he will wish, of course, to avert to the text of the letter passed to me by the Clerk, and signed by him.

The SPEAKER: Mr. Fagan.

Re: BENEFIT OF CHINESE LOAN

Mr. FAGAN: Mr. Speaker, I beg to give notice that on the expiration of 21 days, I would like the Honourable Prime Minister to answer the following questions:

1. Can the Minister say how the local authorities will benefit from the Chinese loan after giving up 50 per cent of their Parochial Revenue Fund (PRF) over the next five months?
2. Can the Minister state how the Councils will finance programmes related to the PRF on the reduced amount over the five (5) months?
3. Can the Minister explain what method will be used to determine which roads get fixed?
4. Can the Minister state if the funds promised to the Councils will be accessed directly?

The SPEAKER: Thank you, Mr. Fagan.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business today, we will continue the Sectoral Debate. The first presentation will be from the Member from Central Manchester, Spokesman on National Security.

(*Sotto voce* comment/Laughter)

That will be followed, Mr. Speaker, by the venerable Member from St. Ann Southwestern who will make his presentation.

(*Sotto voce* comments/Laughter)

And then, Mr. Speaker, the Member from Westmoreland Eastern will close for today.

The SPEAKER: Very well. Mr. Bunting.

(Applause)

Mr. BUNTING: Mr. Speaker, I am seeking permission to speak from a...

The SPEAKER: Yes, permission granted.

(The microphone is malfunctioning)

BUDGET DEBATE (Contd)

Mr. BUNTING: Thank you, Mr. Speaker. Mr. Speaker, I am sure you were not

aware, as you welcome the Member's supporters from Westmoreland, that there was a, somewhat smaller, but important contingent from Manchester.

The SPEAKER: We extend welcome to the Member's supporters from Central Manchester.

(Applause)

And, I wish to acknowledge and thank them, because they are a very important part of my support team in the constituency. They understand the role that I have to play as General Secretary, and they ensure that the work continues when I am not there.

(*Sotto voce* comment by Mr. D. Smith)

Mr. Speaker, I would also like to thank my Party Leader and my colleagues for the support that they continue to give me. And, of copse, my family and close friends.

(Applause)

Mr. Speaker, today I am going to forego the usual sections of my presentation. I am not going to speak on my constituency, or Electoral matters - I, hopefully, will be able to cover these during the Parliamentary year, either by way of questions or Private Member's motions - in order, Mr. Speaker, that I can focus entirely on the monster of crime and violence, which today threatens all in the society and our very way of life.

(Applause)

Hopefully, my presentation will move the country closer to a solution to the crime problem. It will indicate the areas where the Opposition has been cooperating with the Government. But, it will also highlight the differences between the Opposition and the Government on critical issues, related to corruption, crime, and violence.

(HON. DR. KENNETH BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade, entered and took his seat.)

Mr. Speaker, it is well documented that last year was the bloodiest in our history, with 1,680 murders, and 11,809 incidents of major crimes. Notwithstanding the elevated base for comparison, police statistics for January 1st to May 9th of 2010 show that relative to the same period in 2009, murders have increased by a further 15 per cent, and shootings are also up by 18 per cent. In fact, Mr. Speaker, every category of violent crime his increased, relative to last year.

I remind this House that the current crime wave accelerated in the last quarter of 2009 when it became clear that the Government was resisting the extradition request for Christopher Coke. I opined then, that criminal gangs had become emboldened by the Government's equivocation on that exaction.

(Applause)

Mr. MONTAGUE: Nonsense!

A MEMBER: Lick shot!

Mr. BUNTING: Mr. Speaker, our people have become numbed to the statistics. But recently... recently...

Mr. MONTAGUE: Eighteen years of antisocial...

Mr. BUNTING: ...in addition to the quantitative increases in the numbers of murders and shootings, there seems to be a parallel qualitative increase in the brutality of these crimes, the horrifying, callous, and inhuman nature of the incidents.

Mr. Speaker, in the last few weeks alone, we have had to deal with reports of; not just killings, if we can say just killings, but killings

with burnt bodies, beheading and most disturbing, Mr. Speaker, the gruesome murders of two five-year-old children; one shot in the head and the other throat slashed.

(Displaying newspaper page)

Mr. Speaker, these poor innocents are featured in our daily paper today.

Young CHRISTINA SALMON, aged 5, murdered April 29 in Glendevon, St. James and young EVAN SPENCER, age 5, murdered May 2nd in Frankfield, Clarendon. In the case of the child, the five-year-old shot in the head in St. James, we wonder what could have provoked such a callous act. Mr. Speaker, on the face of it, it was merely a father determined to take his two young daughters to school, and not to observe the lock-down that a gang was attempting to put on the community. This unacceptably horrifying level of violent crime, Mr. Speaker, undermines our individual rights and freedoms, our peace of mind, our economy, in short, our quality of life.

(Applause)

Encouragingly, Mr. Speaker, there seems recently, to be increased public anger, outage and intolerance being expressed by the public. And I want to congratulate those elements in the media, Mr. Speaker, for their efforts to jolt the society awake. Just last week, I believe it was, I met with SIR PAUL STEPHENSON of the New Scotland Yard, the Head of the Metropolitan Police, and he asked me a question. He said, "what is the tipping point for Jamaica. At what level will the society find it unacceptable, this level of murder and mayhem?"

Mr. Speaker, since September 2007, the Opposition has consistently cooperated with the Government in the area of national security. There has been the Vale Royal talks, my participation as Opposition Spokesman at the National Security Council. And thirdly, and perhaps most significant from a strategic perspective, our membership in the bi-partisan working group, that's myself the Opposition Spokesman on Justice, together with our counterparts on the Government side. And we have been working to develop a framework for new Police Management Authority. This new body will involve, not only a merger of the Police Services Commission and the Police Civilian Oversight Authority, but will serve generally to modernize and strengthen police management and accountability. It is fair to say, Mr. Speaker, that the Opposition has been the driving force behind this reform initiative.

(Applause/*Sotto voce* comment)

But, Mr. Speaker, cooperation by an Opposition entails the risk of being misunderstood, or deliberately misrepresented. And, in any event, it cannot be unconditional. The Government's statement in this Parliament in the Upper House, the Government stated that the six (6) Crime Bills stalled because they didn't have the cooperation of the Opposition.

Mrs. SIMPSON MILLER: Shame!

Mr. BUNTING: And this is an example of the risks of cooperation. It is not true, Mr. Speaker, that the Opposition oppose the Crime Bill. (Applause)

For the record, let me state what occurred. The Opposition agreed in principle, at the Vale Royal talks, that some broad legislative measures were necessary to assist law enforcement. However, the actual legislation that was subsequently developed by the Government, and Tabled in Parliament was done without the input of the Opposition.

Mrs. SIMPSON MILLER: Same way so!

Mr. BUNTING: A Joint Select Committee was then appointed to review and report to Parliament on those Bills. In that detailed review, it became clear that there were some specific and extreme measures in the Bills, such as an absolute prohibition on bail for sixty (60) days for a wide variety of offences, not just unrelated crimes, Mr. Speaker, and long mandatory minimum sentences with no provision whatsoever for the Court to have any discretion on those matters...

Mrs. SIMPSON MILLER: That's right.

Mr. BUNTING: ...even in cases of exceptional hardship, or where the application of those provisions would be manifestly inappropriate and oppressive. Those provisions would deny citizens of even minimal judicial protection from abuses of power by State agents. The Opposition considered this unacceptable, especially in the Jamaican context where such abuses are prevalent. At that time, Mr. Speaker, the Government did not seem overly concerned with individual rights.

(*Sotto voce* comments)

A MEMBER: True that!

Mr. BUNTING: Furthermore, Mr. Speaker, two of the Bills were being passed by a procedure which, though permitted by the Constitution, had never before been used in Jamaica's history, and which would prevent the Court from considering whether those Bills were compatible with the fundamental rights and freedoms of the Constitution.

Mrs. SIMPSON MILLER: That's right.

Mr. BUNTING: The Opposition Members on the Joint Select Committee – I think the Member from East Central St. Andrew was one of those Members - and representatives from various non-governmental associations who made representations to the Joint Select Committee expressed genuine and reasonable concerns about these aspects of the Bills.

However, Mr. Speaker, despite the suggestions and overtures from Opposition Members, the Government Members on the Joint Select Committee who comprised the majority, refused to entertain any proposals for amendment. The review by the Joint Select Committee was therefore, a futile waste of time and effort. It is for this reason that the Opposition would not endorse the six (6) Crime Bills without adjustments to cure the specific points of concern that arose from the review. (Applause)

Mr. Speaker, if the Government was more focused on tackling crime...

Mr. BUCHANAN: Hear, hear! Say that again.

Mr. BUNTING: If the Government was more focused on tackling crime it would have engaged in dialogue to cure the offending provisions in the Bills. Consensus would have prevailed and the Bills would now be passed into law. (Applause)

But, Mr. Speaker, cooperation assumes that both parties are working to a common objective and share the same basic principles. Let me state the Opposition's position on the issues related to the fight against corruption, crime and violence in our society.

We support the police in vigorous and lawful activity. (Applause)

We will defend the human rights and civil liberties of all citizens whenever these are under attack, whether from rogue police, the

State or other entrenched interests. (Applause)

We support reform of the legal and judicial system so that it can work swiftly and safely for both victims and offenders. (Applause)

Very importantly, Mr. Speaker, we welcome assistance from friendly states, including their most sophisticated personnel and technology to combat the anarchy and terrorism of the present era. (Applause)

But, Mr. Speaker, taking a stand involves not just talk. Any oily mouth politician can talk.

Miss HANNA: That's true.

Dr. DAVIES: At any level.

Mr. BUNTING: That talk must be accompanied by action to be authentic.

(Applause)

Albert Schweitzer once wrote, Mr. Speaker,

> "*you must teach men at the school of example, for they will learn at no other"*
>
> (Applause)

In that spirit Mr. Speaker, I wish to make a declaration on behalf of the People's National Party and this is a declaration with the full support of the Party Leader, the officers and the executive.

The People's National Party categorically repudiates and disassociates itself from all and any alliance, dependency or common cause with organized crime and the gang culture, which are together responsible for the vast majority or our murders.

(Applause/Standing Ovation)

Mr. Speaker, this is the cause for which we are prepared to expend political capital.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BUCHANAN: Hear, hear! (Applause)

Mr. BUNTING: Mr. Speaker, the Party has also established our own Integrity Commission to focus exclusively on issues related to ethics and integrity. The Commission comprises five (5) members of high repute with the majority being non-party members. It can conduct investigations on its own volition or upon referral by the Party and it can and will recommend sanctions. Its mandate and authority will include all of us parliamentarians, all our candidates at either the parliamentary level or at the Local Government level and all senior members of the Party. Anyone who even so much as seeks party once will have to be reviewed by this Commission. (Applause)

Mr. Speaker, by doing this we recognize that we must hold ourselves to a higher standard than provided simply by the established laws of the State. (Applause)

At the community level we have launched a re-socialization initiative in our Region 3, Mr. Speaker that is the Corporate Area, for eventual islandwide expansion. The purpose of the Safer Communities Project is to commence a renewed and re-energized values and attitudes campaign aimed at reducing anti-social behaviour and ultimately crime, particularly in those communities in which the People's National Party has strong leadership capabilities and influence. (Applause)

But, Mr. Speaker, I wish to now turn to the Government's efforts in this area.

Since coming to office the Government has been very selective in its commitment to the rule of law and good governance.

(Applause)

And I want, Mr. Speaker, to offer four examples of this. The first came right upfront. The improper dismissal of the Public Service Commission to prevent the appointment of the most qualified candidate to the post of Solicitor General. (Applause)

In more recent times we have seen the unilateral abrogation of several Public Sector employment contracts. The third example, Mr. Speaker, and I invite you to contrast the treatment of the so-called whistle blower, CONSTABLE JOHN DOE who is now being sought for prosecution for sharing information with the United States; I invite you to contrast that with the Trafigura whistle-blower who was rewarded with a high profile public sector post. (Applause)

And the final example, Mr. Speaker, is what appears to be a new practice...

A MEMBER: Talk you talk!

Mr. BUNTING: ....of awarding major, major public sector contracts, we are talking tens of Millions of US Dollars, Billions of Jamaican dollars. Contracts such as the Falmouth Pier and the Palisadoes Road upgrade; the awarding of these contacts in ways that circumvent the established procurement rules...

MEMBERS: What, what!

(Heckling)

Mr. BUNTING: ...provides for no competitive tender even though the taxpayers of this country will bear the ultimate cost of these works.

(Heckling)

Dr. DAVIES: You didn't know Daryl, you didn't know, Daryl?

Mrs. NEITA-HEADLEY: Shame!

Mr. KELLIER: The taxpayers gwine pay.

Mr. BUNTING: Recent events though, Mr. Speaker, recent events have brought sharply into focus, sharply into question whether we do in fact have sufficient in common with this Government when it comes to tackling crime and I, of course, Mr. Speaker, am referring to the Government's handling of the US extradition request for Christopher Dudus Coke, reputed leader of the international criminal organization down as the **Shower Posse** and also as the Presidential Click, centred in Tivoli Gardens. (Applause)

The consensus among the foremost Jamaican experts on crime and its prevention is that the most efficient law enforcement strategy for Jamaica is one which targets organized crime as the centre of the crime problem. Therefore, Mr. Speaker, we should be targeting the **Shower Posse** as it sits at the apex of the organized criminal networks in Jamaica. (Applause)

A MEMBER: Talk you talk!

Mr. BBUNTING: The Shower Posse is well documented as one of the most dangerous criminal organizations in the Western hemisphere. Books and movies have been produced about them. Thousands have been murdered and billions of dollars gained through corrupt firearms and drug deals. Only last week, Mr. Speaker, the Toronto Police Force had a major operation involving a thousand police officers targeting just the Ontario franchise of the **Shower Posse**. Their newspaper articles in Canada compared the operation of the **Shower Posse** to the Italian Mafia.

A MEMBER: It no look good at all.

Mr. Speaker, countless lives have been wasted and communities compromised as

many ghetto youth, frustrated by unemployment have come under the sway or joined in the trade of the Shower Posse and its affiliates. This has included even PNP supporters as we have seen on TV in recent times.

Yes, Mr. Speaker, there are and have been other gangs, but none of the strength, the international reach, the resilience and the viciousness of the Shower Posse.

(Applause by Opposition Members)

(*Sotto voce* comment by Government Members)

Dr. DAVIES: You defending the Shower Posse? (Laughter)

Mr. BUNTING: Mr. Speaker, the evidence available on the Christopher Dudus Coke extradition issue points to the most dangerous peril ever faced by Jamaicans here and abroad, that of communities and the State being taken over by a criminal political force with probably more liquid cash than the Government and better armed than the state.

Opposition MEMBER: What!

Mr. BUNTING: The PNP is not fighting against Coke's human rights. He has his right to just treatment like everyone else, what we are fighting and struggling for is our country's good, its future in international circles. We are fighting for law and order for the whole society.

(Applause by Opposition Members)

The way in which this JLP administration has handled the request for Coke's extradition has been to weave a complex web of deception.

Opposition MEMBER: True, true!

Mr. BUNTING: Mr. Speaker, if you read the papers, the Minister of Justice has put into the Court - and that is the bundle I have in my hand here.

(Mr. Bunting lifted document in hand)

We are not talking one or two affidavits here, Mr. Speaker, there are hundreds of pages . . .

Mr. M. PEART: Public information.

Mr. BUNTING: Public information, not a purloined document. There are well over a hundred pages in here, Mr. Speaker, of the most damming, embarrassing - it's hard to find the word to describe the picture that is painted in this document.

Dr. DAVIES: Whose documents is it?

Mr. BUNTING: This is the document that was put into the court by the HONOURABLE DOROTHY LIGHTBOURNE, Claimant: Minister of Justice. If you read these papers, Mr. Speaker, you will realize that the Government is refusing to sign the authority to proceed on the single basis, that some, some, of the strong evidence against Dudus was communicated to the US by an unauthorized police officer.

Dr. PHILLIPS: Unauthorized by who?

Mr. BUNTING: They claim an unauthorized, but we know the wiretapping was authorized.

The JLP are now preparing to extradite that policeman, the so called Constable John Doe, who is now apparently in the US for his act. At the same time, refusing even to put the request for Coke to the Court.

Opposition MEMBERS: Shame! Shame! Shame!

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

House Leader.

Mr. HOLNESS: Mr. Speaker, I move for the suspension of Standing Orders to

extend the Member's time for 30 minutes to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the member a further 30 minutes to complete his presentation.

Put to the House and agreed to.

(Applause by Opposition Members)

Mr. CLARKE: This is the second 30 minutes.

Mr. BUNTING: Mr. Speaker, Lady Justice! you know that image of the blindfolded lady holding the scales, **'Lady Justice', 'Lady Justice**' is often portrayed as being blindfolded. But in Jamaica's case, our Lady Minister of Justice seems instead to be afflicted with vertigo, because our justice system and her approach seem to be turned completely upside down.

(Applause by Opposition Members)

The Attorney General and Minister of Justice views the well-intentioned policeman, who has put his life on the line to provide evidence in an attempt to bring down a drug kingpin, he is portrayed as a villain. The policeman is coming under friendly fire from his own law enforcement system.

(*Sotto voce* comment by Dr. Davies)

Mr. BUNTING: And 1 should put "unfriendly fire" in quotations. At the same time, as has been revealed in the sordid Manatt, Phelps & Phillips saga, the resources of the Attorney General's Department, and it seems of many others in the Government have been put at the service of Christopher Coke and the JLP's interests.

Opposition MEMBERS: Shame!

Mr. BUNTING: Mr. Speaker, the Prime Minister by his own administration, yesterday in this House, in his capacity as Leader of the Jamaica Labour Party, the Prime Minister sanctioned a scheme where the JLP engaged a prominent law farm, contracted them for US$400,000 to lobby the US Administration to withdraw the extradition request for a man described as one of the world's most dangerous criminals.

Mr. HOLNESS: On a Point of Order. On a Point of Order, Madam Speaker.

(*Sotto voce comments* by Opposition Members)

Mr. HOLNESS: Madam Speaker, the Member is speaking…

Dr. DAVIES: Madam Speaker?

Mr. HOLNESS: Mr. Speaker, the Member has imputed a motive to the Prime Minister that the Prime Minister in his statement. The Prime Minister in his statement yesterday made it clear that it was never the intention of the Government of Jamaica to lobby the Government of the United States to withdraw . . .

Opposition MEMBERS: No.

Mrs. NEITA-HEADLEY: He never said that no!

Mr. HOLNESS: That's what he said.

Opposition MEMBERS: No. No!

(*Sotto voce* comments by Opposition Members)

Mr. HOLNESS: The Prime Minister was clear that neither the JLP nor the Government intended to ask the United States to withdraw the extradition.

Government MEMBERS: No, no, no!

(S*otto voce* comments by Opposition Members)

Mr. HOLNESS: I would ask that the member withdraw that, Mr. Speaker.

(*Sotto voce* comments by Opposition Members)

The SPEAKER: Mr. Bunting, Mr. Bunting, what we'll do is to look at Hansard, and if **Hansard** has it differently than you have stated it, then we'll ask you to withdraw it, if it is different. Or, if it is the same as he says, then we'll ask you to withdraw it. So we'll continue until we look at **Hansard.**

(Applause by Opposition Members)

Mr. BUNTING: Mr. Speaker, Mr. Speaker, there are matters which are not in dispute. I mean, I am disappointed that the House Leader has to be clutching at these technicalities…

Dr. DAVIES: Consistent with yesterday.

Opposition MEMBER: Same as yesterday. Same as yesterday.

Mr. HOLNESS: Mr. Speaker, Mr. Speaker, we don't want to prolong a debate. We don't want to prolong a debate, but it is important that in this House when the Member is asking for truth, that we ensure that everything that we say is the truth.

(*Sotto voce* comments by Opposition Members)(Cross talk)

Opposition MEMBERS: Truth! Truth!

Mr. BUNTING: Mr. Speaker, Mr. Speaker, Mr. Speaker, since the House Leader chooses - Mr. Speaker, since the House Leader chooses to lecture me on truth, may I suggest to him that it is not the truth unless it is the whole truth and nothing but the truth.

(Applause by Opposition Members)

Dr. DAVIES: The truth shall set you free.

Mr. BUNTING: Mr. Speaker . . .

Mr. BUCHANAN: It could drown you though. It could drown you though.

Mr. BUNTING: Mr. Speaker, this section of my presentation was informed by the Prime Minister's statement to the House yesterday. The Prime Minister stated that in his capacity as JLP Leader - 1 don't want to misquote him because he made it very clear, I must tell you for myself, I try and operate as an integrated person without multiple personalities.

(Laughter by Opposition Members)

Mr. BUNTING: I am at one and the same time the Member of Parliament for Central Manchester, the General Secretary, the Opposition spokesman, the same man.

Dr. DAVIES: One man, same man.

Mr. BUNTING: Mr. Speaker, the Prime Minister by his own admission in the Parliament yesterday, he stated that he sanctioned the scheme as Leader of the JLP, I sanctioned the initiative. This was in September, this was long before we started coming up with excuses of unacceptability of evidence of the identity of witnesses, all that came after and none of them fell away as soon as they came up. This was long before that, in September of last year, shortly afer receipt.

Dr. PHILLIPS: Unwilling to answer here, when.

Mrs. HAY-WEBSTER: Exactly.

Rev. THWAITES: And abused us.

Mr. BUNTING: The Leader of the Jamaica Labour Party sanctioned a scheme where the JLP engaged a prominent law firm, through MR. HAROLD BRADY, they contracted them for S$400,000 to lobby the US Administration. I don't know what else they do; they are lobbyists, so I don't know what else you would have contracted them for. So I am not sure what is it that I have said.

Rev. THWAITES: We know.

Dr. DAVIES: So why they couldn't tell us?

Dr. PHILLIPS: Why the Government couldn't… if it was… (Inaudible)

Mr. BUNTING: Mr. Speaker, no matter

how we want to put it, the JLP paid the American Law firm Manatt Phelps & Phillips to beg the Americans, Ronnie as you would sey, to give Coke a bligh, to let him of. This is a man accused by overwhelming evidence of having sent tonnes of deadly drugs to the USA and brought in hundreds, if not, thousands of illegal weapons, which illegal weapons being imported into Jamaica can be for no other purpose than to murder Jamaicans.

(Applause/Thunderous applause by Opposition Members)

The SPEAKER: Yes, Mr. Samuda.

Mr. SAMUDA: Sit down! Quiet yourself. (*Sotto voce* comments by Opposition Members) Quiet yourself. Quiet your little self. Quiet your little self!

Mr. Speaker, did I hear the Member to say that the purpose for engaging this firm of Manatt, Phelps & Phillips was in order to get them to plead for us - or to lobby the American Government to give us a bligh and give Coke a bligh so he would not have to be extradited?

The SPEAKER: That's the allegation he meant.

Mr. SAMUDA: Is that what he said?

The SPEAKER: Yes.

(*Sotto voce* comments by Opposition Members

Mr. SAMUDA: But, but, Mr. Speaker…

Dr. DAVIES: Are you speaking on behalf of JLP or what?

Mr. SAMUDA: Why you don't keep you little self quiet. Who is troubling you? Relax you little self. (Cross talk)

The SPEAKER: Yes. Go ahead, Mr. Samuda.

Mr. SAMUDA: All I am saying, Mr. Speaker, this is improper, imputing motive and the Member must be required to withdraw it. It's out of order. Out of order and I am demanding that he withdraw it.

Dr. DUNCAN: Mr. Speaker. ..

The SPEAKER: Yes, Dr. Duncan.

Dr. DUNCAN: If I recall yesterday's proceedings, could I ask if this is a JLP matter or it is a Government matter? (Applause)

The SPEAKER: You see, Mr. Bunting, we are treading on a very thin edge.

(*Sotto voce* comment by Members)

The SPEAKER: No, I am not saying you have gone one way over or the other. But the point about it is that you are imputing that what the lobby effort was, is to bring about a certain result. And it is not clear...

(*Sotto voce* comments by Members)

The SPEAKER: In other words, it is a motive being imputed, you see, which I think you have to be careful about. Okay, please continue, but be careful.

Mr. HOLNESS: Mr. Speaker, to be clear, Mr. Speaker, if the Member intends to express an opinion, then he must make certain that the statement he expresses is clear in that way that this is my opinion, otherwise he must quote from some document, from the Government or the Prime Minister. Failing that, Mr. Speaker, he must withdraw the statement.

The SPEAKER: Yes, I think.

Mr. SAMUDA: Mr. Speaker, if I may, Mr. Speaker, I am insisting that we retrieve the **Hansard** to determine precisely what the Member said.

The SPEAKER: No, no there is no doubt he said...

Mr. SAMUDA: Let us go to the **Hansard**.

The SPEAKER: I understand, I heard him. What he said...

(Cross talk)

Mr. SAMUDA: That is my right.

The SPEAKER: No, Mr. Samuda. Mr. Bunting, I think the point is well made; the point is well made, if you are saying...

Mr. Samuda...

Mr. SAMUDA: Mr. Speaker, I cannot yield until you determine whether or not my request will be upheld. He needs to go to the **Hansard**, I want to see it.

(*Sotto voce* comments by Members)

The SPEAKER: Alright, Mr. Samuda your request won't be granted.

Mr. Bunting.

(Applause)

(*Sotto voce* comments by Opposition Members)

Opposition MEMBERS: The Speaker has ruled.

The SPEAKER: Mr. Bunting.

Mr. SAMUDA: Mr. Bunting is therefore free to cast wild aspersions to impute motives…

Opposition MEMBERS: The Speaker has ruled. Sit down, sit down!

The SPEAKER: Mr. Bunting, Mr. Samuda, please take your seats.

Mr. SAMUDA: That is better, Mr. Speaker.

The SPEAKER: Mr. Bunting, to the extent that you said that the lobbying effort was to withdraw the extradition proceedings, I think that would be wrong. To the extent that you give your opinion that it could be nothing more than that, then nothing would be wrong with giving your opinion or alleging that the lobbying effort was towards that effect. But you can't quote it as a fact.

Mr. BUNTING: And, Mr. Speaker, let me restate what I said in language hopefully compatible with your ruling. And I want to...

MEMBERS: No, no!

The SPEAKER: He is clarifying and he has a right to clarify what he says. Mr. Bunting.

Mr. BUNTING: And Mr. Speaker...

The SPEAKER: Could you allow Mr. Bunting to clarify what he says.

Mr. BUNTING: And, Mr. Speaker, I am encouraged by your ruling that at least one Member of the JLP still has fairness and free speech in...

The SPEAKER: No, no, don't impute me. (Applause) Please, continue.

Mr. BUNTING: Mr. Speaker, the clear inference and I think a very reasonable inference that could be drawn from the engagement of the Lobby firm by the Jamaica Labour Party must be to get them to let off member...

The SPEAKER: Go ahead continue.

(*Sotto voce* comments by Members)

Mr. BUNTING: Thank you. Mr. Speaker...

Mr. SAMUDA: That is such rubbish, that is such absolute nonsense and you know it.

Mr. BUNTING: Mr. Speaker, I understand that this matter is making the General Secretary of the Labour Party very uncomfortable, I understand.

(*Sotto voce* comments by Members)

Mr. Speaker...

The SPEAKER: No, please, Members, Members! (Gavels) Members, we cannot allow the cross talk to continue. Mr. Bunting.

Mr. BUNTING: Mr. Speaker, even usually friendly local media are now telling the Prime Minister that he has nowhere left to hide from the lies and deceptions used in this cover-up.

(Applause)

Internationally, the *Washington Post*, the *Toronto Globe* and *Mail. The Economist*, *Aljazeera*, *New York Times, EOL Online* and many others have all thrashed the JLP's cooked up version of their obvious entanglement with the Shower Posse. (Applause)

Recently, Mr. Speaker, we have seen the attempt at what I would call some legal jim-screechy, to play for time by asking the Supreme Court to clarify the Minister of Justice's powers under the Extraction Act when nobody was disputing that.

But, Mr. Speaker, it will not work. For us and for the great majority of Jamaicans including the Churches, the Private Sector Organization of Jamaica, the Chamber of Commerce, several unions, the law is clear and fair; send the case against Christopher (Dudes) Coke to Court to decide if the evidence is admissible and if the case is long enough under our law to warrant his extradition. (Applause)

Mr. Speaker, this whole affair...

Mr. SAMUDA: Ask KD about that. Ask K.D. Knight about that.

Dr. PHILLIPS: It alright, him can talk for himself, we nuh have fi ask him.

Mr. SAMUDA: Ask KD Knight about, that.

Dr. PHILLIPS: We have, we have.

Mr. BUNTING: Mr. Speaker, it would be reasonable, it would be reasonable, for the public to conclude from this entire affair that there is close Cabinet complicity with Mr. Coke's conspiratorial conduct. (Applause)

The SPEAKER: But no, but no, Mr. Bunting, Mr. Bunting, no, no, you have to withdraw that, Mr. Bunting.

(*Sotto voce* comments by Members)

A MEMBER: Point of Order, point of Order.

Mr. HOLNESS: Mr. Speaker, that has to be withdrawn.

(*Sotto voce* comments by Members)

The SPEAKER: Mr. Bunting, you have to withdraw that. You have to withdraw that, Mr. Bunting.

Mr. HOLNESS: Mr. Speaker, that has to be withdrawn.

The SPEAKER: There is absolutely no evidence on which you can make that statement, you have to withdraw that. Kindly withdraw the last statement, Mr. Bunting. The last statement has to be withdrawn, Mr. Bunting. It's an allegation, a serious allegation has been made against the Cabinet, and unless...

Mr. BUNTING: Mr. Speaker, I believe I said that would be a reasonable inference to be drawn.

The SPEAKER: No, no, you never said.

Mr. BUNTING: That is what I said.

Mr. HOLNESS: That is not what you said a while ago. No, no, you are...

(*Sotto voce* comments by Members)

Mr. HOLNESS: Mr. Speaker, may I point you, Mr. Speaker,

The SPEAKER: You are making serious allegation against the Cabinet of the country.

Mr. HOLNESS: Mr. Speaker, this House has rules. Standing Order 35 (4), and (5) "**no Member shall impute improper motives to any other Member of either Chamber".**

(*Sotto voce* comments by Member)

Mr. HOLNESS: No, he has, he has to withdraw, making an inference, he has imputed a motive and he has to withdraw that, Mr. Speaker.

The SPEAKER: House Leader, I have ruled and Mr. Bunting, you have to withdraw the last statement.

Dr. PHILLIPS: Mr. Speaker. . .

The SPEAKER: No further discussion, I have ruled.

(*Sotto voce* comments by Members)

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

The SPEAKER: I have ruled Dr. Phillips; the last statement has to be withdrawn.

Dr. PHILLIPS: On a Point of Order, Mr. Speaker. A Point of Order was raised. I am not clear what is the basis of the objection that is being made by the Leader of the House; could he explain.

The SPEAKER: The Point of Order is not even relevant; the Point of Order is not relevant because I ruled before that was brought up.

Dr. PHILLIPS: What is the basis then of your ruling?

The SPEAKER: Dr. Phillips, the position, Dr. Phillips, the statement.

Dr. PHILLIPS: I respectfully seek to know the basis of your ruling that makes what the Member was saying unacceptable.

The SPEAKER: Highly improper.

Dr. PHILLIPS: And I would ask of the basis on which you said so.

The SPEAKER: I will tell you. The basis is that, it is in breach of the Standing Order by imputing an improper conspiratorial, organized complicity network in relation to Christopher (Dudus) Coke, it is out of order and I am asking that it be withdrawn right now.

Dr. PHILLIPS: Mr. Speaker, would it not be the case given that the persons within the Jamaica Labour Party who the Prime Minister has not named, the leadership of which is also the leadership that is within the Cabinet, is it not a reasonable inference to be drawn?

The SPEAKER: Not at all. Mr. Bunting, for you to continue you have to withdraw that statement.

Mr. BUNTING: Mr. Speaker, I will be guided by you and I will withdraw that statement.

The SPEAKER: Very well, continue now. It having been withdrawn continue.

(*Sotto voce* comment by Member)

The SPEAKER: Yes, he said it.

Mr. BUNTING: Mr. Speaker...

(*Sotto voce* comments by Members)

The SPEAKER: Let us continue, let us continue.

Mr. BUNTING: Mr. Speaker, as our newspaper editorial allude, the Prime Minister and his Ministers have now lost the moral authority to talk to anyone about crime and corruption. (Applause) A government without moral authority cannot govern effectively. (Applause)

Mr. Speaker, they have lost the nation's trust and confidence. (Applause) Mr. Speaker, at his Swearing-In Ceremony, the Prime Minister styled himself as the Chief Servant, it is now for the people of Jamaica to decide on the identity of the master. (Applause) And, Mr. Speaker, the Gospels remind us, and the Member from Central Kingston would know

this, in particular, an expert on it. The Gospels remind us that no man can serve two masters; you cannot serve God and mammon.
(Applause)

Mr. Speaker, as I move to the conclusion, because I know the House Leader notwithstanding the amount of my time that he has taken up, he is going to hold tight on time.

The Vision 2030, development plan which was initiated under the last PNP administration is supposed to be the roadmap for making Jamaica the place of choice to live, work, raise families and do business. The important question is, are we moving closer or farther away from this goal?

The SPEAKER: Mr. Samuda please, allow the Member to complete.

Mr. BUNTING: Mr. Speaker, for Jamaica to realise its potential...

Mr. SAMUDA: Kern, Kern...

(Cross talks/heckling)

The SPEAKER: Hold, Mr. Bunting. Mr. Samuda you can't interrupt continuously, sir.

Continue.

Mr. BUNTING: Mr. Speaker, for Jamaica to realise its potential, the announcement of more national security policies and legislation is less important than the political will to implement them. (Applause)

Mr. KELLER: Hear, hear!

Mr. BUNTING: Time could have been spent today, Mr. Speaker, cataloging a number of proposals for making Jamaica safer, such as a national DNA database, the expanded use of detection dogs in firearm recovery, the improvement of our investigative and forensic science capacity and the use of civilian volunteers to supplement the undermanned police establishment.

Dr. DAVIES: Good argument.

Mr. BUNTING: However, Mr. Speaker, the Opposition is now clear, that what differentiates us from the government as a political movement and particularly concerning a sincere fight against crime, is that the Opposition possesses the political will to make the tough choices for the benefit of the Jamaican people. (Applause)

Mr. Speaker, we want a society governed by the rule of law, securing the rights and dignity of its citizens and offering opportunities for growth and development. We want to live in the Jamaica in which our children go to and from school each day, confident of their safety and a future to live out their full human potential. (Applause)

Mr. Speaker, we want the Jamaica in which communities are able to express their differences and commonalities of any sort in a sober, tolerant and engaging freedom.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BUNTING: Achieving this vision, Mr. Speaker, requires a broadbased alliance of social partners who believe with us, that enough is enough. (Applause)

Mr. KELLIER: Enough is enough!

A MEMBER: True true!

Mr. BUNTING: It requires an urgent patriotism and leadership that will fight for Jamaica ... (Applause) ... and not allow our beloved country to become the bond slave of any individual or group. (Applause)

We are inviting all Jamaicans of goodwill, teachers, nurses, farmers, policemen and women, professionals and tertiary students, to join us in this battle, Mr. Speaker. This is the time for the higher standards of the progressive agenda. (Applause)

Opposition MEMBER: Hear, hear, hear, hear!

Mr. BUNTING: Mr. Speaker, the People's National Party needs no president other than our Lady President ...(Applause) ... accountable to the Party and to the Jamaican people to return to power and govern wisely. (Applause)

Dr. DAVIES: It's true!

(Cross talks/heckling)

Mr. BUNTING: We will not guard the murderous Shower Posse or any other gang, yet speak hypocritically of co-operation with the USA, about suppressing the gun and drug trade.

(Applause)

Opposition MEMBER: Tell them again! Tell them again!

Mr. BUNTING: We will not guard the murderous Shower Posse or any other gang, yet speak hypocritically of co-operation with the USA, in suppressing the gun and drug trade. (Applause)

Mrs. NEITA-HEADLEY: Hear, Hear!

Mr. BUNTING: Mr. Speaker, we know that confronting the evil men of violence in the society will involve risk and require great courage. But we are inspired by the words of the great Jamaican poet Claude McKay ...

Dr. DAVIES: From Clarendon.

Mr. BUNTING: ...who nearly a century ago ... Four Paths, in fact.... penned these now most appropriate words in the poem titled: *'If we must Die'*.

Dr. DAVIES: Churchill used it but didn't attribute it to Claude McKay.

Mr. BUNTING: Mr. Speaker, it goes like this:

'If we must die let it not be like hogs, hunted and penned in an inglorious spot while round us bark the mad and hungry dogs..."

Dr. DAVIES: Ruff! Ruff!

Mr. CLARKE: Ruff!

Mr. BUNTING:

" *...making their mock at our accursed lot. ...*"

(Cross talks)

"....*If we must die, oh let us nobly die, so that our precious blood may not be shed in vain, then even the monsters we defy shall be constrained to honour us though dead. Oh kinsmen we must meet the common foe; though far outnumbered let us show up brave and for their thousand blows, deal one death blow. What though before us lies the open grave, like men we'll face the murderous, cowardly pack, pressed to the wall dying, but fighting back!"*

Thank you, Mr. Speaker.

(Applause/Standing ovation)

Opposition MEMBER: Hear! Hear!

Mr. HOLNESS: Mr. Speaker, you've just heard the poet from Manchester, Central.

Mr. Speaker, the Member from South West St. Ann, will now make his presentation.

The SPEAKER: Mr. Ernest Smith.

Dr. DAVIES: Opposition spokesman on Security.

A MEMBER: Yu promoting him? Ernie get a promotion.

SOUTH WEST ST. ANN

Mr. E. SMITH: Mr. Speaker, let me first of all use this opportunity to give thanks that I am able today, to make a presentation in this Sectoral Debate.

Dr. DAVIES: Announce your resignation.

Mr. E. SMITH: Mr. Speaker, it is very difficult to make a presentation in any Sectoral Debate during a period of recession, at a time, Mr. Speaker, when the major players in the economic world are themselves the victim of a recession which has been described as worse than the recession, immediately following the second World War.

In the scheme of things, Mr. Speaker, Jamaica is in fact a mere dot on the map, because we rely so heavily on external trade both in goods and services. And it has been said, Mr. Speaker, that when the United States coughs, Jamaica contracts pneumonia.

Mr. CLARKE: A nuh cough, a sneeze.

(Laughter)

Mr. E. SMITH: And the truth of the matter is, Mr. Speaker, that we must give credit where credit is due. And notwithstanding the difficulties to which we have been subjected, Jamaican under the Government of the Jamaica Labour Party has demonstrated that we are positioned for growth. (Applause)

A MEMBER: Hear, hear!

Mr. E. SMITH: Mr. Speaker, when I went home last night, I felt comfortable having heard the HONOURABLE KARL SAMUDA, Minister of Trade and Industry, describing the achievements of his Ministry, pointing out to this country, that the promise of jobs, jobs and more jobs, that it is a case, Mr. Speaker, of promise made, promise kept. We've positioned ourselves for growth. (Applause)

Mr. BUNTING: Not even Karl can knock the table.

(Cross talks/Laughter)

Mr. E. SMITH: Mr. Speaker, while it is true that I intend to speak on some matters generally, I must speak on the situation as it exists in the constituency of South West St. Ann, for which I have the honour to represent the people.

Dr. DAVIES: Yu borrow any a di bauxite money?

Mr. E. SMITH: Mr. Speaker, I would like again, to applaud the Prime Mimister for his wisdom in putting forward the Constituency Development Programme. (Applause) Mr. Speaker, notwithstanding the criticisms to which the CDF has been subjected, there is no Member of this House, faced with the difficulties of political representation in Jamaica who has not given 100% support to this Fund, no Member of this House. Indeed, Mr. Speaker, it has proven to be a lifeline for constituencies and a kind of saving grace, as it were, for Members of Parliament. (Applause)

Government MEMBER: Hear, hear!

Mr. E. SMITH: Mr. Speaker, over in South West St. Ann, during the financial year just ended, I am pleased to advise this Honourable House that work has commenced on the Gibraltar to Knibb Street road, the Gibraltar to Endeavor road. Mr. Speaker, this is a main road, a National Works Agency road that goes through the heart of the constituency.

And, Mr. Speaker, it is important for me to thank the Government for the CDF because were it not for the CDF, this road, Mr. Speaker, would continue to be in the condition it had been for the past 18 years. (Appause)

Dr. DAVIES: Yu get the bauxite fund, Ernie?

Mr. E. SMITH: And, Mr. Speaker, I'll never forget in 2004, I spoke to the then Minister with responsibility for roads concerning this road, and he laughed at me.

I'll never forget, Mr. Speaker, that in early 2007, when hundreds of millions of dollars were being spent on roads in an adjacent constituency now represented by my friend to my left, when I went to the then Minister of State on bended knees and asked him to even patch out that road, till never forget what he told me. I went into the then Government's conference room, you know what he told me? He said that labourites beg too much.

Mr. KELLIER: Hearsay!

Mr. E. SMITH: He told me, the then Mr. Minister of State in the Ministry of Works.
I complained. I complained to the Minister, because he said that if they fix the road then I won't lose the election. And he thought it was a joke because his next words to me were: "Who beg nah get and who nuh beg nuh want". That is how PNP treated people of South West St. Ann.

(Heckling/cross talk)

Mr. THWAITES: Mr. Speaker, that's okay? That's okay for you?

Mr. E. SMITH: But today, today, Mr. Speaker, that road has started.

The SPEAKER: He is quoting. He is quoting.

(Laughter/cross talk)

Mr. E. SMITH: Today, that road has started. And, Mr. Speaker...

Mr. GALLIMORE: The Member is giving an account, a personal account.

Mr. E. SMITH: I have received an undertaking from the Minister of works...

The SPEAKER: Just a second. Mr. Thwaites, Mr. Smith has made an allegation that a certain Minister of State said something to him. If he has misled the House, tell that Minister of State to report to me and he will be.... (inaudible)

(Government Members applaud)

Mr. E. SMITH: Mr. Speaker, I want to use this opportunity to thank...

(Cross talk)

Mr. GALLIMORE: Don't be like that. He is giving a personal account. (Cross talk)

Mr. E. SMITH: I want to use this opportunity to thank the management of the Normandy Bauxite Company, former St. Ann Bauxite Company, for the tremendous contribution that they continue to give in relation to community development.

Mr. Speaker, I am happy to report to you, sir that the company has been assisting in repairing the road from Benin towards Endeavour. They have, Mr. Speaker, provided material for several Parish Council roads, and in every respect, Mr. Speaker, they have demonstrated that they are true corporate citizens.

Mr. Speaker, through the Constituency Development Fund, Mr. Speaker, $5 Billion have been allocated to the Grants Bailey to Norwood Road. This is a bridle track, Mr. Speaker, which is to be transformed into a nylon road. And here again, Mr. Speaker, the bauxite company has been contributing to this development, and I would ask that their contribution be so recorded.

Now, Mr. Speaker, in relation to roads for the Financial Year 2010/2011, I am happy to tell you, Mr. Speaker, that the Ministry has given a commitment that the main road leading from Glasgow district through Retirement through to Watt Town and to Madras, will in fact be given first and paramount consideration when the funds become available later this year. This is the same road that the previous Administration on numerous occasions promised that monies

would be wanted to repair the road, but they never did.

So, Mr. Speaker, when they speak of deceit, when they speak of commitment to country, when they speak, Mr. Speaker, of acting in a non-partisan fashion, I challenge them, where is the evidence? (Applause)

Mr. Speaker, I have no doubt in my mind that when the funds from the Chinese connection become available, that several Parish Council roads which were neglected during the PNP's time in South West St. Ann, shall be repaired. (Applause)

Mr. Speaker, I have said on numerous occasions in this House, that nothing can substitute educating the nation's children. And, Mr. Speaker, it is very frightening, certainly for me, when you walk the roads of the districts of this country, when you enter the towns and you see adult young men and women - but more men than women - loitering, with nothing to do, wanting to do nothing, without any form of skills training, it is frightening.

We, in South Western St. Ann, we not only talk the talk but we walk the walk. And to that extent we have a programme whereby all of the community centres which are for the most part empty, used for dances, where they are destroyed, all our community centers are being transformed into skills-training centres. (Government Members applaud)

As I speak to this House today, the Alva Skills Training or multi-purpose complex is under construction, started from the CDF. And that complex, Mr. Speaker, will house a basic school, adult skills-training, and a town hall. On the grounds, Mr. Speaker, there will be an all-purpose hardcourt, in addition to the fact that a football field is already in place, and a cricket pitch is also there.

Now, Mr. Speaker, this architectural edifice will be replicated...

Opposition MEMBER: Say that again.

Mr. E. SMITH: ....will be replicated at Thatchwalk. Thatchwalk is a district that is at the apex of districts triangular; Norwood, Thatchwalk, Campbellsland, Cave Valley. Now, Mr. Speaker, the tobacco company in that area has been kind enough, Mr. Speaker, to donate approximately three acres of land, free of cost for the construction of a multi-purpose complex, similar to the one that is under construction in Alva. (Applause)

The Greenhill Centre is also going to be completed for the same purpose. We also intend to construct such a centre at John Reid, Cuffie Ridge. We will complete the one at Cave Valley, and the Myrtle Gallimore Centre, named after the mother of a certain great Member of Parliament, is to be redesigned to accommodate skills training.

Dr. DAVIES: I think it's the wife of a certain Member of Parliament.

Mr. E. SMITH: Now, you see, Mr. Speaker, while the Opposition concentrates on what I can describe as a non-issue, while the Opposition...

Dr. DAVIES: What's the non-issue?

Mr. E. SMITH: ...demonstrates and suggests that every programme and every policy initiative of the Government is of no benefit to the nation, what is interesting is, while the Opposition continues to criticize everything that the Government does, where is the alternative plan that they have?

Dr. DAVIES: It's a good thing nobody takes you serious.

Mr. E. SMITH: Because suddenly, even a former certain Minister of Finance, suddenly he has the answer to everything.

Dr. DAVIES: Not suddenly, from the beginning. (Laughter)

Mr. E. SMITH: But if he had the answer to everything from the beginning, how come? How come Jamaica suffered so much under your watch? (Applause)

Mr. PERALTO: How come?

Dr. DAVIES: Ernie, you are struggling. Him don't even start mek a run yet.

Mr. GALLIMORE: You had the answer to everything, but it was the wrong answer.

Mr. E. SMITH: Mr. Speaker, in the field of education, over in South West St. Ann, I am happy to tell this House that in addition to the basic schools which are being built - because Early Childhood Education, as this Government has demonstrated, is the key to eradicating illiteracy eventually. JSIF...

Dr. DAVIES: Built by PNP.

Mr. E. SMITH: ...has constructed a modern basic school...

Dr. DAVIES: Built by PNP.

Mr. E. SMITH: ...in the district of Gibraltar, started in 2009 and finished in 2009. Built by Labour! (Applause)

Mr. Speaker, we continue to improve the situation at Aboukir High School, and the bauxite company has been kind enough to construct a lovely playingfield. We still look forward to the Technical High school in the district of Cascade, near Bohemia.

But you know, Mr. Speaker, I must tell you sir, that I have a great concern, a concern that you have heard me mention in this House. And that is, South Western St. Ann, which has contributed probably the most in revenue to successive governments for the past sixty (60) years, through bauxite mining, is still the only constituency in Jamaica that has no potable water. It is still the only constituency that has no such water supply. And each year we suffer from tremendous drought.

Dr. D. SMITH: From Danny Buck time!

Mr. E. SMITH: And you now, Mr. Speaker...

Mr. D. SMITH: From Danny Buck time!

Mr. E. SMITH: …finally the National Water Commission has given an undertaking that its engineers will be examining areas in the constituency to determine whether or not a reliable source exists. The Minister with responsibility for water has given us certain undertakings, but I will not go there at this time.

Mr. Speaker, over the years, over the years many areas of South Western St. Ann, they have been without electricity. I am happy to tell you, Mr. Speaker, that the Rural Electrification programme has given an undertaking, and they are now actively working in the constituency to eradicate the darkness left by the PNP.

(Laughter/applause) (*Sotto voce* comments)

A MEMBER: Is a personal insult that, you know.

Mr. E. SMITH: Mr. Speaker, let me remind the members of the Opposition that to make reference to the former Member of Parliament is improper, because a lot was done in relation to rural electrification by him. What happened is that during the 18½ years of PNP Administration nothing was done!

Mr. MONTAGUE: Yes!

Mr. PERALTO: Hear! Hear! (Applause)

A MEMBER: Sabotage!

Mr. E. SMITH: Now, Mr. Speaker, you might have heard on the news recently about the closure of the Wild Cane Post office. Mr. Speaker, it is proposed . . .

Dr. DAVIES: Post office or postal agency?

Mr. E. SMITH: …that this post office will be reopened as a postal agency. I have already put my proposals to the Chairman of the Post and Telecommunications Department. 1 am in dialogue with the Postmaster General, and sooner than later, l shall receive the go ahead for the post office to be reopened as postal agency. Funds will be provided from the Constituency Development Fund to keep it open.

Mr. KELLIER: …can't pay salary, nonsense.

Mr. E. SMITH: Mr. Speaker, the Gibraltar Post Office which was closed because of the dilapidated condition of the private premises, I am happy to tell this House…

(*Sotto voce* remarks)

Mr. E. SMITH: I do not know what happens in my friend's constituency, but in South Western St. Ann there is total and complete cooperation. Because after that post office closed, you know, Mr. Speaker, the Gibraltar Post Office, the Jamaica Baptist Union that owns approximately three-quarters of an acre of land adjacent to that building, has agreed to donate that piece of land, not only to build a post office, but we are going to build a post office, a health centre and a town hall in the rural district of Gibraltar. Thanks to the Jamaica Baptist Union. (Applause)

Dr. DAVIES: Jobs, jobs, jobs!

Mr. CLARKE: Newby asked them for it.

Mr. E. SMITH: Now, Mr. Speaker, the former Minister of National Security is not in the House at this time. But do you know that the building that houses and still houses the Alexandria Police Station, privately owned, is in a state of total and complete disrepair for years. When I came to this House for the first time in 2002 . . .

Dr. DAVIES: After five (5) attempts.

Mr. E. SMITH: …1 met with him, spoke with him about the police station. In 2003, money was provided in the budget, check it, for a new station in Alexandria. None was built in that financial year. In 2004 it was again in the budget, no station was built 2005, 2006, 2007, none was built.

Mr. CLARKE: Just like some roads.

Mr. E. SMITH: The Jamaica Labour Party became Government in 2007. Listen to this.

Dr. DAVIES: It can't help.

Mr. E. SMITH: Since 2009 the station had started and it's expected to be completed by September/October of this year. Let me tell you something we are on a growth path. (Applause)

For years - in fact you. (referring to Dr. Davies) even showed me one time in the budget that it was there. Why was it not built? The fact is under a Jamaica Labour Party we take security so seriously.

Mr. CLARKE: Yes.

Dr. DAVIES: Right, right! You shouldn't go there. Gwaan talk about your postal agency.

Mr. E. SMITH: ….that our police station is being built.

Now, Mr. Speaker, you know, I listened very carefully to the….

Dr. DAVIES: Hutchie, I want a proper speech from you.

Mr. E. SMITH: I listened very carefully, Mr. Speaker, to the presentation of the Shadow Minister of National Security and what I find very frightening about his presentation is the extent to which, not only has he sought through this House and the protection offered by statements in Parliament, not only has he sought to slander The Prime Minister, not only has he sought through the protection of this House in his presentation…

Rev. THWAITES: That's okay, Mr. Speaker.

Mr. KELLIER: On a point of order, Mr. Speaker.

The SPEAKER: What's the point of order?

Mr. KELLER: The Member has to point out where that slander took place. He said that the Member slandered the Prime Minister. There was no evidence of that.

The SPEAKER: He never said so.

Mr. KELLIER: What did he say, sir?

The SPEAKER: He said sought.

Mr. KELLIER: The Member didn't seek to slander the Prime Minister. He has to point out where; at what point did he seek to slander the Prime Minister.

Mr. E. SMITH: Mr. Speaker, you were quite correct, sir.

Mr. KELLIER: Who over here sought to slander the Prime Minister? Nobody over here sought to do that.

The SPEAKER: The Member may not have succeeded but that is the opinion he is giving, that he sought to.

Mr. E. SMITH: Mr. Speaker, you were correct, sir. You were accurate, not only in a case of common sense but you were totally correct in your capacity as a lawyer, your professional capacity as a lawyer when you insisted that the Member should withdraw the statement of a criminal - of a conspiracy.

The SPEAKER: Get to the substance.

Mr. E. SMITH: Now, Mr. Speaker, the fact of the matter is this. It appears to me that the Opposition is using this extradition application as the platform to, not only mislead the people of Jamaica . . .

Mrs. HAY-WEBSTER: How?

Mr. E. SMITH: …not only to mislead the people of Jamaica.

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

Mr. BUCHANAN: Him expire!

Mrs. HAY-WEBSTER: Right time.

Mr. HOLNESS: Mr. Speaker, I now move for the suspension of Standing Orders to allow us to extend the Member's time by 15 minutes in order to complete his very interesting presentation. (Applause)

The SPEAKER: Hold it. The motion before the House is for the suspension of Standing Orders to allow the Member a further 15 minutes to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Mr. Smith, try to be - don't go over the edge…..

Mrs. HAY-WEBSTER: Warn him! Thank you.

Mr. E. SMITH: Mr. Speaker, you know me very well.

Dr. DAVIES: He hates to admit that.

Mr. E. SMITH: In a time of economic recession when it's of the greatest importance that all well-thinking Jamaicans should come together and work together for the benefit of

this country. Now is not a time to create smoke screens, to make mountains out of mole hills...

Dr. DAVIES: What is a mole hill?

Mr. E. SMITH: …and to try and derail and detract from the economic success of this Government. (Applause)

Mr. MONTAGUE: Juk them, Ernie! Juk dem with micro loan!

(*Sotto voce* remarks by Mr. Clarke)

Mr. E. SMITH: You can fool some of the people some of the time. You cannot fool all of the people all of the time. And those who speak about corruption look in the mirror, look in the mirror of 18½ years and look and see the faces that you see. Now, Mr. Speaker, I am very concerned.

Dr. DAVIES: It's a wide-ranging address.

Mr. E. SMITH: And, Mr. Speaker, may l ask - l have been checking it - that the eight minutes of interruption that I have had be accredited to me. (Applause)

Dr. DAVIES: That's an unjust punishment. You don't have a law against that.

Mr. E. SMITH: I insist. Now, Mr. Speaker, one of the things I am very concerned about, I made reference to the police station but at the same time, Mr. Speaker, I am very concerned. I am concerned about the fact that almost every new police station after awhile they become a parking lot for damaged vehicles. I don't want that to happen to my station. And I believe, Mr. Speaker, that the time has come for all those vehicles which are at police stations all over Jamaica some of them have been seized or otherwise impounded, some of them have been confiscated under the Proceeds of Crime, under the Dangerous Drugs Act, some of them are brand new vehicles. Mr. Speaker, I believe that it is time that the Government do an inventory of these vehicles with the intention of disposing of them.

When you go to the Narcotics Department on 230 Spanish Town Road there are scores of vehicles.

(*Sotto voce* remarks)

Mr. E. SMITH: It's not a joke thing. There are scores of vehicle sitting there. They have been there for years. When you go to every police station they are sitting there for years, Mr. Speaker, and it is my view that these vehicles should be disposed of. They are unsightly and, in fact, rodents overrun most of the stations as a result.

Mr. Speaker, in relation to the recent drought, I have a proposal.

Dr. DAVIES: Break it.

Mr. E. SMITH: Now, Mr. Speaker, I recall as a child growing up the first thing that my father did, and I believe that the first thing that my friend over there, his father did, before he built his house, he built a storage water tank. That's the first thing that he did. Mr. Speaker, it seems to me that the harvesting of water, particularly in rural Jamaica where there is no water supply system or scheme, that people continue to build houses without building what we call a water tank, and when the drought period comes on it puts the Members of Parliament and government resources under tremendous pressure. It is my view, Mr. Speaker, that the building code, particularly in rural Jamaica where there is no water scheme, water supply system, should be amended to make it mandatory that if you are building a house, school, anything where there is no water supply system, you must build a

water tank for the harvesting of rain water. The fact of the matter is that most people don't do it. They prefer to buy a black tank when things get bad.

Mr. Speaker, you know, this Government has demonstrated that in every area of life we have positioned this country for growth. Mr. Speaker, it is patently clear having heard the Minister of Tourism that tourism has positioned itself for growth. Even the former Minister of Agriculture will have to admit that agriculture in Jamaica under this Government has seen a great revolution.

Mr. CLARKE: Notwithstanding the drought.

Mr. E. SMITH: Notwithstanding the drought. (Applause) Mr. Speaker, in healthcare we continue to hold the hands of the poor. Notwithstanding criticisms we continue through PATH.

In education, Mr. Speaker, we have demonstrated that we intend to eradicate illiteracy and we must lift our hats to the Minister of Education because he doesn't even have a Minister of State to assist him. He has one of the largest set of people to deal with and at the same time he is responsible for the education of the nation's children. l say to the Minister, I lift my hat to him. He is doing a tremendous job as Minister of Education. (Applause)

There is no doubt, Mr. Speaker, that our road infrastructure is in good hands. We have positioned ourselves for growth in that regard. And I tell you something, our Minister of Finance has been criticized on numerous occasions. But let me tell you this, the great Continent of Europe has been advised by financial experts that they should take a leaf out of Audley Shaw's book. (Applause) Mr. Speaker, do not watch the noise of the market, watch the sale!

Mr. Speaker, the Opposition is trying to use this extradition question to cloud the issue, Mr. Speaker, but I have news for them. No Opposition, no foreign body, no 'Dudus' can stop the growth of the Jamaica Labour Party in the interest of the people of this country. (Applause)

Opposition MEMBER: Yes, you hear that? You hear that? Oonu hear dat? (Interruptions)

Mr. Speaker - another minute goes on my time. Mr. Speaker, I've tried to show, Mr. Speaker, in almost every aspect of life, including what is taking place in my constituency; we have positioned ourselves for growth.

Mr. Speaker, Jamaica has, over the past two years, been the victim of criminal behaviour, criminal behavior almost unprecedented in the history of this country. Mr. Speaker, we do not look at the causes of this. But this did not come overnight. This did not start two and a half years ago. We are talking about a situation where the Government of the past 18½ years was not interested in even educating the people. Their only mission was...

Opposition MEMBER: On a point of order, Mr. Speaker.

Opposition MEMBER: Don't disrespect the Opposition.

Mr. E. SMITH: ...the only mission, the only mission appeared, Mr. Speaker, to have been how to win elections at any cost. Run with it! How to win elections at any cost. And, Mr. Speaker, you know, every time I

pick up a newspaper, every time I see the amount of persons who have been murdered in this country, I say, you know what I say?

Dr. DAVIES: Not amount of people, number of people.

Mr. E. SMITH: You know what I say? Every time, Mr. Speaker, l pick up the newspaper and there is a report of the number of persons who have been killed...

(Applause by Opposition Members)

You know, Mr. Speaker...

Mr. CLARKE: Boy, you learn quick.

Mr. E. SMITH: That's why I was a Barrister-at-Law at age 22.

(Applause)

Now, Mr. Speaker, I am very concerned about what is happening. And when the shadow Minister of Security speaks about association and he made a declaration on behalf of the PNP to disassociate itself from gangs and criminals, you know what I said to myself as I sat here? With the PNP party having at least eleven (11) garrison constituencies which are run by gangs known to the Members of Parliament, are they going to disassociate themselves from it, too? (Heckling by the Opposition)

The SPEAKER: No, no, no! Mr. Ernie Smith, you will withdraw.

Mr. BUCHANAN: Have him withdraw that, Mr. Speaker.

Mr. E. SMITH: Statement withdrawn.

Mr. BUCHANAN: Say yuh sorry, to.

(Interruptions)

The SPEAKER: (Gavelling) Finish up, Mr. Smith.

Mr. E. SMITH: Mr. Speaker, there are two policy statements made by the Opposition over the years which have given me grave concern. The first policy statement was made by the Chairman of the PNP when he said that it is the view of the PNP that they are the preferred party, in a nutshell...

Mr. D. PEART: Everybody seh so.

Mr. BUCHANAN: What you seh?

Mr. E. SMITH: ...to run Jamaica at all times...

Mr. BUCHANAN: Yes.

Mr. E. SMITH: ...and that the party is prepared to do anything...

Mr. BUCHANAN: Go ask the people so.

Mr. E. SMITH: To manage the party government...

Mr. BUCHANAN: And they will speak again.

Mr. E. SMITH: The emphasis, Mr. Speaker, is that they are prepared to do anything to make the party government.

Mr. BUCHANAN: Mr. Speaker, Mr. Speaker, have him withdraw... (Inaudible)

Mr. E. SMITH: First policy statement.

Mr. BUCHANAN: Him gone over the six now.

The SPEAKER: No, no, he hasn't. That is a well-known statement.

Mr. E. SMITH: That's the first policy statement. The second policy statement, Mr. Speaker, was made by the Leader of the Opposition when she reluctantly conceded defeat in the last elections when she said that it shall be a nightmare government. Now, Mr. Speaker, maybe the people of Jamaica may wish to ask the Opposition PNP a question. And the question that the people may wish to ask and which they may want to answer is this...

The SPEAKER: Be careful.

Mr. E. SMITH: ...put those two statements together. Put those two statements together, Mr. Speaker.

(Inaudible comments by the Opposition)

Is it possible that...

The SPEAKER: No, be careful, Mr. Smith.

Mr. E. SMITH: ...that those two statements put together, is it possible - it's a question, it is a question. Is it possible that those two statements put together have something to do with the criminality that is taking place in Jamaica today?

Thank you, Mr. Speaker.

(Applause by Government Members)

Mr. HOLNESS: Mr. Speaker, the Member from Westmoreland will now make his contribution.

The SPEAKER: Eastern Westmoreland.

(Applause)

EASTERN WESTMORELAND

The SPEAKER: Mr. Buchanan.

Mr. BUCHANAN: Thank you, Mr. Speaker for allowing me to participate in this Sectoral Debate at a time of anarchy and creeping dictatorship. Please further allow me to recognize the great constituents of Eastern Westmoreland, (Applause) my constituency executive, my divisional leadership led by my four (4) Councillors who help to hold things together in these tough times. Councillor Danree Delancy, Councillor Cebert McFarlane, Councillor Trevor Jamieson and Councillor Valdence Gifford. (Applause) My friends, my family who are very supportive regardless of the difficult and demanding nature of politics.

But Mr. Speaker, at this time I can't help reflecting on the promises that were made to the Jamaican people by the then Opposition, Jamaica Labour Party, now the Government. Mr. Speaker, I am compelled to link the *ad hoc* way in which many things are implemented to unpreparedness to) inexperience and an indecent rush to fulfill the many unrealistic, expensive election promises that echoed without thought from platforms across Jamaica, on a document referred to as their manifesto.

Take for example, Mr. Speaker, the creation of centres of excellence, an election promise. Initially, when the FLD Evans High, now the Belmont Academy, which is dubbed the first centre of excellence in Jamaica was conceptualized, it was to alleviate the problems of transportation expenses, travelling time and overcrowding in other high schools in close proximity to it. To name a few like Maude McLeod High school, Mannings High school and lest we forget, Mr. Speaker, the importance of cost-effective education so other children in a household can attend school despite an older child getting secondary or tertiary education. But, Mr. Speaker, the JLP Manifesto spoke to the creation of Centres of Excellence and as such one had to be created at any cost. The Ministry and the Minister intervened in the entrance selection process, for the Grade Seven student, basically hand-picking the best GSAT students it's the highest average for this Centre of Excellence eliminating students who would have got a natural chance...

Mr. HOLNESS: Mr. Speaker, on a point of order. This is a subject on which I have more than just passing acquaintance with the facts.

Mr. BUCHANAN: .....the speaker has another document. (Inaudible)

Mr. HOLNESS: The Member has made an allegation that we handpicked the best students. The record will show, Mr. Speaker,

that students with a 40 average were placed in that school. So no school that would have got students with averages of 60 and above would have been interfered with. Students who had 40 to 60 were placed in that, school.

A MEMBER: He didn't know that.

Mr. BUCHANAN: Accepted. I won't challenge it here and now. But, Mr. Speaker, happily, the Ministry...

Mr. VAZ: He was thankful for your intervention.

Mr. BUCHANAN: Appreciated, Minister, because you and I know...

A MEMBER: How it guh.

Mr. BUCHANAN: ....didn't do the same for those to attend by way of the Grade Nine Achievement. And it is my understanding that these students are doing very well. As a matter of fact the Minister will agree with me that these students are doing very well.

(Inaudible comments by Mr. Holness)

Mr. Speaker, to my certain knowledge (that) there is great talent among our youth. When I go to graduations, talent shows, youth club meetings, sporting events, I meet many young people who are brilliant, talented and socially conscious who know what they want to achieve in life. (Applause) All they need is an opportunity. So, my earlier objection to the stringent entry requirements is now substantiated by the performance of these Grade Nine Achievement students. This, allowing the school now to serve more or less its original purpose for which it was conceptualized, fostering the true talent that resides in our future leaders.

However, Mr. Speaker, the problems that the school now faces that the necessary equipment needed and promised to enhance quality results in keeping with a Centre of Excellence, has to date, not been given to the school. And the Minister will agree with me on that, too.

Minister, a recent commitment was made – and I'll acknowledge that you made recently in this House a commitment to forward to the school all that is necessary to have it in keeping with a Centre of Excellence. And I guess you will agree with me, too, Minister, that the high standards set to measure our teachers' performance in schools, can't be met without the necessary tools. However, Mr. Speaker, the school has other challenges in that it does not have a playfield, accommodating an athletic track or even an undersized football field. And it is to my certain knowledge that lands were designated for such as well as the school.

Mr. Speaker, unless all the commitments are fulfilled, including the playfield, I think it is reasonable to say that what exists is a step in the right direction but indeed a mockery of excellence when we are basking as Jamaicans in the pleasures of athletic world records, boasting several gold medals, parading the Caribbean's best female cricketer, we have a Centre of Excellence without a playfield.

Mr. Speaker, we must twin our physical education programmes in a meaningful way with academics, when we create Centres of Excellence of this nature.

Mr. Speaker, I must, with much gratitude, acknowledge USAID for funding the connection of the new block to be built at the New Roads All Age School, because what exists is a major disaster waiting to happen. Our call over the last two years for the new block to be built was impatient of this urgent

action, so that our children can learn in safe, and our teachers can teach in a safe environment. (Applause)

Mr. Speaker, but I have a serious concern, and that is in light of the reduction in the budgetary allocations for education. Uncertainty looms as to the lifespan of our HEART training institutions now. However, despite my general concern, my real concern is about, namely, the Seaforth Town and the White House BTC. Mr. Speaker, I am just sounding the warning that any action, resulting in the closure of any of these institutions would be more than a retrograde step. It would be the darkest day in these dark days of the Government, indicating to Jamaica that the Government is not seriously about human resource development and skills training...

Dr. DAVIES: Andrew...

Mr. BUCHANAN: ...which are key components to the socio-economic infrastructure required for Jamaica's prosperity in this 21st century.

Mr. Speaker, I have been given a mandate by all the government workers I represent in my constituency, to seek clarity on issues surrounding pension payments. The issue is that of uncertainty as to whether there will no longer be lumpsum payments as a part of retirement benefits, but instead a little increase in sums being paid to pensioners on a monthly basis.

Mr. Speaker, if there is any truth to that, then what it means is our Government-retiree's backs will be against the wall in that these people depend heavily upon their lump-sum payment to, one (1) refurbish their homes for a more comfortable retirement, something they couldn't have afforded to do while working because of either children going to school, paying for the house or both. Two, investing it as they may live for another 20 years and need to survive. Or, Three, as a kind of insurance for rainy day, or even to purchase a reliable car for retirement.

I therefore, challenge the Government, Mr. Speaker, to make its position absolutely clear as to whether they intend to discontinue the practice of lumpsum payments to retirees. As I urge the Government to respond, I urge them also to act responsibly in this regard, Mr. Speaker.

Mr. Speaker, it is no secret. It is no secret, Mr. Speaker, that a badge of pride has been removed from us as a country, by us returning to the IMF under binding borrowing arrangements because, Mr. Speaker, in the past Jamaica enjoyed first class rating by the IMF in managing our own financial affairs. But since this new Government, things have changed and we are now at the doors of the IMF like beggars with cap in hand.

Mr. Speaker, the Minister of Finance is now saying, as a country, we are in a crisis. This is after its initial utterances that the recession would not affect us, and we would be better off. Well, I am happy, Mr. Speaker, that finally, he has realized, we are in a crisis. This crisis is mainly because of the Government's reckless approach to the world economic recession. The Prime Minister, instead of supporting the notion back then, when the Minister of Finance made his utterances, who should have cautioned the Minister of Finance when he said so, reminding him, we can't behave as if we are isolated and insulated from the rest of the world.

However, Mr. Speaker, in light of all of that, I want to bring to the attention of this

Honourable House, that the constituency of Eastern Westmoreland is mainly an agriculturally-driven constituency, with lots of tourism potential, but faces some challenges in both aspects which are hinged to the policy direction of the Government. As such, I call on the Government's administrative and developmental policies to be inclusive of saving and creating opportunities for our people.

For us in those regards, challenge number one is, that most of the arable lands, Mr. Speaker, are inaccessible by small farmers because these lands are owned by the government. And in some instances, the lands are being captured by people from our neighbouring parishes for housing settlements.

And might I again urge the Minister with this responsibility to expedite the process of regularizing these settlements, and others of this nature, became establishing affordable housing lots and agricultural plots is indeed, the curbing measure for the problem.

Mr. Speaker, the second challenge is that our tourism potential is being suppressed by the following factors:

(1) the road condition that exists along the coast between Scotts Cove and Macfield and Savana-la-Mar;

(2) the inadequate water supply to the entire White House area into Bluefields and the St. Leonards and Seaforth Town communities;

(3) the fact that the Government, UDC, owns prime lands that would accommodate further and future development for tourism along the coastline, but seem not inclined to sell to interested investors of medium size.

Mr. Speaker, with the record of **Hansard** to support my call, l want a full discussion on the aforementioned in regard to the possibilities of development for Eastern Westmoreland, with the Ministers that have responsibility for lands, agriculture, tourism, water and housing, transport and works.

A MEMBER: You want a summit?

Mr. BUCHANAN: Yes.

Government MEMBER: Which summit you want?

Mr. BUCHANAN: Mr. Speaker, for this would be a step in the right direction, expanding the amount of tourism room space, job security within the sector, whilst creating opportunities for the numerous trained jobless constituents in landscaping, construction, maintenance, housekeeping, restaurant service, food preparation and entrepreneurial skills. For agriculture, this would be a super stimulus, impacting not just the constituency, but the country.

And lest we forget, let me remind this Honourable House, we must create the environment for people to improve their economic and social quality of life, Mr. Speaker, so that the disrespect as to who you are, based on whether you are from Uptown, Halfway Tree, Cross Roads, or rural Jamaica, can't be thrown in your face by anyone.

Mr. Speaker, during the Estimates of Expenditure discussions, March 30, 2010, the Minister of State under whose watch NSWMA falls, said transfer stations were being held in bonded warehouse as the impression was given that the parishes in which they wanted to establish these transfer stations had a

suitable site location problem. I just want to make it abundantly clear that I was integral to the idea of transfer stations coming to Jamaica to improve NSWMA cleaning efficiency, public health effects, and operational cost-effectiveness. (Applause)

This, Mr. Speaker, when I was a councillor at the Westmoreland Parish Council. Mr. Speaker, I just want to warn that at this time we can't afford to be tunnel-visioned because of political expediency. The parish of Westmoreland...

Mr. MONTAGUE: Get more money the any other.

Mr. BUCHANAN: ...the parish of Westmoreland was the destination of one of these transfer stations. All prep work was done because I was again, a part of that process as by then I became Member of Parliament in 2006.

(*Sotto voce* comments)

Well, since '07, Mr. Speaker, everything mash up. After the opening of Parliament last year in this very House, there was a discussion between myself and the head of NSWMA, re this subject. I was explicitly told, I was explicitly told then, that one of the transfer stations was going to St. Thomas, and the other was going to Portland before Westmoreland could be considered.

(*Sotto voce* comment)

Mr. Speaker, it is painfully insulting, the fact that a year after the decision, the discussion, and may be two years after arriving in Jamaica, the transfer stations are in a bonded warehouse because the two parishes of choice, Portland and St. Thomas, can't after all this long time, find suitable sites for its purpose; while Westmoreland, Mr. Speaker, in which suitable lands were already identified, the people continue to suffer the ills of the NSWMA present operational methods. Mr. Speaker, I consider that political victimization.

Mr. MONTAGUE: Talk to yu councillor.

Mr. BUCHANAN: Mr. Speaker, you know, it seems, as we move deeper in the 21st century, that there is a need to enter upon the reference of a more focussed rural development programme than ever before.

(Applause/*Sotto voce* comments)

The Urban Development Corporation in its role as a developer in the national interest should now be embracing the development of rural township, facilitating the placement of important business offices in these rural townships. I believe this would further serve to reduce urban drift and brain drain, removing negative naval stigmatism whilst promoting nationalism.

(Applause)

MEMBERS: Aye, aye. Hear, hear!

Mr. BUCHANAN: Mr. Speaker, I happen to notice that each time one excels from humble rural upbringing, the fact that you are rural is foremost mentioned...

(*Sotto voce* comments by Members)

Mr. BUCHANAN: ….as if you have surprised the world. Mr. Speaker, I can think of many great men from rural, humble beginnings that have impacted us in a profound way, nationally...

(*Sotto voce* comments)

...regionally and nationally. Apart from our national heroes, Mr. Speaker, with the categories jumbled, men like the late FATHER A. G. S. COOMBS, O. T. FAIRCLOUGH, SIR CLIFFORD CAMPBELL, BOB MARLEY, PETER TOSH, live and in living colours…

(Applause)

Mr. MONTAGUE: Bustamante.

Mr. BUCHANAN: …the Most Honourable Sir....

(*Sotto voce* comments)

Yes, you waah write it fi mi?

(Laughter)

...the Most Honourable P. J. Patterson, Honourable Usain Bolt and I could go on and on.

(*Sotto voce* comments)

However, Mr. Speaker, very important to the desired rural development, is that when urban centres are close to our rural communities where there are lands that is owned by the Government, there is need for amalgamation to establish housing solutions, or the problem of squatting can never be controlled.

Mr. MONTAGUE: True.

Mr. BUCHANAN: And too, these developments are very difficult to police. And there is no question that such simulations foster criminal activities.

MEMBERS: True.

Mr. BUCHANAN: Mr. Speaker, there are hardworking police officers everywhere across Jamaica, but I really want to salute the honest, hardworking police officers from, and those who work and live in the constituency of Eastern Westmoreland...

(Applause)

….some of whom work under extreme conditions as it relates to the state of the police station at which they are posted, and some that are stationed at a police station that has the largest police district in Area 1. Mr. Speaker, in the constituency it is the Darliston Police Station that is mainly suffering facility inconvenience. And it is sad, especially since female officers have to work there, and it is an asset to community policing.

(*Sotto voce* comment)

Let me hasten to say, Mr. Speaker, that I object to the very thought that the quick fix to that is to transfer the Darliston Police Station to operate out of a neighbouring police station.

A MEMBER: What!

Mr. BUCHANAN: Today, my appeal is for urgent action by the Ministry of National Security, as it relates to the recommendation to relocate this station to a suitable building next door its present location, for which permission has been given for its use in terms of rental. And I want to thank Minister Vaz for his intervention in that regard.

(Applause/*Sotto voce* comments)

A MEMBER: He is very non-partisan.

Mr. BUCHANAN: Mr. Speaker, the Bethel Town Police is affected by both squatting and difficult policing because of the lack of both human and vehicular resources for its large police area. For the records, I have had discussions with the Superintendent of Police in charge of the parish. I have written to and have appealed to the Minister of National Security, but with no success, for improvement to this grave situation.

(*Sotto voce* comments)

And while I understand some of the challenges of the Security Ministry, Mr. Speaker, I find it extremely difficult to accept the force is so challenged that it can't find police officers and a vehicle to militate in that police area permanently, so as to prevent further manoeuvring by criminals.

And, Mr. Speaker, I have been talking to the Minister of National Security about this for more than six months now and he said when he got the position, check me in six months time, and six months have long expired.

(Heckling)

But, Mr. Speaker, while it is a fact that if you place a police officer in every other household you still won't be able to prevent violence and criminal activities, but it has been proven that increased police presence with community confidence has reduced the criminal networks.

If we are any at all serious about production and development the Government will have to revisit frequently its approach towards policing and recruiting for the police force. They must restructure the force increasing its capacity for community policing, manpower on the ground and revisit intelligence gathering, as criminal elements are serious deterrents to development and is crippling production.

However, Mr. Speaker, I would like to bring to your attention the increased levels of abruptness in some of our police officers towards the motoring public, since the Government gave the police insinuating instructions that they must pluck out of motorists millions of dollars over a set period to fill the existing budgetary deficit that the Government can pass the next IMF test. I'll just caution the Government as to what they are exposing motorists to as it pertains to abuse re the Road Traffic Act especially for conforming motorists.

Let me remind you, Mr. Speaker, that there is already unnecessary abuse of power by some. The Jamaican Government has already paid significant sums to citizens for excessive use of police power. There are families here in Jamaica that are still in grief became of excessive use of power in simple traffic incidents. Sir, while I support law and order I will say to civilians, be courteous to our police.

Miss HANNA: That's correct.

Mr. BUCHANAN: Again 1 want to caution the Government though, in this regard about their instructions to the police towards motorists.

Mr. Speaker, I would like here just to highlight the negatives of a proposal to label motorists as to where in Jamaica they are from by way of their licence plate. It must be from an angle of digging deeper into motorists pockets by imposing a one-off tax on current vehicle owners for increased revenue that the Minister of National Security some months ago, while addressing a function, made the comment of new licence plate lettered as to which parish you belong. Well, Mr. Speaker, that was what existed in the past and had to be changed because rural people were being targeted by criminals in urban centres and rental cars were forced to change from RR plates for the very same reason.

Miss HANNA: Don't forget.

Mr. BUCHANAN: Mr. Speaker, if the government re-enters upon that reference at a time when criminal records are unprecedentedly high, then whose hand is the Government playing or, is it a part of the Government's no new tax package'? Mr. Speaker, our people deserve more protection and the matter needs to be addressed immediately.

I'll go further, Mr. Speaker, on that matter to say, the failure of the Prime Minister to address in his presentation substantially his intentions to curb crime by strengthening crime fighting efforts, reflects that he is not serious about more investments and significant improvements in our productive capacity and positioning us for growth.

Mr. Speaker, in my own constituency in the division of Whitehouse and in the community of Whitehouse proper, on the property of Sandals Whitehouse Hotel a man was beaten to the state of unconsciousness, stabbed in his jawbone on the compound, on the premises of Sandals Whitehouse and robbed of his car. Mr. Speaker, less than quarter mile from the Whitehouse police station a man was shot, fatally shot coming from work at about 7:30 p.m.; in the Cave Mountain community in that same Whitehouse division a man was shot dead. Mr. Speaker, I just want to say that all the big plans for Font Hill and other resorts can't work until there is inroad in breaking the back of crime and criminal activities in this country...

(Applause)

…and the Government must in a serious way indicate it's seriousness about curbing crime and working to curb crime.

Mr. Speaker, this is indeed frightening and our citizens are very stressed; and stress from fear and panic can generate negative health effects and we were told, Mr. Speaker, that we are too blessed to be stressed.

Mrs. NEITA-HEADLEY: That is correct.

(*Sotto voce* comments)

Speaker,

Mr. BUCHANAN: Mr. Speaker, I'm sorry the Minister of Health is not here because I want to raise some concerns re the Savanna-la-Mar hospital, which is the place of refuge for many of us in the parish of Westmoreland when ill, and for a part of the South Coast tourist area. And our clinics that are the First-aid stops and should be the supporting unit for the hospital whilst administering and administrating good public health practices. Even though, I must congratulate the hardworking doctors, nurses and staff in the Darliston, Bethel Town and Whitehouse public health districts, especially considering what they have to work with.

(Applause)

But, Mr. Speaker, the many challenges of the Savanna-la-Mar hospital must be highlighted so they can be rectified. Which are

1. the inadequacy of operating theaters;
2. the fact that a pharmacist does not work on the weekends;
3. the need for ambulance;
4. the bed space for the crowded maternity ward;
5. no working telephone switchboard;
6. no morgue; and
7. the fact that there is no hospital management board in place for the last two-plus years.

Mr. Speaker, these issues may seem for us Westmorelites, parochial, but critical...

Miss HANNA: Critical!

(Applause)

Mr. BUCHANAN: ....as what we should have is a Type B hospital. But based on what is there, to work with, the staff must be congratulated for the quality work they perform nevertheless.

Mr. Speaker, the aforementioned needs immediate attention from a government that promised among the many other promises a better healthcare system than before.

(At approximately 5:03 p.m. the Speaker indicates the time and a motion is moved by Mr. Holness for an extension of 15 minutes to allow him to complete his presentation.)

Motion put to the House and agreed to.

The SPEAKER: Mr. Buchanan.

Mr. BUCHANAN: Mr. Speaker, I was very worried, when it was made public the crisis that the UWI hospital faced during the extensive drought. You may recall it was almost forced to send home patients due to the lack of water. Mr. Speaker, it can't be business as usual with drought unpreparedness and public health risk, due to the lack of water we have experienced over the past months. In recent times our weather pattern has changed somewhat and over the past years the previous Government had done well in terms of its obligation to supply potable water across Jamaica. But I must admit, there is still a lot of work to be done in this regard.

Mr. Speaker, for the record, in the month of February of this year, when I moved the following Resolution:

> Whereas rural water has incomplete projects and monies outstanding to contractors in many parishes over several months;
>
> And Whereas communities in these parishes are suffering from deplorable road conditions and continue to experience severe water problems as a result of incomplete projects;
>
> And Whereas these institutions worsen with weather conditions:
>
> Be it Resolved that the incomplete project be completed and outstanding monies owed to the contractors be paid;
>
> And be it Further Resolved that rural water does not enter upon the reference of new contracts until the incomplete projects are settled in all respects.

Mr. Speaker, I was compelled to move the Resolution which I may move again. And it is not that I want to halt development in other constituencies, but I'm protesting on behalf of the people that are suffering as a result of the approach of abandoning old projects and starting new projects of similar nature. (Applause)

Mr. Speaker, the time has come when we can't depend on continuous rainfall limited storage tanks or traditional water source. We must explore several options to ensure the maxim "water is life" is treated as such.

Miss HANNA: Hear, hear!

Mr. BUCHANAN: The impacts of drought are very diverse and most times cause ripple, negative effects especially since the first order of impact is usually agriculture, production and tourism. So it is critical that we develop a drought policy to drive drought mitigation and actions and programmes on the following products: economic and social.

(Applause)

Mr. Speaker, economic with reference to agriculture, production and tourism. Social referring to domestic, public health and education.

However, now it seems there is a serious supply and demand problem which must not only be attributed to climatic changes and environmental malpracticed, but we must include population growth and rural drift into urban areas.

Mr. Speaker, some of the options I suggest exploring for solution to the problems are cloud seeding, damming and desalination, all of which I'm aware will require massive

infrastructural work except for cloud seeding. Cloud seeding is being done by some 24 or more countries across the world. This method of inducing rain has been around since the 1940s and is even now used for other purposes other than rain. For example, China used cloud seeding in Beijing just before the 2008 Olympic Games in order to clear the air of pollution. Ironically, Mr. Speaker, our immediate neighbour Cuba does some amount of cloud seeding for the purposes of rain, so it is not something that is farfetched or a new experiment. Mr. Speaker, during our most rainy months our rivers flow sometimes to the extent of destruction, so damming can be very effective as it is not that there isn't enough water to tide over to the dry period, but harnessing and harvesting for the periods of drought is of absolute necessity.

Mr. Speaker, my other suggestion for exploration is desalination, which would be mainly for our urban centres; and this is nothing new to our shores, as three of our leading beverage manufacturers employ this technology. I must acknowledge, Mr. Speaker, the announcement of the US$211 Million Jamaica Water Supply Improvement Project which is to impact Kingston Metropolitan Area and some rural communities. Honourable Minister, you are not here but with the greatest of respect Eastern Westmoreland should be a must to benefit as a constituency because we have the most incomplete water projects and challenges.

Mr. MONTAGUE: That's not true. That's an indictment on PJ, that's not true. I will defend PJ, withdraw that.

Mr. LAWRENCE: Withdraw that.

Mr. MONTAGUE: He cannot say that about PJ.

(Heckling)

Mr. BUCHANAN: Mr. Speaker, while I've managed to do some amount of road rehabilitation from CDF allocations and other infrastructural developments to alleviate some economic and social challenges, the amount of roads to be fixed begs the question, if the new policy proposed is implemented will the work programme be done on a genuine need assessment principle?

Mr. Speaker, I ask this because it was revealed that an enormous of monies was spent in some constituencies en route. . .

Mrs. NEITA-HEADLEY: True!

Mr. BUCHANAN: ....which is indeed vulgar and distasteful in respect to how and what was done, when other parishes have been calling and constituencies have been calling to deaf ears for at least a little patching.

Mr. Speaker, the truth is that the road maintenance through gas tax funding should remain as was proposed. And going further for equity, that money maybe should be shared among constituencies in a like manner to the CDF, then the CDF would serve better in contributing to the purpose of economic development. Also owing to the fact that most people, Mr. Speaker, bought into the gas tax because they thought it would benefit them in a non-partisan way.

Mr. Speaker, can you imagine from a yearly net of gas tax dollars, each constituency benefitting from this tax on a yearly basis for road repairs. Do you know the bipartisan unquantifiable effect this would have on constituencies and Jamaica's road network?

Mr. Speaker, I consider the shift in policy as it relates to the purpose of gas tax, deception and ginnalism of the highest order.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: True! True!

(Applause by Opposition Members)

Mr. BUCHANAN: And l must express here and now my objection to the Government's proposal of swiftly moving to establish the one-road authority. But let us face it, all the governments of a PNP-led administration has operated on principles of democratic socialism. All the governments of a JLP-led administration up to '07 have operated on principles of capitalism. But since September '07, the JLP operational principles has been that of ginnalism.

(Applause by Opposition Members)

Mr. BUCHANAN: Noteworthy, Mr. Speaker, is that every time constituencies meet to discuss the expenditure of the Constituency Development Fund with communities and communities have to like a decision between accessibility to their communities and the economic enablement projects, most times they opt to choose either social amenities or accessibility. And eight out of ten times the choice will be road, stifling economic enablement projects.

As we all know, Mr. Speaker, the construction of roadways is the road to development, but our duty is to allow the affordability of a balance.

(*Sotto voce* comments by both sides)

Mr. BUCHANAN: Mr. Speaker, the call for equity in terms of the Road Maintenance Programme is a reasonable one.

If bipartisan politics must be removed from progressive governance as the matter of road maintenance is deserving of urgent attention and not just multi modal highways.

Mrs. NEITA-HEADLEY: Aye!

(Applause by Opposition Members)

Mr. BUCHANAN: Mr. Speaker, one must not justify half truths under the umbrella of policy shift. Some months ago, Mr. Speaker, the Prime Minister came to this Honourable House and promised the people of Jamaica that he was going to lead from the front. In that, the Jamaican people would have to understand that difficult times call for tough decisions, and he was starting from the top. Going as far as promising, Mr. Speaker, cutting the size of the Cabinet and Ministers of State...

(*Sotto voce* comments by Opposition Members)

But, Mr. Speaker, on Friday the 19th of March 2010, the Prime Minister told the country by way of the news that he had basically reneged on that decision basically saying the savings from doing so was so minuscule it made no sense doing it. Yet in the same breath, Mr. Speaker, the Prime Minister and other Ministers made much of a 15% salary cut as to how serious they were about leading from in front in these hard times. I'd ask the Government, Mr. Speaker, if that was just another government facade, Mr. Speaker, or was it ginnalism?

Mr. Speaker, the constant moving of the goal post to suit the cohesiveness of the Government's executive serve only to further erode the confidence of investors and the private and public sector, stalling for stained economic growth. Colleagues, this country can't move forward on flip-flop leadership.

Mrs. NEITA-HEADLEY: No!

(*Sotto voce* comments by other Opposition Members)

Mr. BUCHANAN: The people need a government they can trust.

(Applause by Opposition Members)

They need a democratic legislative government, not an autocratic dictatorship government.

(Applause by Opposition Members)

Mr. Speaker, while the Prime Minister seemingly apologized for the contemptuousness of his Government, his response to squaddie situation was again unfortunate after the apology. Minister Samuda's disposition in treating with the President of the Scrap Metal industry was again unfortunate. (Laughter by Opposition Members) All this after the apology. The Minister of Finance again in treating with the teachers was again unfortunate after the apology. So, Mr. Speaker, you see, while the budget has a big deficit, the fundamental deficit is that of trust, respect and who has the moral authority to govern this country.

(Applause by Opposition Members) And it can't be repaired, Mr. Speaker, by simple apology after apology, all that is of no use now, the Jamaican people have become fed up with that kind of treatment and will speak soon as it becomes more evident that we, the people have no confidence in the Government. (Applause by Opposition Members) The die has been cast, Mr. Speaker.

Mr. Speaker, in closing I just want to tell the Jamaican people, look beyond the many promises of the Government, seek the truth, not to make them cry, not just to set the records straight, but to prepare them for the periods ahead. Also because, the only vaccine powerful enough to inoculate one from lies is the truth.

(Applause by Opposition Members)

May God bless Jamaica land we love as the people of Jamaica cry, save us, save us. May God bless the People's National Party that as government carried out the most effective programmes of social and economic reforms in the best interest of the Jamaican people.

Thank you, Mr. Speaker.

(Standing ovation by Opposition Members)

Opposition MEMBERS: Stand up! Stand up! (Laughter)

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, I want now to move for the recommittal of the item 'Questions and Answers to Questions'.

(*Sotto voce* comments by Members)

Mr. HOLNESS: In that event, Mr. Speaker it is not proposed to do any further business. I therefore move that the House do adjourn until.

Rev. THWAITES: Mr. Speaker.

The SPEAKER: The 19th…

Mr. HOLNESS: …until next Tuesday, Tuesday the 18th …

The SPEAKER: The 18th sorry.

Mr. HOLNESS: ....when we will continue the Sectoral Debate.

Rev. THWAITES: Mr. Speaker . . .

The SPEAKER: Yes, Reverend Thwaites.

Rev. THWAITES: ….may I remind you of a statement you made yesterday regarding a certain motion to do with the Standing Orders Committee.

The SPEAKER: Yes. The difficulty Reverend Thwaites, I did speak to the House Leader. The mover of the motion was that Mr. Gregory Mair, and . . . .

Rev. THWAITES: No, sir, I moved the motion, may I correct you.

The SPEAKER: He did?

Rev. THWAITES: And I am here. (Laughter)

The SPEAKER: I tell you, my understanding is that we wanted to do it today, because it's a question of sending it to the Standing Orders Committee. So I was told….

Rev. THWAITES: Mr. Speaker, it would take no more than 30 seconds.

The SPEAKER: At most.

Rev. THWAITES: So why should it be postponed?

The SPEAKER: I was told it was Mr. Mair who had to take it.

(*Sotto voce* comments by Members)

The SPEAKER: It is Mr. Mair.

Rev. THWAITES: Mr. Speaker, if so, that would be an error. I moved the motion.

The SPEAKER: No, no, sorry, apparently it is you.! (Laughter) Reverend Thwaites, can we just put it to the first item for next Tuesday and then we will meet soon after, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, you keep postponing it time after time, we have been doing this for over a year. It's a totally unnecessary motion.

The SPEAKER: Reverend Thwaites, the motion is fairly straightforward, I have asked the House Leader to allow you to just move the motion, so the Standing Orders Committee can meet. So House Leader.

Mr. HOLNESS: Mr. Speaker, we have no objections to the matter being taken now. The Member from Central Kingston.

The SPEAKER: Reverend Thwaites, can you move the motion so it can be taken.

Mr. HOLNESS: We'll now take Item No. 10 on the Order Paper.

Rev. THWAITES: Mr. Speaker, I formally move the motion on the Order Paper in my name, seeking the permission of the whole House for the Standing Orders Committee to reconvene and to continue its work until completion.

The SPEAKER: Very well. Thank you. Members. The motion before you is on the Order Paper as No. 10?

Put to the House and agreed to.

The SPEAKER: With that having been done, Reverend Thwaites, we'll ask the Clerk to set an early date for the meeting of the Standing Orders Committee. Very well.
House Leader.

ADJOURNMENT

Mr. HOLNESS: Thank you, Mr. Speaker. It is not proposed to do any further business. I therefore move that the House do adjourn until Tuesday the 18th of May, when we will continue the Sectoral Debate.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Tuesday the 18th of May at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House was adjourned at approximately 5:22 p.m.

TUESDAY, May 18, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.05 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

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

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

MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Mr. Gregory Mair.

The House resumed its sitting at 2.05 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, I would just like to welcome all the persons sitting …. and please…. welcome to the sitting of the House of Representatives this afternoon.

(MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, entered and took his seat.)

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

Just to remind persons in the Gallery and in the media, please put your cellphone on vibrate or silence as the case may be. But do enjoy the sitting of Parliament this afternoon.

STATEMENTS BY MINISTERS

Mr. KELLIER: Mr. Speaker, I would like to enquire of the House Leader whether or not the Prime Minister is going to be making a statement today, at any time today.

(HON. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service, entered and took his seat.)

Mr. HOLNESS: Mr. Speaker, the Prime Minister will not be making a Statement at any time today.

(MR. DERRICK CHARLES SMITH, (JLP), St. Andrew, North Western, entered and took his seat.)

The SPEAKER: Very well.

(HON. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central. Minister of Industry, Commerce and Investment entered and took his seat.)

(Opposition Members leave the Chamber)

ANNOUNCEMENTS

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

- **Ministry Paper No. 49**
  Real Estate Board
  Annual Report and Audited Financial Statements for the year 2007/2008 and 2008/2009
- University Council of Jamaica
  Annual Report and Audited Financial Statement for the financial year 2008/2009
- Jamaica Cultural Development Commission (JCDC)
  Annual Reports for the periods 2002 to 2006

Certified Appropriation Accounts

- Family Court 2007/2008
- Supreme Court 2007 - 2009
- Ministry of Education and Youth 2006/2007

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, there are several questions ready for answer. I have two questions prepared and ready for answer right now, which I will table.

The SPEAKER: I think you should. And let me know which questions are being answered now, House Leader.

Mr. HOLNESS: Question No. 8 and 9.

The SPEAKER: You have Questions 8 and 9, those are the two? Could we for the record - House Leader, I think you should have the answers and - the questions and answers as ready. Very well. Questions 8 and 9 have been answered. Though, House Leader, for the record we need to hear as soon as possible 1 to 6.

Mr. HOLNESS: Mr. Speaker, during the course of the sitting I am expecting at least two more answers to be available.

The SPEAKER: Two to four more answers.

Mr. HOLNESS: At least two more during the course...

The SPEAKER: Which could be tabled at that time.

Mr. HOLNESS: Yes.

The SPEAKER: Very well. So those questions would be disposed of - those additional two would be disposed of.

(MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, entered and took his seat.)

Mr. HOLNESS: Mr. Speaker, I want to recommit the item on the Agenda, Statements By Ministers.

The SPEAKER: Statement by Ministers. The motion before the House is that the item Statements By Ministers be recommitted?

Put to the House and agreed to.

STATEMENTS BY MINISTERS
(Recommitted)

Mr. HOLNESS: Mr. Speaker, the Minister of Finance has a Statement to make to the House.

The SPEAKER: Very well, Mr. Shaw.

IMF/STAND BY ARRANGEMENT

Mr. SHAW: Thank you very Mr. Speaker.

Mr. Speaker, a team from the International Monetary Fund has been in the island for the past 10 days reviewing the performance criteria of the Standby Arrangement that was entered into by way of a Letter of Intent of January 15, 2010.

The IMF representatives included MR. TREVOR ALLEYNE, who was the Director in charge of the Caribbean region of the IMF, who is head of the mission; MR. GLEN PURVES, Senior Advisor in the Executive Director's office representing the Caribbean; MR. ALEJANDRO GUERSON, Senior Economist of Caribbean division. And we have specially welcomed to Jamaica MR. GENE LEON who is the new IMF permanent representative who will be based in Jamaica. He was also at a press conference earlier today.

I should indicate, Mr. Speaker, that this now fulfills a commitment by the multilateral institutions to strengthen their offices in Jamaica. In fact the IMF did not have a permanent office in Jamaica and they have now decided to put one here. The World Bank recently beefed up their presence by putting a senior representative from Washington, MR. BADRUL HAQUE, into the office in Jamaica; and the IDB as well, has also strengthened their presence in Jamaica.

Over the past 10 days the team has been revising the performance – reviewing the performance under the economic programme described in the Letter of Intent.

Mr. Speaker, I am pleased to announce that the performance to the end of March 2010 has been better than expected. (Applause) Mr. Speaker, I am to advise the Honourable House that not only did we pass the test but we even over-performed in a number of areas. (Applause)

The Domestic Debt Exchange launched in early January was successful, with a higher than expected participation rate which yielded larger than anticipated savings on the Government's interest bill.

In the period following the debt exchange, credit rating agencies upgraded Jamaica's sovereign debt rating, Eurobond prices on sovereign bonds have rallied and the Treasury

Bill rates have fallen to less than 10%, the lowest levels seen since 1982, 28 years ago. (Applause)

One private sector source anticipates, Mr. Speaker that by next year, and with which I concur, interest rates will be the lowest since 1972. (Applause) Furthermore, the income and valuation losses related to the debt exchange appear to have been smoothly absorbed by financial institutions.

There have not been any reports of entities facing capital or liquidity shortages which would have required access to the Financial System Support Fund which had been put in place as a preventative measure, Mr. Speaker.

In fact, I am to tell the Honourable House that in the event that this Fund is not accessed for the purpose for which it had been set side, it will be diverted to other areas, including the buildup of the Net International Reserves for balance of payments support. And I'm also to indicate that the IMF has also suggested that there could be some latitude in the use of those funds where, if there are any institutions that might not have been affected by the debt exchange, but were affected in other ways, that the possibility of using some of those funds to assist in those areas will be considered by the IMF. (Applause)

In light of these developments, the Government of Jamaica is pleased to report that performance under the IMF Stand-By Arrangement is on track. The relative market stability in the period following the approval of the Stand-By Agreement contributed to the achievement of quantitative performance criteria on Net International Reserves and net domestic assets of the Bank of Jamaica with margins. As regards fiscal performance, Mr. Speaker, importantly, all quantitative targets have also been met. (Applause)

Additionally, the structural reform agenda is advancing and key structural benchmarks have been achieved, including, Parliamentary approval of a Fiscal Responsibility Framework in March of this year, the preparation of a draft concept paper for an omnibus banking law and reforms to enhance financial sector oversight and financial system stability. And, of course, the important divestment of Air Jamaica which has been implemented.

Mr. Speaker, on the horizon, of course, critical targets are to be met. And these include a review of tax waivers to be completed by December, as well as on-going work in the transformation in the Public Sector, as announced by the Honourable Prime Minister in his statement, and the establishment of a Central Treasury Management System.

Notwithstanding these benign results, Mr. Speaker, vigilance will be required to ensure that the objectives under the Stand-By Arrangements are achieved. We are not going to be complacent. We will be vigilant to ensure that when we complete the June quarter, we can equally report success.

Indeed, the global economic environment is uncertain and prospects for economic growth, although improved, are still weak.

The Government of Jamaica remains deeply committed to macro-economic stability and the implementation of the reform pillars outlined in the Memorandum of Economic and Financial Policies which accompanied the Letter of Intent of January 15, that endeavour to fundamentally transform the Jamaican economy.

The Government strongly believes that the policies described in the Memorandum of Economic and Financial Policies are adequate to achieve the programme's objectives, Mr. Speaker. The Government will maintain the productive and fruitful dialogue it has enjoyed with the International Monetary Fund.

In this spirit of cooperation, the Government will consult with the Fund on the adoption of these measures and in advance of revisions to the policies contained in the Memorandum of Economic and Financial Policies in accordance with the Fund's policies on such consultation.

Mr. Speaker, it might interest you to know if it happened to have escaped you, that just recently in commenting on the success of the Jamaica Debt Exchange, the Managing Director of the International Monetary Fund on a British Broadcasting Corporation's worldwide interview, pointed the country of Greece to Jamaica's debt exchange success as a model that it might wish to look at in dealing with their own problem. (Applause) Indeed, the London Times also reported on the success of the debt exchange and pointed Greece to it.

As part of its communication policy, Mr. Speaker, the Government of Jamaica and its policy on transparency, the Government intends to publish the updated Letter of Intent once it has been finalized on the websites of the Ministry of Finance and the Public Service and the Bank of Jamaica to keep domestic and international agents informed about its policy actions and intentions.

Mr. Speaker, I must explain here. I mentioned updated Letter of Intent, and the reason is that the Letter of Intent, once established, is not a static document. It is meant, Mr. Speaker, that as we go along, timely revisions are made in accordance with the out turn. So that, for instance, it anticipates that if there are exogenous shocks such as, God forbid, hurricane or anything like that, then necessary adjustments would have to be considered and made in accordance with those.

We are pleased to report that underlying the successful achievement of the March test, is the continuing and improving stability in the economy, with the Net International Reserves now standing at US$1.7 Billion, and Gross Reserves at U5$2.379 Billion, covering 17.1 weeks of imports. (Applause) Mr. Speaker, the exchange rate continues to be stable, if not re-valuing. And yesterday's rate stood at J$88.88 cents to the United States Dollar. (Applause)

Mr. Speaker, interest rates are falling and we have seen where one commercial bank recently reduced their rate by 200 basis points which they indicated had been the lowest rate that they have had in the market for five years. (Applause) That they have indicated. And inflation, Mr. Speaker, despite a spike in April which was due to the increase in bus fares, inflation continues on a moderating trend.

Mr. Speaker, the stage is clearly being set for renewed private sector investment in the Jamaican economy. And I'm pleased to present this Report on the performance under the IMF Programme.

Thank you, Mr. Speaker.

(Applause)

A MEMBER: Excellent!

The SPEAKER: Thank you, Mr. Shaw. Mr. Robertson.

Mr. ROBERTSON: Under Public Business, Mr. Speaker, I now...

The SPEAKER: No, we are at Statement

by Ministers at this moment. (Inaudible comments by Mr. Holness) Okay, very well, Public Business, yes, Minister Robertson.

Mr. ROBERTSON: Thank you, Mr. Speaker, I now move:

> Be it Resolved that the special audit report, Petroleum Corporation of Jamaica and the Petroleum Corporation of Jamaica initiative to increase audit capacity for the internal auditors of the Ministry of Energy and Mining and auditors from the Auditor General's Department of Jamaica which was laid on the Table of the House on the 21st day of April, 2010, be referred to the Public Accounts Committee of the House of Representatives for consideration and report.

The SPEAKER: Thank you, Minister Robertson.

Mr. ROBERTSON: Thank you.

The SPEAKER: The motion as put by Minister Robertson is before the House.

Motion put and agreed to.

The SPEAKER: Yes, Mr. Robertson, the matter has been put before the PAC.

House Leader.

Mr. ROBERTSON: Thank you, sir.

Mr. HOLNESS: Mr. Speaker, we will now continue the Sectoral Debate. The Minister of Water and Housing will make his contribution. (Applause)

The SPEAKER: Dr. Chang.

Dr. CHANG: Mr. Speaker, it's a privilege and honour to give an account of my stewardship in this the Ministry of Water and Housing. It's my third Sectoral presentation, obviously taking place in a bit different circumstances today as those on that side have chosen to be absent from the House, for reasons of which we are not too sure.

I want to start by expressing my sincere gratitude to all those who have helped and supported me over the past year. I'll first begin by expressing my appreciation and thanks to my family, my wife and two kids who have not only understood, and even importantly, accepted my desire to serve my country in this capacity. They have graciously given me the leeway to pursue my dream, sometimes at great personal sacrifice, yet they never complain. They are the most faithful advocates and when the pressures of my task threaten to overwhelm, their unwavering support helps me to recharge and refocus. I want to take note my son is here for the first presentation. He was away studying. He's back for the first time. (Applause)

To the constituents of North-West St. James, I say a very big thanks for affording me the privilege of representing you. I must make special mention of the staff of my constituency office whose dedication and professionalism has helped me to manage the demands of portfolio and representational politics. To the party workers, my management team and the hundreds of persons in my constituency who have worked with me and placed their hopes and dreams in my hands, place allow me to reaffirm my commitment to work with you to overcome the many difficult challenges of Montego Bay and particularly, North-West St. James. Some of these challenges are our informal settlements, urban decay, social dysfunction and its attendant crimes. But let me reassure you that together we will overcome.

Let me also express my appreciation to the Honourable Prime Minister for affording me

the opportunity helping to build a nation of which we can all be proud. To my colleagues in this House, let me express my thanks for your support and for the opportunity of working with you during the past year. I am confident that we all wish the best for our country. And finally, I wish to acknowledge the staff of the Ministry and its agencies. I have often said that the institutional knowledge and expertise that reside in this group of persons is exceptional. 'They are a dedicated team and I have every confidence that they will continue to work to ensure that the vision that we have for our country is realized.

Mr. Speaker, in moving to the portfolio responsibility, I want to give a little background before giving an account of the year's work.

When I was assigned to this Ministry l accepted that the responsibilities of Water and Housing as portfolio, affected every single Jamaican. It is two portfolio areas that no Jamaican is outside of its limits. I was aware of the magnitude and the challenges we faced. I knew that the task could be very difficult. I resolved that under my stewardship, however, we would seek to make every man, woman and child in this country, have access to at least the basic levels of shelter and potable water necessary for them to live with dignity.

Mr. Speaker, it is a portfolio that touches the lives of every Jamaican, as I said before. Since then, of course, we have had several setbacks, some of which we could not have anticipated. But my commitment to that goal is as firm today as it was then. And I am confident we can achieve much of what we set out to do.

Of course, Mr. Speaker, it is true that the first yar in office of any new government in our Westminster model is largely determined, especially when it relates to infrastructure by the activities of the previous Administration. In the first year, you more or less continue what was good. You look for the problems, and by the second year you begin to place your own character on the portfolio.

In that second year, we have completed a comprehensive assessment of both sectors and have set out on major planning activities that have already begun to bear fruit. And during the course of this year we should see the full development of much of this activity.

We have had some successes. We did not accomplish as much as we would like but as l indicated, there are some impairments which we did not plan for. Much of this was due to the international financial crisis, and its impact on our local economy which caused us to have to respoke many of our plans.

It is also a fact, too, Mr. Speaker, that major investment in infrastructure will take time to plan and procure before implementation. But I can assure you, Mr. Speaker, we will see major activities in both sectors as we fully implement our own plans during the course of this year, and that it will be maintained over the next few years.

In addition, I want to note that the new economic framework that this Government has put in place, has laid the foundation for real growth in this sector.

On that note, Mr. Speaker, I must pause to pay tribute to my colleague, Minister of Finance and his team for the role they played in guiding this country through what has been one of the most challenging economic periods in our history. I believe that this Government must be commended on the steps that have

been taken to stabilize the economy, as painful as they might have been.

There are many, including some of my colleagues on the opposite side of this House, who would seek to belittle and raise doubt about the measures we have taken, especially the Jamaica Debt Exchange Programme. What is important, however, is that we have successfully stabilized and reversed the negative trends in the economy. We have laid out a framework for real growth in the economy.

Mr. Speaker, the decreasing interest rates that we are now experiencing along with a stable currency will undoubtedly have a positive impact on both the water and housing sectors. In the area of water, for example, we will be able to restructure the Capital Structure of the Water Commission to give us not only an economically viable institution, but to ensure that we have - we can provide a sustainable and sensible investment structure. Indeed debt can now become a part of the capital, as it is known internationally that utility bonds is an important part of the Capital Structure of any utility, and in particular, water utilities.

In addition, the new financial climate, coupled with the revised policies of the National Housing Trust should result in major expansion in the real estate industry.

Mr. Speaker, I would now like to give some details of each sector. Water: The goal of this Ministry is designed to increase the percentage of persons with access to piped water in their homes from 90 to 100 per cent in the urban areas, and from 45 per cent to above 60 per cent in rural Jamaica. And this is of particular concern because the level in rural Jamaica is totally unacceptable, and whenever we have severe drought, one can see the problems that emerge in deep rural Jamaica.

The National Water Commission is, of course, the main Government agency with responsibility for providing potable water. And during this financial year, it is projected to spend some J$7.5 Billion on major projects that are now being implemented. Some $4.5 Billion will be spent on what is the programme that was designed by this Government, and its implementation have started - the Jamaica Water Supply Improvement Project; $1.5 Billion, again Jamaican dollars, will be spent on the Kingston Metropolitan Area Water Supply which is focussed on the St. Catherine area; another $450 Million on the Kingston Water and Sanitation Project in Downtown Kingston. The remaining $500 Million will be spent on a number of on-going projects that will extend service to new areas, improve existing systems and enhance the efficiency of the water company.

The Water Supply Improvement Project will provide adequate supply of water for the Kingston Metropolitan area which includes Kingston and St. Andrew, the Greater Spanish Town area and Portmore, and several rural areas in Jamaica. This particular project is of urgency, and the demand for the additional supply is well-known, having just come out of the longest period of lower rainfall in our history. It is scheduled to be completed before 2011. Some of the major components I will indicate. I did this before but I will repeat them, given the level of importance attached to this particular programme.

We will replace the old Rio Cobre asbestos cement pipeline. This year, we will complete the section from Bog Walk to the

Rio Cobre Gorge; rehabilitation of the Constant Spring Water Treatment Plant and its intakes; rehabilitation of the Seaview Water Treatment Plant and the Stony Hill Supply network; construction of new wells in the Halls Green area to bring additional water supply on; installation of nearly 70,000 customer metres in the Ocho Rios and KSA region, along with the rural areas that will get additional supply; construction of the new pipeline from Ferry to Red Hills and improvement to the Forrest Hills supply network.

During this financial year, it is planned, as I said, to complete the replacement of the Rio Cobre pipeline between Tulloch Springs, Bog Walk area and Flat Bridge. Work has commenced on construction of the new wells in Halls Green, and the establishment of the operations base at Constant Spring has been done. These, and the connecting pipelines are scheduled to be completed by the end of this financial year, and we can assure this Honourable House and the public that is listening, that the work is proceeding smoothly, and we will keep our deadlines in this particular situation.

In fact, the Water Commission has a history of not maintaining the timeless in some projects, but in this particular one, and others implemented by the particular company, we can assure the country they will be done on time. They have started off very actively and very aggressively.

The following areas in the Corporate Area which cover a population of over 600,000 will be affected: Stony still, Golden Spring, Temple Hall, Upper Jacks Hill, Upper Red Hills, Forest Hills; areas served by the Constant Spring area which includes Norbrook, Half Way Tree, and, in fact, the entire mid-town area and the Ferry area; areas in the Greater Spanish Town area, and South East St. Catherine will have significant improvement benefit, including the expansion of their water supply from the KMA project.

The Kingston Metropolitan Area Water Supply Project, otherwise called KMA, is being jointly financed by the Japan International Cooperation Agency, the Government of Jamaica and the Water Commission to the tune of some $87 Million. The objective of this project is the improvement of existing water facilities in the greater Spanish Town and South East St. Catherine area. Works completed to date on this project include: Rehabilitation of some 19 production facilities across the St. Catherine Plains, largely wells facilities, not highly visible but extremely important work in which some of these wells were brought on stream quickly during the time of the drought and has allowed us to stabilize supply at this point in time.

Complete replacement of water mains in sections of Spanish Town and especially the Central area and the Willowdene area. That work has continued; I think most of it is finished. Rehabilitation of the water storage tanks in the area, installation of additional pipelines on the Sligoville Road, already completed, and into the Little Greendale area. Rehabilitation works have not only improved the efficiency levels of these facilities, but have provided significant improvement in water supply to the major section of Greater Spanish Town.

Mr. Speaker, work is now progressing steadily on the installation of a new pipeline along the Spanish Town bypass, with some 18

kilometres of additional pipelines having already been completed. In addition, a new water storage tank is now being constructed at Angels to strengthen the water supply system for the major section of the Greater Spanish Town area, benefitting this wonderful lady's constituency, on my right. (lndication made to Miss Babsy Grange)

(Applause)

Under the KMA Supply Project, Mr. Speaker, an additional five million gallons of water per day will be provided through the rehabilitation of existing wells, and the drilling and development of new ones in the St. Catherine area. (Applause)

Cleaning and re-testing of the Angels Number 2 and Ariguanabo wells were done, as well as the completion of drilling of a new borehole to replace the existing Chung's Well. New wells will be drilled and developed to provide water for South East St. Catherine, and detailed engineering designs are now being finalized to facilitate implementation during this financial year.

Indeed, Mr. Speaker, it is of note to look at the difference in implementation of programmes because everybody knows planning, this particular project which could have brought relief to the urban areas during the recent severe drought. Planning started in 1994; loan agreements were signed in 1996; this Government is implementing the entire programme, and it will be completed by the end of the next financial year. The final contract is now being tendered. And it will be implemented over the three-year period of this Government. But it took some 94 - 12/14 years to get to implementation stage, unfortunately.

The Kingston Water and Sanitation project which deals with the Downtown area is being funded by a loan secured from the Inter-American Development Bank; initially priced at US$40 Million, it is now projected to cost about US$55 Million. It is being done in three major sections. The first is the re-organization and modernization of the Water Commission to enable that entity to operate an efficient and sustainable mantle. Work has been completed on a new billing and customer service system. Training continues on the workers in customer service, and the implementation of the billing system has been completed. It will rehabilitate the potable water supply system for the KSA region, notably the Mona and Hope treatment plants. (Applause)

It will focus - focus will be placed on reducing non-revenue water to acceptable levels in the Corporate Area. And the third component of the project is designed to rehabilitate the Darling Street waste water station along with some of the sewer collection system Downtown, which has some of the most decayed and dilapidated system in any major city.

Mr. Speaker, we are aware that our efforts cannot only be focussed on improving the infrastructure and increasing capacity. A key component has to be the improvement in the efficiency on the operations of the National Water Commission. During this financial year, we will also undertake the efficiency improvement projects, using the K-Factor, which is the capital recurring factor in a water bill, as well as work with a team from the Inter American Development Bank to look at the entire operation, management and governance of the Water Commission.

The Water Commission has been mandated to operate as a commercially viable entity to ensure that it can sustain and expand the operation without dependence on Central Government for financial support. And that I wish to remind you is a very critical element of our policy. We are not in a position at this time to go to my colleague from a part of Manchester for any support in terms of capital from our budget. It is for this reason that the Water Commission maintains its block rate structure, which means those at the very bottom will pay a lower rate than those at the top in terms of utilization. But the returns have to be such that we can ensure a viable and sensible investment programme, not only to rehabilitate and maintain the improved efficiency of the Commission, but to ensure we can expand to meet growing needs.

As indicated, Mr. Speaker, critical to survivability of this programme is the Capital Structure of the Water Commission, as well as the rate policy. If we are to operate as an entity, independent of budget, we must have a viable Capital structure. And it is for this reason that I alluded earlier on, to the current financial framework laid out by the Ministry of Finance, including... initiated by the Jamaica Debt Exchange Programme, which has taken interest rate to new lows. It therefore, puts us in a position where we can now look at capitalizing the Water Commission in a viable way. Part of that, of course, is that we can examine the feasibility of issuing a significant amount of bonds which can be traded on the Bond market, established by Jamaica Debt Exchange. Indeed, internationally, utility bonds is an important part of the capital of any water utility. It is a company that has a good cash flow, but it will never be able to charge the kind of rates that will give it the high returns required to generate the amount of capital you require to maintain investment levels. Therefore, we have to look at other creative means and among them is, of course, the use of utility bonds.

It is also true that such companies are normally owned by public entities. We are also committed to maintaining the current rate structure which is designed to be a Block Structure. Some 65 per cent of our customers pay below cost. The additional, based on their utilization pay above that. And may I remind those who are listening, that is part of the reason why when you get leaks behind the metre, your water cost go up almost exponentially, meaning, it rises very rapidly.

Because from 0 to 3,000 gallons you pay a smaller fee; 3,000 to 6,000, you pay a little bit higher, and by the time you get to 6,000 to 7,000 you pay some more. And when you get to 10,000, you begin to pay a much higher rate. And by the time you get to 20,000 gallons for the month you pay more than the commercial rates. So, if you have a leaking pipe you are likely to have a major water rate bill for the next month. It is important, therefore, that you examine all your piping system to ensure that they are in good order. It is important to the cost that comes to you, and to the Water Commission because you have to pay for the supply, but in today's Jamaica, as part of the conservation measures.

We will continue to encourage and we intend to initiate now that the drought is breaking and our programme of investment is proceeding, we want to initiate a serious education programme on water conservation.

(Applause)

We had to examine some way of encouraging the use of water conservation technology, faucet regulators, low volume showerheads, low volume flush toilets, and that, Mr. Speaker, can save major water supply.

Indeed, let me remind the audience. A low volume showerhead can give you a good shower using 1.5 gallons of water per minute. A regular shower is going for up to five to six gallons per minute, that means major difference to your water bill. Similarly, a low-flush toilet will use less than two gallons, whereas a regular toilet from the small one, go from five to seven gallons. That is a major difference in terms of water utilization and it will save you money.

We also have to examine means of how we can recycle water, not necessarily for drinking but certainly for non-potable use, irrigation and other purposes for which we can use recycled water.

In the rural areas we have to look as other countries are doing, not only rural areas but in urban Jamaica, where from day one we encourage through the building plant people to use double plumbing system where they can do rainwater harvesting, use rainwater for non-potable reasons like washing cars, watering the lawns and using the toilets, all of that activity. As I think now, Devon House - and I have to commend the management there with the wells they have which is not useable for human purposes but they use it to irrigate the lawns, *et cetera*, and in their domestic use. We may have to begin to examine that kind of technology, which is being done, so you can use rainwater harvesting for regular use and the more expensive potable water will be used for human consumption. That has to be part of the long-term plan along with effective watershed management and other activities designed to protect and manage our water resources efficiently.

I spent much time on this area because the drought brought water to the fore, especially in this heavily populated South East Region. But we have in fact dedicated much of that capital in the Water Sector Improvement programme when settled into rural Jamaica, and major improvements will take place in several parishes.

In addition to that, the rural water supply company, a small company it is indeed, but a very important and efficient in operation that depends on the government's budget had a delay in its programme but they are in the process of completing the 18 projects they started some two years ago. Last year we had delays, we have completed some in the drought and we will complete all of them this year and begin some new ones. Areas covered included such areas as Broadgate and Top Enfield, Hunts town in St. Mary. The Catadupa Water Supply system in St. James, which was hanging around for about four years before completion. The Marlie Hill Browns Hall area, Macca Tree, Colbeck, Red-Ground, Bartons, Point Hill, John Groin, Colbeck Planters, Waugh Hill, all in St. Catherine in the Northern difficulties of St. Catherine. Cascade Water Supply system in St. Ann, Peace River and James Hill systems, Bottom Coffee Grove in Manchester, Distribution in New Roads, Westmoreland. The Askenish/Dias Water Supply system is now complete and functioning for those people who have been waiting for water for many, many, many years.

When these are completed, it will not only provide additional 1.6 million gallons of water

to rural Jamaica but will in fact affect some 45,000 residents of rural Jamaica. That was the work of the Rural Water Supply company, and I have to commend my Minister of State who guided them through the first year.

(Applause)

Of course, water sector project - a number of large projects to affect areas of St. Catherine, St. Mary, Trelawny and St. Elizabeth that we have designed the Capital programme - I will not give their details on this occasion.

Mr. Speaker, I have to commend some of the workers in the system coming out of this recent long dry season.

While we did not acquire the funding for trucking as usual, we did some trucking. We had no additional money and the Water Commission used its own resources. We eventually had additional $30 Million from the Ministry of Finance. We refocused our attention and increased production, and I must say that the engineers of the Water Commission did an extremely good job in bringing additional well supply. I know all kinds of things have been written, but that's par for the course these days. But indeed, the workers brought on in St. Elizabeth the Parrottee well, which made a significant difference to that region. (Applause)

They brought it on in record time. It's an area that was without water for nearly 12 years became a well went bad. No effort was placed in finding alternative resources, and on assuming office, we set about to assist the South St. Elizabeth area, a very productive region of Jamaica but they are short of water.

But the irony of it all, you know, Mr. Speaker, St. Elizabeth has some of the most productive aquifers in Jamaica all is the investment. Not dams, just find the well, drill a well and put the water to the people, and the people down there would pay for their water. And nothing had been done for many years.

Now we have got Parottee well going up. We have found a very productive well. We have to expand the system, but we activated in the drought season to reduce the trucking. That's done, the second phase will come and we are working aggressively at bringing on the Essex Valley programme to affect the Southern section of St. Elizabeth, and that highly productive, but always dry parish will have water and they can shower regularly.

(Applause by Government Members)

In addition to that, in the Corporate Area, although the rains have increased our supply, what has really stabilized us temporarily - because we need more rains, is that, again, we activated a well in the Hampstead Park region in the Mountain View and on this occasion although he is missing in action, I commend the Member of Parliament for the area, we went to work with the community. That well was not shut down because of contamination, it was shut down because of some social discontent. It is up and going. We again improve the well at Camp, at Rennock Lodge and we activated four wells in the plains of of St. Catherine, one at Government Park and Cookson Pen, and as a result we now have an additionally (the) five million gallons of water per day in the Corporate Area, which is allowing us to stabilize the supply.

I will conclude the Water Sector, Mr. Speaker, by alluding to the Water Resources Authority.

This is one of maybe, a small, but one of the finest Government agencies in this country. It comprises largely of highly trained

professionals with a skill that is not so easy to find, hydrogeology. But they are an important unit; they are highly skilled and highly respected internationally. Wherever you go in the world people are aware of the work that the Water Resources Authority is doing.

They are charged with the mandate to regulate, allocate, conserve and otherwise manage the water resources of Jamaica. They started out as the Underground Water Authority and have expanded their role and have become one of the finest institutions in the Caribbean.

They have continued to upgrade the National Hydrologic Data Network with the installation of data loggers in wells and at river sites, coupled with the upgrade of some six (6) stations under the Caribbean Hydrological Cycle Observation System project, to provide real time data/information on our water resource, availability. They were the primary agencies in keeping us up to date on our water supply in the recent drought.

The data collected allow for robust analysis of climate variability and change on water resources and the provision of information for the determination of action to be taken to mitigate the impact of such climate variability including drought.

The drought updates provided by the WRA is based on information collected from these hydrologic monitoring units.

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

House Leader.

Mr. HOLNESS: Mr. Speaker, I move for the suspension of Standing Orders to allowed Member sufficient time to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Minister sufficient time to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister Chang.

Dr. CHANG: Thank you very much, Mr. Speaker, and 1 thank my colleagues for the accommodation.

Indeed, Mr. Speaker, there is nowhere else in the Caribbean where a similar network allows for the provision of this kind of data.
It has allowed us to not only give accurate and regular information to the government and the entire body, but also to collaborate extensively with the University of the West Indies in doing the kind of research required in an area like this, to ensure we can participate and take steps to deal with our water resources problem.

I must also highlight the fact that the hydrologic information from the Water Resources Authority provided input in the Caribbean water situation for CARICOM Heads of Government.

Indeed, it is part of their network that has allowed the Office of Disaster Preparedness to now set about installing gates in the Rio Cobre. Because what will happen, Mr. Speaker, based on the monitoring data which will give the real time data, the Water Resources Authority can now monitor rising levels in the upper reaches of the Rio Cobre and can say exactly when it's going to be flooded and ODPPEM and the Ministry of Local Government can close that gate before anybody will get tapped in the Gorge again.

(Applause)

It appears simple, Mr. Speaker, but every life, every Jamaican life saved is important,

because that is what will happen. We have lost lives because of this, it has created risks, and we have had people who have been traumatized by being trapped in the Gorge. This particular monitoring system, working in conjunction with the Office of Disaster Preparedness will now put in place the required structure to prevent that ever happening again.

It is of course some innovative projects, among them is to assess the potential for rainwater harvesting in Jamaica, something we had to do. In many of our upper reaches, the high areas where desirable by Jamaicans for residencies, it is expensive to take potable water to the upper reaches of St. Andrew, areas like Central Manchester and so forth. But they have adequate rainfall, many areas in Jamaica have very good rainfall. And what we need to examine is how we can in fact harvest some of this water that the population can have access to water and at the same time, not only in terms of rainfall, but also how we can use it in agriculture, section of St. Catherine and Clarendon, our Southern plains which may have long periods of drought but have periods of heavy rainfall.

And indeed, while it became an emotional issue unfortunately, the concept of micro dams must not be abandoned. We have to find the data, examine them and see where we can reintroduce them, working with the Minister of Agriculture, because that kind of activity can ensure we provide water supply to our farmers, as well as domestic water supply to the people in rural Jamaica.

We are looking at some pilot projects, not only agricultural areas but currently looking at two schools because rainwater harvesting can be very effective in rural Jamaica, deep rural Jamaica for our schools. In fact, what we would like to do, Mr. Speaker, and will consult with my colleague in another Ministry, is to combine solar with rainwater harvesting. Current technology now allows for roofs which have solar panels, guttering to catch rainwater, which in the average rural school can give you adequate electrical power and adequate water supply. And I can assure you it will mean a lot. I have spoken to one school in St. James where we are now working on a pilot project and the teachers are convinced that they can increase their attendance by over 50%.

Now what happens, Mr. Speaker, is that, when there is no proper water supply, the kids who can afford to leave the district and go to the nearest urban centre, and you really end up with the very poor. Again, in an uneven plain they get the worst. They stay back, the teachers try but they are demotivated, they have no water supply, they have improper toilet disposal systems and if we can really raise this, it can raise the entire mood of the school, bring additional students there and improve the entire quality of education for these road areas.

We are going to do this as a pilot scheme and hope we can get additional funding to expand for this, because it is a real problem, that in the 21st century we have these rural schools with some of them having toilets which were old from the - maybe from the 1900s and they are not moving. In addition to that, we can guarantee quality potable water.

I know those of us who grew up in rural Jamaica are aware of the use of tanks, stone tanks and so forth, but they were not treated water, we survived. In today's world, Public Health authorities want greater reassurance.

And small UV systems can be used to treat water for drinking purposes in these rural areas. A system for primary school could be $10,000, and you can assure the school that they have drinkable water from rainwater, harvested rainwater, that is safe, clean and healthy for the schools. I am sure it will add to the Ministry of Education and the ministry of Agriculture efforts to bring added nutrition to the schools, added to that proper waste disposals and water supply will certainly create a better environment for learning and improve the quality of life of our young people in deep rural Jamaica. That is the commitment of this ministry along with this Government for the entire Jamaica.

Let me now, Mr. Speaker, turn my attention to the area of housing which is far more complex and challenging in dealing with the problems that have become intrinsic and endemic in the housing sector. In addition to that, we cannot fund at this point in time and I emphasize, at this point in time housing development with multilateral loans because of what was traditionally exchange risks and other risks associated with foreign exchange borrowing for housing development. Therefore, the resources available to housing has become limited over the last few years and much effort was placed on involving the private sector, and that went significantly awry if I might put it mildly myself.

Indeed much of the finances of housing come from the National Housing Trust. But the National Housing Trust by policy, and a policy which this Government, and I repeat this Government in particular reinforced, must be dedicated to its contributors. The Housing Trust funds cannot be used willy-nilly for everything and anything. It is held in trust for workers of Jamaica who have contributed their hard earned cash to the Trust. And our commitment must be, to use that money to provide adequate shelter for those workers.

The problem in the sector too, Mr. Speaker, again is not just a simple problem of supply and demand. Our post colonial attempts to address housing lead to some unique challenges. For the first two decades, Government was heavily involved in the production of affordable housing but that became a highly political process, and led to significant changes in policy. But the policy changes resulted in a reduction in the availability of low income housing. The result was a dramatic and almost damaging increase and a damaging increase in informal settlement, across Jamaica. That process has now become endemic and it could be seen ms almost an important part of the housing solutions, informal settlements.

The process was again aggravated by other factors among them, inflation. Hyper-inflation in particular in the early ‘90s in Jamaica resulted in significant decrease spending capacity of our workers. Any worker in their mid life 40 to 60 will tell you the first house they bought, they were paying $200 or$300 a month for mortgage. Even in New Kingston, because when I graduated from University I had a small apartment there, the mortgage was $250 a month. Of course, $250 now don't buy the washer for the pipe, if you have one there. And the result of inflationary pressure is that there is no such thing today as a low cost house that is the reality. We therefore have to look about how we can find one, we can create a means of providing shelter for workers.

However, Mr. Speaker, because of the

conflicts that emerged over the last decade in particular, one, the movement of Government out of production because of the urge to see Government come out of housing which were viewed as the basis for creating the so-called garrison constituencies. In addition to that, the Housing Trust went more into mortgages than production, and there is a move to create a policy, appropriately named joint-venture in which the private sector became the deliverer of housing. That system was abused, and became very ineffective and the result was that, only middle income to upper income housing was being provided and squatting has really overwhelmed the entire Jamaican scenario.

The last survey we did showed some 700 squatter settlements with a population rearing between 25 to 30% of the population of this country. The figures vary because, of course, it is always difficult to pin down the population in informal settlements. And my colleague from a part of Clarendon speaks very strongly to that issue. And while it may not be as extreme as it sometimes suggest and I am not going to dispute it, the reality for those of us who are in politics, if you need a thousand new voters, not so much to buy votes, you are walking in an informal settlement and you are organized and you have credibility you find that a thousand need to register, not ghosts, not people who will disappear. Any large informal settlement you walk in any day, if you are organized you can go and find hundreds of people who are not registered on the voters list. In fact not only not registered on the voter's list you find hundreds of children who are not registered at all. And many of us have been using the Constituency Development Fund and other social intervention agencies to create registration programmes.

Indeed, the last occasion in Flanker with JSIF in a four-week period, we registered 300 children and we have been there until now, we have registered hundreds and we have now moved into other areas. So, when the statistics say 20% - 25% of the population you have to plus or minus that 5% somewhere in that mix. But we have a major problem. So it is something that we have to work to overcome.

So, Mr. Speaker, my first job however, because of the growth of informal settlements, the absence of any major player in the low income sector, was to reestablish credibility. Credibility of the public sector, the Housing Trust, Housing Agency. And 1 refer to the Housing Trust although it is not part of the portfolio, I work very closely and I have the permission of the Minister who is responsible, to in fact, work the policy was the Trust. And of course I had to reposition our housing agency, our primary implementation agency to have said build their credibility as agencies that will provide housing to the lower income sector. And restore some confidence in our people in the low income group so that they can affordable housing solution. (Applause)

I want to report to this House, Mr. Speaker, and I am very happy to say that, that credibility has been established. We have not provided enough yet to overcome the back-log and the problems. We have not yet been able to take charge of all the informal settlements as we would like, but we have done enough to reestablish the credibility of the public agencies. And workers are now calling to enquire where they can find houses because of the rates and the prices we are doing.

I see the staff of the Housing Agency

above me. I can assure this House we get calls asking about houses because we have been able to provide housing, I think at Luana. We have a Starter home one bedroom unit on a 2,500 sq ft lot which sells for under $3 Million, I think it is $2.5 Million. We are in Portmore St. Catherine selling lots for $800,000 and houses, Starter units for under $3 million. And that is the region where we can, our workers can afford to get housing.

In fact, I derive a certain sense of satisfaction when a cashier from the supermarket asked me for a house I sent her to the Housing Agency and they could in fact find something she can afford. She has chosen to wait on other sites but that gave me the kind of satisfaction that we are going right.

We have taken up the challenge of finishing some of the long lost legacy projects at Eden Park in St Mary. (Applause) We are selling the lots at an affordable rate. (Applause) We have gone into...

A MEMBER: Mason Hall.

Mr. WARMINGTON: He did it already.

Dr. CHANG: Mason Hall will come; you will get your water supply. (Applause) We are about to tender Boscobel (Applause); and indeed we have gone and started to attack the informal settlements on the North Coast. The PRIDE programmes that we had to abandon which for over 18 years, title and nothing we have started. In Ocho Rios, Shaw Park is coming on nicely; the people now have decent roads and water supply in the Ocho Rios area. (Applause) No more squatting for these people as more informal settlement.

We have come down to Mount Edgcombe and Belle Air (Applause) and we have gone into Lilliput and Flanker and Norwood and many place elsewhere to deal with the Brownfield settlements. We are for the first time about to attack, you know, Mr. Speaker small projects like that I would like to highlight a little bit. 1951 after Hurricane Charlie the Government of Jamaica built some small temporary units all over Jamaica, I think about eight (8) systems to accommodate victims of Hurricane Charlie. They remain permanent; and to this day they are there and they are in the most deplorable conditions. Some of them in Pagee and Seville in St. Ann and of course Albion in St James. And not by design, we are starting in Albion in St. James to replace those ancient dilapidated decayed system. (Applause)

I want to also say that the Housing Agency, an Agency we took over which was for all practical purposes was bankrupt. We have lost over a few years nearly $10 Billion; I think $8 Billion, of good dollars and didn't have much to show for it. And the company, I remember my Prime Minister looking at me one day in Cabinet and said, how does this company manage to write a cheque? Well this year 19 - 2009, we have broken even and in 2010 we will make a profit of $150 Million.

(Applause)

I not only want to commend the entire Board and management of the Housing Agency, but that money, Mr. Speaker, is not going to be used as profiteering, you know. That is the money that we are going to put back in the social housing, so we need to make the money right.

Indeed, Mr. Speaker, let me bring you to the end of my presentation to say that much of the success we had last year was to a large extent due to collaborative effort, an example joined-up Government when we worked with the National Housing Trust, the National

Environmental Planning Agency, the National Water Commission, the Ministry of Finance, the National Contracts Commission and the National Works Agency to ensure we have gotten through approvals. And this year I can assure this House we will be starting houses all over Jamaica to ensure Jamaicans can get access for housing. The Housing Trust has projects in Kingston, Frome in Westmoreland, Paddington, Stokes Hall in St. Thomas, Bernard Lodge in St. Catherine, Creighton Hall, Longville in Clarendon, Bushy Park in Clarendon, Hampden in Trelawny, Salisbury in St. Andrew, Twickerham Park and many others. And we have demonstrated we can move the approval process adequately along.

And in addition to that, the Housing Agency itself...(Applause) In this time we are working at Berksfield and that is important because we are trying to complete a project which the Venezuelans gave us and they are very upset that it has not been finished. The infrastructure work is finished and we are going to do the repairs to the houses, but they have waited so long. The houses were vandalized and they will be completed during the course of this year.

The Luana Project houses are being delivered, Stadium Gardens, Portmore Villas and in Flanker. New ones will begin in Mona, Lillyford Avenue in St. Andrew, Mineral Heights in Clarendon will begin, this year, Mount Edgcombe in St Ann, Mount Edgecombe 5 will begin, Westmead in St. Catherine will begin, Luana Gardens No. 3 will begin this year, Belle Air 3 will begin, Eden Park will have additional housing during the course of this year, Palms at Portmore is now finished, and of course, we have Melrose Mews and Whitehall 2 in Westmoreland. All of these reflected the effort of the cooperation of agencies that are critically involved in the construction industry, but it demonstrates that if we operate together, we can achieve much and gives credence to the move of the Prime Minister to introduce his One Stop Shop for improving and approving the construction applications.

Mr. Speaker, the Chinese Government indicated the $71.2 Million will provide 3,300 houses over the next three years, largely in St. Ann and St. Elizabeth. In St. Ann, to relieve the pressure on tourism, lack of housing for workers in the tourism sector.

Indeed, during the courses of this year we expect to start some 9,800 units including those 3000 units. The Housing Trust itself has a significant number to start and we intend that during the course of this financial year, we'd for the first time, meet the demand and a target of near 15,000 starts and we'll finish them, I guarantee you, overage required time.

Another project in St. Catherine is Congreve Park, about to begin very soon. In St. James we have Rhyne Park, Green Pond, Shooters Hill in St. Catherine and I mentioned Boscobel in St. Mary before. And you'll see that we are focusing on providing houses that are affordable to workers on the North Coast, in the tourist industry and the Corporate Area, to workers in general service sector. (Applause)

I however want to say, Mr. Speaker, that the Housing Trust will be doing a large project at Ruthven Avenue, but we really don't have enough land in the Corporate Area yet to do what we'd like in the Corporate Area. There's a demand and 1 accept we've not yet settled that - near to satisfying the demand, because the travelling for our average worker, from St.

Catherine to Kingston is difficult, even with the improved road and transport system provided by my colleague in the Ministry of Transport. (Applause) And with the Housing Trust, we are making every effort to find additional lands by acquisition and upgrading of sections of the Corporate areas to ensure we can provide additional housing in the Corporate Area and in the process, reverse the urban decay that characterizes sections of the Corporate Area.

Indeed Mr. Speaker, part of that is that having established our credibility, I'm now in the process of providing adequate numbers of what we term, Greenfield unit, - that is new units - and upgrading significant areas of our informal settlements. And we are in discussions to move to sections of the South Coast, in fact I think work should begin very soon. And two sections of Clarendon, I think it's both Junior Crescent and another major informal settlement out there, we are looking at the South Coast, but there are sections that we have to pay special attention to this year to begin the programme. We'll have to look not only at costings for technology to reduce cost and improve efficiency.

Rural Housing: There is still very poor quality housing in rural Jamaica. And while through the CDF and other social housing we helped with some sheets of zinc and some assistance with boards to at least provide shelter, it's not adequate and it's not satisfactory. We are therefore looking at how we can look at a rural housing programme. We've had discussions on a piece of land in St. Elizabeth to start a model programme and we expect by the end of the year, to have a model programme that can be expanded islandwide

A MEMBER: Hear, hear!

Dr. CHANG: We are in discussion with the UDC on inner city development; and in fact we've looked at some new technologies that could prove very interesting that we'll find an affordable means of developing multi-family units downtown, and also developing rural Jamaica.

So, Mr. Speaker, let me reassure the House and our country, we are committed to finding viable solutions to housing in rural and urban Jamaica. We are working with both the Minister of Agriculture and the Urban Development Corporation, along with our Housing Technical Service Unit in the Ministry of Housing, the Housing Agency and the National Housing Trust, to find a way to ensure every Jamaican can find affordable shelter - every working Jamaican. We still will have to find a way to deal with the social sector who may have no income at all.

In concluding, Mr. Speaker, I just want to point out that what we do have to be placed in a satisfactory policy framework to ensure sustainability.

The second year of my tenure was designed in assessing the sector, looking at policy both in terms of infrastructure, financial institution. And indeed, once we completed that we now have to set about looking at the policy to be put in place. We started out by taking steps to put in place a housing policy. We expected to have concluded that last year, it took more time than we anticipated like many things in government, procurement and other delay set in, but I must say I've seen the final draft, it should be ready in June.

We contracted with the Department of Building and Environment at the UTECH and the Sir Arthur Lewis Institute at the University of the West Indies. They've done excellent

work and we expect to present a policy to the country in June, a policy that could provide the vision, the framework that will enable us to achieve our 20/20 targets of the Jamaica being the most desirable place for residence.

Some of the key proposal will include not only affordable mortgage arrangements, a revitalization of the secondary mortgage market, expansion of the sources of income that we can use to determine eligibility.

Importantly Mr. Speaker, because of the huge informal economy we have. Things like remittances which are not currently recognised, transformation of the existing housing subsidy programme, more extensive use of government land to provide housing both for the public servant and the public at large, expansion revitalization under a new framework of the public/private partnership; provision of special lease housing, shared ownership and shared equity, the possibility of reintroducing reverse mortgages, rehabilitation and maintenance of existing housing stock to prevent the kind of urban decay and urban drift that currently exists, and of course, streamlining of our Land Titling programme, especially in the squatter settlements. (Applause)

In the sector of water, Mr. Speaker, we have set up a technical committee to review the impact of the current policy and we have to look at new directions already alluded to: Restructuring of the National Water Commission capital base, greater emphasis on rainwater harvesting, water and sewerage policy, artificial well recharge and a more effective management of our watersheds. And, of course, to begin the process of mitigation and adaptation to climate change, it will have major impact on our water supply. (Applause)

Mr. Speaker, in this the 21st Century, our people have demonstrated their immense talent in every held of endeavour that any Jamaican has undertaken.

MEMBERS: Hear, hear!

Dr. CHANG: We must allow them to operate in a policy framework that will ensure a basic minimum living standard for all Jamaicans. The provision of shelter and potable water are critical elements in the process and major contributors to the quality of life of our people.

This Government is recommitting itself to provide adequate potable water, supply and expand access to affordable housing for all our people. We will ensure that there must be a sustainable policy framework and an investment - sensible investment policy is established, that leads to the development of healthy, dynamic communities across the entire Jamaica.

Mr. Speaker, we will build communities and improve the lives of all Jamaicans. May God bless our people.

Thank you. (Applause)

MEMBERS: Well done, well done!

Mr. HOLNESS: Mr. Speaker, I'd like to move for the recommittal of the item, 'Questions and Answers to Questions.'

The SPEAKER: Members, the motion before the House is for the recommittal of the item, 'Questions and Answers to Questions'.

Put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS (Recommitted)

Mr. HOLNESS: Mr. Speaker, Question Number 2 is ready for answer, answers are here and I will table them now.

The SPEAKER: Question Number 2, very well. House Leader, just remember 1, 3, 4, 5 and 6 at the next sitting.

Very well, House Leader.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business, I now move that the House do adjourn until Tuesday, May the 25th, 2010.

The SPEAKER: The motion before the House is that this Honourable House do adjourn until Tuesday, 25th of May at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned until Tuesday, the 25th of May.

The House was adjourned accordingly at 3.29 p.m.

TUESSDAY, May 25, 2010

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry and Commerce.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Culture, Sports and Culture.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURANCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann North Western.

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

MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.42 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, we would just like to welcome all the persons attending Parliament this afternoon. And in particular I

see former Senator Chris Bovell. Welcome to the sitting of Parliament, sir. (Applause)

STATEMENTS BY MINISTERS

Mr. HOLNESS: Mr. Speaker, the Prime Minister has a Statement to make.

The SPEAKER: Very well. Prime Minister.

RE: STATE OF EMERGENCY

The PRIME MINISTER: Mr. Speaker, I want first of all to apologise to the House for being responsible for the delay in the start of the sitting. I crave the indulgence and understanding of the House.

Mr. Speaker, the Cabinet took the decision on Sunday to advise the Governor-General to issue a proclamation declaring a state of public emergency for the parishes of Kingston and St. Andrew effective 6:00 p.m. that day. This decision was taken on the advice of the security forces that action had been taken and further action was likely to be liken to endanger public safety.

Over the few days leading up to Sunday, several roads in West Kingston have been barricaded, impeding the movement of pedestrians and vehicular traffic and impeding as well normal police law enforcement operations.

Intelligence gathered by the security forces indicated that in anticipation of the execution of a warrant for the arrest of CHRISTOPHER COKE, heavily armed men were preparing to attack members of the security forces. Intelligence further suggested that criminal elements in other communities intended to launch attack on the security forces in order to divert attention and resources from the focused operations that the situation in West Kingston requires.

On Sunday night a police patrol car was attacked by gunmen along Mountain View Avenue. Two (2) policemen were killed and eight (8) others injured. In the course of the night and yesterday morning several police stations in and outside of the Corporate Area were attacked by armed men using guns and Molotov cocktails. These included those in West Kingston and as far as Rockfort and Spanish Town. The Hannah Town and Darling Street Police stations were set on fire and extensively damaged.

The security forces have moved to bring an end to this spate of lawlessness and to restore order and calm to the affected areas. A joint police military operation was launched yesterday in Tivoli Gardens and surrounding areas. The security forces encountered sustained and sporadic gunfire. In the exchanges that ensued several persons have been confirmed dead including one member of the Jamaica Defence Force and several others, including 12 Jamaica Defence Force soldiers have been injured. The police report that 26 persons are confirmed dead but it is likely that the number is higher.

It is not yet possible to determine the precise circumstances in which these persons were killed. More detailed investigations including eye witness statements will be required and the most thorough investigations will be carried out.

This morning, Mr. Speaker, I met with the Public Defender, MR. EARL WITTER, and the Political Ombudsman, DR. HERRO BLAIR, and requested them to visit Tivoli Gardens today and to conduct an independent assessment of

the operations being carried out by the security forces. They will also seek to verify the precise number of persons who have been killed or injured. I directed the security forces to make the necessary arrangements to facilitate this visit and to provide appropriate security for the Public Defender, the Political Ombudsman and those who accompany them. They are still in the area as I speak and they will brief me on completion of their visit.

I also requested the Red Cross to provide support, including ambulances to transport those who have been injured or are otherwise in need of medical attention.

The Government, Mr. Speaker, deeply regrets the loss of lives, especially those members of the security forces and those of innocent citizens caught in the crossfire. The security forces were directed to take all practical steps to avoid casualties as much as possible and to uphold the rights of citizens innocently caught in the area of conflict.

The operations in Tivoli Gardens are being maintained to allow for detailed search for illegal guns and persons who may be wanted by the police for criminal charges. Several persons have been detained and are being processed.

During this period of public emergency a concerted effort will be made to go after the criminal gunmen in whatever communities they may be ensconced. The violence that has been unleashed on the society by armed criminal elements must be repelled. The operations being carried out under emergency power are extraordinary measures but they are an extraordinary response to an extraordinary challenge to the safety and security of our citizens.

Other measures will have to be employed. I have asked Leader of the House to make arrangements for early debate on the anticrime Bills. We will present to the House proposed amendments to the Bail (Amendment) Act and the Bill to Amend the Constabulary Force Act, to address as far as possible, the concerns that were raised by the Opposition and by civil society groups.

Cabinet earlier today issued drafting instructions for tough anti-gang legislation to more effectively enable the security forces to deal with criminal gangs which are responsible for much of the violent crimes that we are experiencing. This will be brought to the House as soon as the draft is completed.

The Government is aware, Mr. Speaker. that the imposition of a State of Emergency, limited though it is to the Corporate Area, has negative implications in terms of international media coverage and its effect on tourism marketing. It is, however, a necessary measure to address our present challenge and every effort is being made to minimize those negative effects.

The regulations to govern the application of emergency powers were approved by Cabinet today and are being promulgated. These regulations will be tabled in the House next week Tuesday in accordance with section 3, subsection (4) of the Emergency Powers Act and the House will be asked to approve these regulations within the stipulated seven-day period. And I want to give a commitment that I will make available a copy of those regulations to the Leader of the Opposition as soon as it has been finalized. Cabinet approved it today but there is some tidying up work that has to be done. And I will certainly

ensure that a copy of the regulations is sent to her as quickly as possible.

The regulations require the establishment of an Emergency Powers Review Tribunal to review cases of detention or restoration. The Tribunal shall be appointed - the chairman, the Chairman of the Tribunal shall be appointed by the Chief Justice and two other members by the Governor-General. It is expected that the membership of the Tribunal will be announced tomorrow.

The Leader of the Opposition in a letter to me dated May 23 suggested an appointment of an oversight body to monitor the application of the emergency powers. I have considered this suggestion and I agree that it is necessary to maintain independent oversight of these emergency operations. It is however, Mr. Speaker, the view of the Government that the Public Defender, with the statutory powers vested in him, is the appropriate authority to exercise this oversight function and under the law he can engage the services of such other persons as he may consider necessary to assist in carrying out his function. The Political Ombudsman has also opened his services to assist in performing this monitoring role.

Mr. Speaker, in accordance with the provisions of the Constitution, section 26 I believe, the State of Emergency will remain in force for a period of one month unless extended by a resolution of this House or unless earlier revoked. The advice of the security forces will inform our consideration as to how long these measures will be required.

I thank you. Mr. Speaker.

(Applause)

The SPEAKER: Thank you, Prime Minister. Mr. Paulwell.

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

Mr. Speaker, it is the intention of the Leader of the Opposition to make a short statement in light of the gravity of the situation. Unfortunately, the security forces have promised security escort to Parliament and that has been late in coming.

I would certainly like to ask the House if we could give her a further five minutes during which time I am sure some non-contentious questions that the Opposition would like to pose.

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, we have no objection to that. Indeed, we welcome the participation of the Leader of the Opposition. In the meantime, Mr. Speaker, we will take questions.

The SPEAKER: Are there questions? Rev. Thwaites, you have indicated.

Rev. THWAITES: Mr. Speaker, will the Honourable Prime Minister confirm that an international criminal organization known as the **Shower Posse** is located in, and is reported to be behind the criminal unrest in Tivoli Gardens? And if that is so, will he state how the operations of the State of Emergency which he has described in his Statement, is designed to crush that organization and to preserve the peace among the people of Jamaica?

(MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central, entered and took his seat.)

(MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern, entered and took her seat.)

(DR. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, entered and took his seat.)

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

(MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition entered and took her seat.)

The PRIME MINISTER: Mr. Speaker, I am not aware of any such particularity and I certainly have not been so advised by the security forces.

The SPEAKER: Any other question of the Prime Minister's statement? Yes Dr. Phillips.

Dr. PHILLIPS: I notice the arrangements that have been made for the Political Ombudsman and the Public Defender to visit the community, which I think is to be applauded. Does the Prime Minister consider it desirable to have some - more settled arrangement for an oversight mechanism for the operations of the security forces, a structure to which citizens in need or with complaints could for the precise issue of determining the application of the emergency powers could appeal to?

(Cross talk)

(DR. DONALD GLADSTONE RHODD, (PNP), Portland Eastern, entered and took his seat.)

The PRIME MINISTER: If as obtained in 1976, the last time that a state of emergency of this nature - omitting of course the one that was called her the hurricanes in 2007 - if the situation that obtained then obtains now, I would certainly have agreed. But now we do have a Public Defender, whose remit is precisely to protect the fundamental rights of citizens, but most importantly who is vested with statutory powers, so that he can command information, he can summon people in a way that no *ad hoc* body would be able to do. And I do feel that with the existence of the Public Defender and as assertive a Public Defender as we do have, that it would be more appropriate to rely on his services.

As I indicated, he does have the power to engage the services on such terms as may be approved - and those terms can involve no remuneration - he is empowered to engage the services of those persons who he feels can assist him in the discharge of his functions. He was quite responsive this morning when I invited him to meet with me, and suggested that it would be appropriate if he could go into the area. And this goes against the background of numerous complaints that were reaching me and reaching others and reaching the media, some of them quite hysterical, and it was important for us to get an independent authority to go in to see exactly what is happening.

As I have said they are still in there. I have been not been briefed by them. But I do feel that perhaps we need to build that oversight effort around the Public Defender, because of the statutory powers that he has.

Dr. PHILLIPS: Prime Minister, I understand that to mean that should he require for this specific period, additional staffing or resources that those would be made available.

Might I ask...again, my apologies for not having been here for the entirety of your statement. Does the Government consider it necessary in light of the tremendous amount of international attention that has been brought to Jamaica in this, to establish some special

media centre or operation which could facilitate...

(Inaudible comments)

Well, for international and for local. Because I think the danger that we face is that rumours become fact and there is no ready place from which to sift fact from rumour. Does the Government have that under consideration?

The PRIME MINISTER: The Member is perfectly correct. We have taken steps to establish that mechanism. I met only briefly with them this morning. But I know that they had a long extensive meeting.

We have drawn in all of the communications expertise we have within the Government and from outside the Government. I'm advised that a media centre, a media unit is being set up that will operate from 9.00 in the morning until 9.00 p.m. in the evening. It is being anchored by the head of JIS, MRS. DONNA-MARIE ROWE. But it is drawing on many other resources. The Ministry of Tourism and their communications people were there. The Ministry of Foreign Affairs are involved, the police and the military. So that is being set up and will go into operation by this afternoon and should be in full operation certainly by tomorrow.

The SPEAKER: Mr. Clarke.

Mr. CLARKE: Prime Minister, you announced some new initiatives in terms of crime fighting and anti-gang legislation and all those kinds of things. Have you set timelines as to when some of those things will be put in place?

The PRIME MINISTER: Yes, there are timelines, not, of course, cast in concrete because they presume I certain expeditiousness in the passage of legislation and in the preparation of legislation. I have asked the Leader of the House to make arrangements for us to commence debate on the six (6) Anti-Crime Bills next week.

We have taken note of the concerns that were expressed by the Opposition in relation to two of those Bills. Those were the two Bills that we were seeking to secure passage under section 50 of the Constitution. We have sought to address those concerns. It is yet to be seen whether or not they will satisfy all of the persons who raised those concerns. And I will certainly want to share with the Opposition spokesman on National Security the proposed changes to those two Bills. We want to commence debate on those next week. And I hope that we will be able to secure passage of them as quickly as possible.

The Anti-Gang legislation is not yet in drab form. As I indicated, Cabinet only authorized it this morning and issued drafting instructions. It is a challenging piece of legislation on two counts. Firstly, we're breaking new ground but we're not inventing the wheel. We're able to draw on similar legislation that exists in some comparable jurisdictions.

There are two that I have looked at that I think are very relevant to our situation. That is the Canadian Anti-Gang Legislation and the Irish Anti-Gang Legislation. So, there is a lot that we can draw on to expedite the process.

But we are going to have to get that Bill drafted, take it through all of the technical stages and get it here. I would prefer not to give a finite timeline on that until we get the drafting process underway.

So, I'm hoping that we can, before we break for summer, that we can take the Crime Bills through all of their stages and have those brought into law well before the summer

break. I wouldn't guarantee that we'd be able to get the Anti-Gang Legislation into Parliament and through Parliament by then. But we certainly will make every effort. If we can get the Bill itself drafted and brought to Parliament, then we can take that up after the summer recess.

The reason why I say that is because that is raising some critical questions. We are cutting now very close to the line of fundamental rights, the rights of association and so on. But ever since 9/11, countries that are not known to be countries that figure on human rights watch, have found it necessary to take measures that they would not otherwise have even contemplated. But in the face of a new kind of violent terrorism, have had to take extraordinary measures. And Jamaica is going to have to do the same. And I hope that we can come to some consensus on that. And that in an effort to respond to what is an extraordinary challenge that we face, that we don't get lost in controversy.

The SPEAKER: Mr. Hylton.

Mr. HYLTON: Mr. Prime Minister, have the security forces indicated whether the manpower needs of the Forces at this time is sufficient to meet the threat posed to it? And if not, is the Government prepared to consider the invitation of external supplementary forces, if that becomes necessary, and what is the trigger for that decision?

The PRIME MINISTER: The Security Forces have assured me that they have adequate manpower. There are weaknesses in terms of areas of equipment, resources and so on. We have addressed some of those needs within the last ten (10) days and other steps have been taken and other arrangements have been put in place to continue that process. As to whether or not we are proposing or would contemplate seeking external assistance in terms of personnel, the answer to that is absolutely emphatically no.

The SPEAKER: Dr. Davies then Mr. Fagan. Mr. Paulwell.

Dr. DAVIES: Prime Minister, given your announcement in your national broadcast in terms of the Government's decision to proceed with having the Minister of Justice sign the document, the extradition, is the apprehending of Mr. Coke one of the objectives of the forces in entering Tivoli?

(Inaudible comments by the Prime Minister)

Dr. DAVIES: Of the Security forces?

The PRIME MINISTER: The Security Forces have certainly advised me that they are intent on executing the warrant. And I'm sure that they will continue to make every effort to do so.

The State of Emergency while related to the build-up and the threat to public safety, not unconnected with the anticipated execution of the warrant, is not being confined to that episode because there's a general problem of criminality, lawlessness and the kind of criminality that is not unwilling to confront and challenge the institutions of authority in the State. And those have to be responded to and they have to be responded with the appropriate authority and with the appropriate force.

The SPEAKER: Mr. Fagan.

(Inaudible comments by Mr. Fagan)

The SPEAKER: Okay, very well.

Mr. PAULWELL: May it please you Mr. Speaker, the leader of the Opposition will now do a short Statement and we will supply you with a copy of it momentarily.

The SPEAKER: Very well.

Mrs. SIMPSON MILLER: Mr. Speaker, Members of this Honourable House, sorry I was not here for the Prime Minister's statement but I'm sure some explanation was given earlier.

I stand today as Leader of the Parliamentary Opposition to address the thoughts and concerns of so many Jamaicans here and abroad in the wake of the recent events unfolding in Western Kingston.

These events over the last few days represent a serious catastrophe for Jamaica and have resulted in the declaration of a State of Emergency. They could have been avoided. But all of us must now take this as an opportunity to rid the society of a cancer that has befallen us over time. There has to be a long term objective otherwise the sacrifices of the present will be lost.

The State of Emergency must be a vehicle not simply used for the service of a warrant on one man, important though that clearly is, but it must be to ferret out the illegal guns which the society knows are prevalent in so many areas of Jamaica.

(Applause by Opposition Members)

What is happening today is a threat to our democracy and undermines the entire foundation of decency upon which this country has been built. This is a time of crisis and summons every patriotic Jamaican to use his or her sphere of influence to bring about a transformation in how our politics operates, how governance is managed and importantly, how we as a people organize our lives. The fundamental core, Mr. Speaker, the fundamental core values must be our compass.

(Applause by Opposition Members)

We are prepared to be an integral part of that process. The Opposition salutes all the brave men and women who have sacrificed much through action, injury and death in defence of the rights of all law-abiding citizens…..

(Applause by Opposition Members)

…have the opportunity to live and go peacefully about their business, notwithstanding the threat of organized criminal militias.

I pause to extend condolences to family members, members of the Jamaica Constabulary and the Jamaica Defence Force, and also to the decent peace-loving people of Western Kingston who suffered as a result of the action that had to be taken.

We urge the Security Forces to respect the rights of every citizen and to act always in accordance with our laws. The rule of law cannot be abandoned.

In the prevailing circumstances, Mr. Speaker, everything should be done to protect the innocent persons in the Tivoli Gardens and adjoining communities who have been held...

(Applause by Opposition Members)

…in a way that they themselves cannot determine where they go, when they move or where at this time.

For this reason we propose that an appropriate oversight mechanism and 1 want to pause to thank the Prime Minister for accepting my recommendation in a letter to him, but I'd also like something to be established that would be accessible to members of the general public who may have complaints of abuses of the emergency powers and those who may have special needs.

We are particularly concerned, Mr. Speaker, that the children, the elderly and persons with disabilities have had to undergo extreme difficulties and who need to be relieved by appropriate emergency services.

(Applause by Opposition Members) And we are asking that some special attention be given to the children, senior citizens and persons with disabilities and those who might be in need of some kind of emergency assistance.

The current episode of violence centred in the West Kingston communities, Mr. Speaker, in the West Kingston communities but with direct coordination and connections with criminals elsewhere represent a fundamental challenge to the existence of the Jamaican State, the Rule of Law and our democracy. And we repeat our call to all well-thinking and law-abiding Jamaicans to give support to the security forces as they confront this dangerous and unprecedented threat.

There is no doubt that the mayhem that has ensued need not have reached these proportions had the extradition matter been handled differently. Now, however, Mr. Speaker, it is not the time to engage in that debate. All of us must be hurting deep down and our hearts must be going out now to members of the security forces and the peace-loving and law-abiding citizens of Western Kingston. And so, it is not time to engage in that kind of debate, especially when our women, children, the elderly are having their lives disrupted and the economic circumstances further worsened by this criminal onslaught.

Mr. Speaker, at the appropriate time, we will place on the parliamentary agenda a motion to make those responsible accountable for their actions.

(Applause by Opposition Members)

But what all of us need to do right now, Mr. Speaker, is to ensure that there can be calm and for us as leaders to offer hope to the Jamaica people and to let them know all is not lost and something is being done and will be done.

Jamaicans will have to take the opportunity once the immediate conflict has subsided, Mr. Speaker, to define a new path and demand higher levels of accountability of those who serve in public life.

(Applause by Opposition Members)

We have already taken steps as a party to ensure that no criminals will find protection in our ranks.

(Applause by Opposition Members)

It bears repeating, that much more will need to be done, not only by ourselves but by all elements in society to ensure that not only the officials of the State but also members of civil society be held to the highest level of accountability so that criminals will find no solace anywhere.

We again, Mr. Speaker, place on the agenda . . .

(*Sotto voce* comments by Government Members)

(Opposition Leader stopped talking and stared at Government Members)

The SPEAKER: Continue Leader of the Opposition, please.

Mrs. SIMPSON MILLER: Mr. Speaker, we again place on the agenda the call for public disclosure of sources of political funding and expenditures of political parties.

Thank you.

(Applause by Opposition Members)

The SPEAKER: Two statements have been made in the House, from the Prime Minister and the Leader of the Opposition. At this time, I don't know if Members are finished with their questioning?

(*Sotto voce* comment by Opposition member)

The SPEAKER: You would like - no, one second. And questions can be asked of both persons. Yes, Dr. Guy.

Dr. GUY: I yield, sir.

Mrs. HAY-WEBSTER: Mr. Speaker, I wish to ask the Prime Minister. Considering the rate of attacks in the Spanish Town and Portmore areas where many lives have been lost since last night, including three children by drive-by shooting, one year old child included in that, is there any consideration of the extension of the boundaries of the State of Emergency to include possibly Portmore and Spanish Town, because of the rate of violence that is escalating in those communities. I plead on behalf of the persons affected in those communities, Prime Minister.

(Applause by Opposition Members)

The PRIME MINISTER: It was not considered initially when the focus was on areas of concern as defined by the intelligence that the security forces had. I take note of the events that you have referred to. It is a matter naturally that we would have to consult with the security forces about, not only in terms of the need, but also in terms of the capacity to maintain the kind of intensity that would be required in an area that is subject to emergency powers, but I certainly will undertake to consult the security forces on the matter.

The SPEAKER: Dr. Guy.

Dr. GUY: Thank you, Mr. Speaker. Prime Minister, in light of the attacks as has been reported in the media that the hospitals, especially KPH and Bustamante seem to be coming under, are there any special provisions being made to provide extra security for those?

And secondly, in response to the question from the Member from St. Andrew Western, you said that in terms of external assistance where personnel is concerned, you said an emphatic, no. Are we to understand therefore, that there are other assistance being sought outside of personnel?

The PRIME MINISTER: That there are?

Dr. GUY: Other type of assistance outside of personnel?

The PRIME MINISTER: On the first one, I was briefed late yesterday afternoon by both the security forces who are actually on the ground, as well as by the Chairman of the South Eastern Regional Health Authority. It's not so much that the hospital is under attack, it is that the hospital is located in an area where there have been engagements between the police and criminal gunmen, and it naturally puts the hospital in a state of insecurity.

We have taken steps. Certainly the security in the hospital is adequate and if it needs to be beefed up further that will be done. But it does create trauma. And there are particular floors, I think particularly on the Victoria Jubilee end, that are particularly exposed, and some arrangements had to be put in place to ensure that there was nobody there who might have - no patient that might have been injured, and these are all maternity

patients. But the Chairman of the Regional Health Authority, the Minister of Health can just give me a nod to confirm as indicating that he is comfortable with the situation. Naturally we want to see a complete restoration of normality, but the people who are in the hospital are not in danger. Our biggest challenge is people going to and from the hospital and any dangers to which they may be exposed.

On the second question. We are getting significant technical and resource assistance from multilateral partners. We are getting that assistance through various agreements that exit between us and that assistance is particularly elevated at this time because of support we need, not only in terms of resources but also in terms of intelligence capabilities. So that is in place. What I was very emphatic about is the question as to whether foreign law enforcement agents could be on Jamaican soil exercising law enforcement powers, because I am not sure myself how that would be done in law and what would be their authority to do so. And apart from that, whenever a State has to resort to that kind of assistance, there are certain implications of that that I would never want to be visited on Jamaica.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, the reports from various sources, official sources in the United States indicated and were reported yesterday that Jamaica is being considered as a Narco state, can the Prime Minister comment as to the . . .

(*Sotto voce* comments by Government Members)

Rev. THWAITES: ...those reports connected this with the affairs in Western Kingston and the state that has emanated from that, the State of Emergency. Will the Prime Minister comment on the validity or otherwise of this and comment also on the efforts being made to prevent the description and the perceived reality of Jamaica's character as a Narco state?

The PRIME MINISTER: I am not aware of the specific report; I will accept the Member's account of what the report says. I reject and repudiate them absolutely.

(Applause by Government Members)

There has been a great deal of sensationalism, a great deal of misinformation. Some very hyperbolic headlines have been given, unsupported by any evidence or any report from any official authority in the Government. We have to be concerned about the impression that it conveys. We have to be concerned about the damage that it does to Jamaica's good name.

I do feel that we, perhaps more than anyone else, have a responsibility to ensure that we don't provide the energy for that sort of sensationalism.

(Applause by Government Members)

Rev. THWAITES: Mr. Speaker, would the Prime Minister agree that that energy of which he speaks, in repudiating such remarks would be most persuasively evidence if the Member of Parliament for Central Kingston could state unequivocally that to his certain knowledge, there is no proliferation of drug exports emanating from that area and that the reports given and now sworn to in the affidavits of the Attorney General and others in the existing court proceedings, are wrong, false and are to be refuted?

(*Sotto voce* comments by Government Members)

Government MEMBER: Ask Zekes that question.

The PRIME MINISTER: Mr. Speaker, Jamaica faces, Jamaica faces a major drug problem. That is nothing new. That's not the stuff of which headlines are made. We have for many years, many, many years been included in the US list of countries designated to be major transshipment point for drugs entering the United States. And I will say more, Mr. Speaker. It is not something that has any political or geographical definition. I am sure that we have a drug problem in West Kingston. I am sure there is a drug problem in Central Kingston . . .

(Applause by Government Members)

…and in many other constituencies. And I think we do a disservice to what this particular problem requires in terms of our response if we start to define it in terms of constituency boundaries.

(*Sotto voce* comments by Government Members)

It is wrong and it is unworthy.

(*Sotto voce* comment by Mr. Warmington)

The SPEAKER: (Gavels) Okay, enough, enough.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Yes...

Mr. PAULWELL: Mr. Speaker, it has been reported that we would have tabled a motion today, but certainly in light of the prevailing situation in the country and so that both Government and Opposition can show a display of unity as we go forward in combating the criminal elements in our society and to support our security forces, we will not today pursue with that motion.

The SPEAKER: Very well.

PUBLIC BUSINESS

The SPEAKER: House Leader..?

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. I therefore move that the House do adjourn until Tuesday the 1st of June, 2010 when we will resume our sitting.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Tuesday, the 1st of June, at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House accordingly adjourned its sitting at 3:32 p.m. to Tuesday, 1st June, 2010 at 2:00 p.m.

TUESDAY, June 1, 2010

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

PEARNEL PATROE CHARLES CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Culture, Sports and Culture.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in

the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

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

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Mr. Gregory Mair.

The House resumed its sitting at 2.28 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

STATEMENTS BY MINISTERS

The SPEAKER: Mr. Holness.

STATE OF
EMERGENCY/CORPORATE AREA

The PRIME MINISTER: Mr. Speaker, the House is aware of the joint Police Military operation carried out in West Kingston following the declaration of a State of Emergency in the Corporate Area on Sunday, May 23. The security forces were engaged in intense gun battle with criminal elements resulting in a large number of casualties. One soldier was killed and 30 other soldiers injured. The bodies of 73 civilians were recovered during the operation. A smaller number of persons were reported to have been injured, the majority of whom have been treated at hospital and discharged. Forty-seven guns and over 10,000 rounds of ammunition have so far been seized.

(MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition, entered and took her seat.)

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

As I stated to the House last Tuesday, the Government deeply regrets the significant loss of lives. Proper investigations will be carried out to determine the circumstances in which so many persons were killed and in respect of each instance, whether it was justified in law.

(MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, entered and took his seat.)

(HON. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of transport and Works, entered and took his seat.)

PUBLIC DEFENDER IN TIVOLI

The Public Defender has established an office in Tivoli Gardens to receive complaints and reports, to record statements and conduct appropriate investigations. The Public Defender is also in the process of engaging independent forensic pathologists to observe the conduct of autopsies as part of his investigations. The Government has assured him that the required resources will be provided to cover the cost of these and other initiatives he decides to undertake. The need for a Commission of Enquiry will be considered by the Cabinet.

The security operation has left the law-abiding citizens of West Kingston traumatized, some of them bitter and angry. I ask them to understand that the efforts that must be made to root out criminal elements that have embedded themselves in these and many other communities will, at times, be traumatic. Gunmen who no longer flee when the security forces approach but confront them with vicious firepower must, themselves, be confronted with the full force of the law. The time for equivocation is over. (Applause)

The security forces were and remain instructed to take all possible precautions to avoid loss of life or injury, especially to

innocent citizens. The investigations being carried out will help to determine the extent to which that objective was achieved in this particular operation.

(DR. DESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North, entered and took his seat.)

(MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western entered and took his seat.)

ODPEM/RED CROSS/RELIEF COMMITTEE

During the initial phase of the operation when residents were confined to their homes, arrangements were made through ODPEM, the Red Cross, the Deliverance Centre and the Relief Committee of the Jamaica Labour Party to provide food and other basic necessities to families in West Kingston. I thank them all and the members of the private sector who donated to these efforts. Arrangements were also made for those in need of medical attention, whether arising from injury or other causes, to be attended to. Special arrangements were also made for examination students to be transported to their examination centres.

(MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, entered and took his seat.)

POLICE POST ESTABLISHED

The operation is still continuing and the security forces have been able to stabilize the area, such that residents are once again able to go about their business, subject of course and of necessity, to random security checks. The police and military are maintaining a strong presence in the area and will at the appropriate time, transition to normal community policing mode. A police post is being established within Tivoli Gardens and will provide a hub for building a new, positive relationship between the residents and the security forces.

SURVEYS OF DAMAGE/ASSISTANCE

A team of investigators from the Social Development Commission and from the Ministry of Labour and Social Security is conducting surveys to assess the damage or loss suffered by householders as a result of the operations and efforts will be made to provide assistance to them. Clinical psychologists and social workers will also be deployed to provide counseling to those who are still traumatized, especially children and the elderly.

Painful as this operation has been, Mr. Speaker, it marks a turning point on the prospect of a new era of re-socialisation and re-integration of the communities of West Kingston. It will require considerable effort and goodwill. It will require the support of State agencies, the private sector, the church community and non-governmental organizations. It represents the hope, not just of West Kingston, but of many other communities across the island and, indeed, the hope of Jamaica.

The operation carried out in West Kingston involves more, much more than an effort to execute a warrant of arrest on Christopher Coke. That may have been the catalyst but it is more than that. It is the beginning of a concerted effort to dismantle the aggressive criminal networks that have embedded themselves in communities in many urban areas and even in some rural

communities. (Applause) It is a campaign that will be sustained and intensified. (Applause) It is a campaign that will target criminal gangs wherever they exist irrespective of their political alliances (Applause) or whether they have any such alliances.

Mr. SHAW: That's right.

The PRIME MINISTER: There are credible indications, Mr. Speaker, that the crime bosses and their followers in West Kingston and elsewhere, perhaps for the first time, are shaken. (Applause) They must not be allowed to return to complacency. This effort must be sustained. It may be a long haul but there must be no letting up. (Applause)

ANTI-CRIME BILLS, ETC.

I have already spoken about the legislative support that we are asking Parliament to provide to this effort. Beginning tomorrow we will seek approval for the six Anti-Crime Bills. Anti-gang measures which we intend to be part of a new Organised Crime Act as well as DNA legislation, amendments to the Evidence Act and Jury Act and the provision of limited statutory powers to members of the Jamaica Defence Force are additional measures to be brought to Parliament.

MEMBERS: Hear, hear.

The PRIME MINISTER: Rooting out the criminal networks and changing the culture of garrison politics cannot be achieved purely by law enforcement efforts. This is a necessary part of the process, but it has to be accompanied by a programme of transformation to fill the space now occupied by dons and crime practitioners, to provide for the people in these vulnerable communities a new pathway of hope and opportunity. (Applause) The State, Mr. Speaker, must reassert both its authority and its responsibility in these communities.

MEMBERS: Hear, hear!

The PRIME MINISTER: But it must be a helpful, not a hostile, State.

The PIOJ is spearheading the development of a programme to support this effort. It is a cross-cutting, multi-agency approach. The team has prepared a broad framework which was outlined to me yesterday and is being further developed and refined as a matter of urgency. We hope to engage the private sector and the non-governmental organizations as partners in this endeavour. The people of the respective communities must be at the centre of both the planning and the execution of this plan. (Applause)

It will require, Mr. Speaker, resources far beyond those that are currently available. Yesterday I also met with representatives of multilateral and bilateral agencies to enlist their support. (Applause) I was extremely encouraged by their response and the appropriate submissions are being prepared for their consideration.

It is an effort as well, Mr. Speaker, that needs bipartisan support.

MEMBERS: Yes.

The PRIME MINISTER: Recent statements by the Leader of the Opposition are reassuring. I sought to meet with her yesterday to discuss the approach, but unfortunately she was unable to keep the appointment.

(*Sotto voce* comment by Government Member)

The PRIME MINISTER: I hope to be able to discuss the matters with her as early as possible.

Mr. MONTAGUE: Very important.

The PRIME MINISTER: The events leading up to the State of Emergency may well provide a catharsis, a compelling opportunity for us to move boldly to tackle the scourge of organised crime and gangsterism that has reached endemic proportions. It is an opportunity that must not be allowed to pass. Our experience tells us that it is a moment that must be seized if we are to transform Jamaica into a place where we will want to live, work, raise our families and pursue and achieve the happiness that our people deserve.

I thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Thank you, Mr. Speaker.

The SPEAKER: Turn on your mike please.

Mr. BUNTING: It is on.

Mr. Speaker, the Opposition wishes to express support for the lawful actions of the Security Forces in this operation, and of course, our sympathies to all those who have lost loved ones. We also express support for the efforts of the social agencies to help in the rebuilding of Tivoli Gardens.

Mr. Speaker, the Prime Minister referred to the six (6) Anti-Crime Bills in his statement, and he also referred to the need for bi-partisan support. That is the spirit in which the origin of those six Anti-Crime Bills were conceptualized, and I hope it is the spirit in which we can carry them through to passage. It is not, however, consistent with a statement coming from the House Leader yesterday, who spoke of wanton hypocrisy.

I would like to ask the Prime Minister, in light of his commitment last week Tuesday in this House, to send copies of the Bills to me, as Opposition spokesman, and the fact that it has not occurred up to now, and the fact that even as we sit now there are no Bills on the Table of the House, can the Prime Minister assure us that when these Bills are eventually tabled, the Opposition will be given time to peruse the Bills, particularly since all six (6) were intended to be companion measures and have been treated as a package up to this point, and two of them have been substantially reworked, from our understanding. Will the Prime Minister agree that we will not just come here and have them tabled one day and debated same time?

The PRIME MINISTER: Mr. Speaker, I think the problem really originated when the Opposition, in a statement released yesterday, misspoke. There are six (6) Bills which were referred to a Joint-Select Committee. The Joint-Select Committee considered them and submitted a Report in December of 2008. As a result of the concerns that were expressed, both by members of the Committee as well by various organizations and individuals that appeared before the Committee, we took the decision to redraft two of those Bills. The redrafted Bills I had hoped would have been here today. I did have pre-copies of those Bills which I would have handed to the Leader of the Opposition if we had been able to meet yesterday. But the intention for today was to commence the debate on the other four.

The Joint-Select Committee Report which has been before the House from December the 10th, 2008 - that's almost a year and a half, and, therefore, there could be no justification for not commencing the debate on those two; and the debate on the two re-drafted Bills, which the Opposition is entitled to see before

commencement of the debate, would have been presented and the debate on those would take place in due course. I am hoping that we can start the process tomorrow.

NO CONFIDENCE VOTE

Let me just draw an irony though, Mr. Speaker. We are anticipating that in the course of the sitting today a vote of No Confidence - motion of No Confidence is going to be tabled. The Opposition has insisted that it must be debated today, which would be unprecedented, not only in Jamaica, but in any Commonwealth Parliament that l am aware of, that a No Confidence Motion is tabled and debated the same day that it is tabled. And yet, I told the House Leader we are prepared to have the debate today, provided we could see yesterday afternoon the text of the resolution.

Mr. SHAW: Reasonable.

The PRIME MINISTER: The text of the resolution was not made available to us until noon today, that's less than three hours ago. And yet, contrary to normal Parliamentary procedure, bearing in mind that Standing Orders require that when you move a resolution, you move that at the next sitting of the House...

Mr. SHAW: That right. No! No!

The PRIME MINISTER: ...and, therefore, we will have to move suspension of the Standing Orders to allow us to take it today. But this side of the House stands ready...

Mr. SHAW: We going tek it!

The PRIME MINISTER: ….to take that resolution today.

Government members applaud) (Heckling/*Sotto voce* comments)

The SPEAKER: Mr. Kellier.

Mr. KELLER: Mr. Speaker, this resolution that we are bringing rises to a very high priority.

The SPEAKER: Yes, but why are...

Mr. KELLIER: However, Mr. Speaker...

The SPEAKER: No, why are we dealing with it now?

Mr. KELLIER: However, Mr. Speaker, if the Government...

The SPEAKER: What's the point now, what's the point?

Mr. KELLIER: The Prime Minister just raised the matter. So I am saying to the Leader of Government Business that if it is that the Government is not prepared to take that motion today...

Government MEMBERS: No, No! Rubbish!

The SPEAKER: No, no!

Mr. KELLIER: We will be prepared to debate it tomorrow.

Mr. HOLNESS: Mr. Speaker...

The SPEAKER: No, they say they are ready. They say they are ready.

Mr. KELLIER: Well, we are ready to do it today.

Mr. HOLNESS: Mr. Speaker, may l remind you Mr. Speaker, that we are on Statements...

The SPEAKER: No, they say they are ready. Statements, then.

Mr. HOLNESS: ...and the matter raised by the Leader of Opposition Business is irrelevant to the matter raised by the Prime Minister.

The SPEAKER: That is correct, House Leader, that is correct.

Mr. Harris, Mr. Harris.

Mr. BUNTING: Mr. Speaker...

The SPEAKER: No, Mr. Patrick Harris had indicated.

Mr. BUNTING: Mr. Speaker, with respect l wasn't finished.

The SPEAKER: Mr. Patrick Harris not ready, Mr. Bunting go ahead. Mr. Harris has lost his place.

Mr. BUNTING: Mr. Speaker...

The SPEAKER: You have lost your position, Mr. Harris. After Mr. Bunting, Dr. Phillips.

Mr. BUNTING: Mr. Speaker, I don't believe the Prime Minister would be suggesting that because I mentioned bi-partisan support, that we should thus not deal with issues of accountability for our behaviour and our performance.

(Applause)

Mr. WARMINGTON: You don't know what that means.

Mr. BUNTING: But the time will come for that.

Mr. SHAW: Tek you hand out of you pocket! (Laughter)

Mr. BUNTING: Mr. Speaker, I wish to ask the Prime Minister...

The SPEAKER: Mr. Shaw, please! (Laughter/*sotto voce* comments) (Applause)

EXTENSION OF STATE OF EMERGENCY TO ST. CATHERINE

Mr. BUNTING: Mr. Speaker, last week the Member for South Central St. Catherine raised the issue, in fact, made a recommendation for an extension of the State of Emergency to the parish of St. Catherine. Would the Prime Minister say whether the Police High Command, the Commissioner of Police or the Chief of Defence Staff, have recommended to the Government to extend the State of Emergency to St. Catherine?

The SPEAKER: No, but Mr. Bunting, is that a relevant - when I say relevant, is it appropriate to say... (Cross talk)...is it appropriate in a matter like this...(Cross talk) You know, in all sincerity, is it appropriate for the Prime Minister to say on matters of national security, to reveal in this Parliament recommendations given by the Security Forces?

Mr. BUNTING: Mr. Speaker...

The SPEAKER: I think, Mr. Bunting, with due respect, a better position could be, having taken advice, have you - has the Cabinet decided one way or the other?

Mr. BUNTING: I will reword the question, Mr. Speaker.

Given the suggestion last week of the Member for South Central St. Catherine, to extend the State of Emergency, the Prime Minister then replied that he needed time to consider it. Would the Prime Minister inform this Honourable House of the decision that has been taken on that matter by the Cabinet?

The PRIME MINISTER: Mr. Speaker, no decision has yet been taken. A decision to impose or to extend a State of Emergency would have to be taken after consultation with the High Command of both arms of the Security Forces. So far, I have not received a request or recommendation from the - from both arms of the Security Forces for any such extension. But the matter will remain under advisement, and such time as the Security Forces do make such a recommendation, the appropriate consideration will be given by Cabinet.

Mr. WARMINGTON: That is the sin of Sally. (Laughter)

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, the Prime Minister speaks that we are engaged in a concerted effort, following last week, to dismantle the aggressive criminal networks, a laudable undertaking, no doubt. Can the Prime Minister indicate why that campaign did not reach intensity before last week?

Mr. MONTAGUE: Why you never dweet?

(Cross talk)

Mr. PERALTO: Why didn't you do it?

The SPEAKER: Members! Members! Members! But, Dr. Phillips, is that the question? Why...

Dr. PHILLIPS: I want to understand specifically, in the light of - let me just say something fast, Mr. Speaker. If...

(Heckling)

The SPEAKER: Members! Members, allow the Member to ask the question.

Dr. PHILLIPS: Mr. Speaker, it cannot be both ways. If there is a serious effort to confront a real problem of crime in the country, then it really does not make sense that every issue arising, we make it into a source of invective and abuse. Let us have a discussion, there are issues.

Mr. SHAW: All right, stop the lecturing now, just ask the question!

Dr. PHILLIPS: Well then, be quiet!

Mr. ROBERTSON: Ask the question!

Dr. PHILLIPS: The questions that arise...

Mr. SHAW: And why you never ask it in your time?

(Cross talk)

The SPEAKER: Members! Members! (Gavelling) Go ahead, Dr. Phillips, ignore the comments and ask the question.

Dr. PHILLIPS: Mr. Speaker, I have that question for the Prime Minister. Why was it that - what occasioned - if there was anything other than the issue in relation to Mr. Coke which occasioned this... (*Sotto voce* comments) I will wait until they are finished, Mr. Speaker - this campaign.

Mr. SAMUDA: Police recommendation.

Dr. PHILLIPS: The second question, the second question I would like to ask the Prime Minister...

(*Sotto voce* comments from Mr. Peart)

No, you is a complicity.

The second question, Mr. Speaker, is what other - the Prime Minister speaks of a campaign that will be sustained and intensified, and I believe all well-thinking Jamaicans would applaud such a campaign.

Dr. BARTLETT: Well, you didn’t applaud it though.

(*Sotto voce* comments)

The SPEAKER: Allow the Member!

Mr. WARMINGTON: Is CIA!

Dr. PHILLIPS: Mr. Speaker, can the Prime Minister indicate - if it is possible at this point - what other elements does he envisage to form part - what other activities, actions, measures that would form part of the campaign?

The SPEAKER: Why don't you allow him to answer those first two?

Dr. PHILLIPS: Okay.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, as far as the first question is concerned, I indicated already that the determination and

the efforts of the Security Forces to execute an arrest warrant on Christopher Coke, was a catalyst. And I have acknowledged that. And 1 don't believe that that acknowledgement needs to be beaten into the ground by cynicism.

The operational, strategic decisions of the Security Forces are that of the Security Forces, not of either the Minister of National Security, myself, or the Cabinet.

It was on Sunday morning, at approximately 10:00 am. that the heads of both branches of the Security Forces approached me and requested that a State of Emergency be imposed. I convened an emergency Cabinet meeting four hours after that, at 2.00 o'clock that afternoon, and by 4.00 o'clock we conveyed to the Governor-General our advice for a Proclamation to be issued. It is within that context that the Security Forces who have been strategising for a long time as to the approach that needs to be taken to deal where these vicious criminal gangs, took a decision that – have taken the decision and have operationalized that decision, that they have mounted a campaign which they themselves have said to me, providing they can get the support in resources, in commitment, moral support, political will from the Government, they are going to continue that fight right across Jamaica. (Applause)

Mr. D. SMITH: That is correct.

The PRIME MINISTER: It is perhaps for a variety of reasons appropriate that it began in my constituency. (Applause)

(*Sotto voce* remarks by members)

The PRIME MINISTER: I have every reason to expect that it will not end there. (Applause)

The SPEAKER: Dr. Phillips.

(*Sotto voce* remarks by members)

The SPEAKER: Listen, Members, there is no need for these abusive and provocative comments. (Applause)

Mr. D. PEART: Thank you!

Dr. PHILLIPS: Mr. Speaker, I don't know if I could - the Prime Minister has touched on one element of the question that I am…

The PRIME MINISTER: Yes, I am sorry. You had raised another question. I am sure you will appreciate that insofar as those operational strategies are concerned, not only would I not be prepared to divulge them if I knew, but I don't know. What are the other elements of this strategy are determined by the security forces. They will advise me at the appropriate time, particularly in relation to whatever support they need from the government, but that is something entirely within their remit and that is something that I have every confidence in the leadership of the security forces that they will discharge impartially and effectively.

Dr. PHILLIPS: Mr. Speaker, maybe I wasn't sufficiently clear. I wasn't asking the Prime Minister to divulge operational details of the security force effort but by his own admission it is going to have to involve, for example, the social intervention component.

He has spoken of legislative components. I was seeking to enquire if there had been any thinking about what the near term alongside this and secondly, to secure from the Prime Minister some idea of whether this activity will extend beyond the Kingston and St. Andrew area.

The SPEAKER: He said, yes, though, Dr. Phillips.

(*Sotto voce* remarks by members)

Dr. PHILLIPS: You now, Mr. Speaker, without in any way trying to belittle the sincerity, this approach demeans the seriousness of the problem that the country confronts… (Applause)

(*Sotto voce* remarks by Mr. Charles)

Mr. D. PEART: Pearnel, Tek out di ting out a yuh ears . . .

Dr. PHILLIPS: …whether there are other parishes, for example, that have become central. A State of Emergency is not the only tool that is available and whether there is going to be in all its facets the same - an attention paid; because for the obvious reason that, not only do they constitute a problem, but the possibilities of those who are of interest fleeing elsewhere raises this as a question?

The PRIME MINISTER: I understand the drift of your question. The answer is, yes, there are a number of other components of the programme. I mentioned the social intervention efforts which I think are absolutely critical, otherwise you do one of two things, you either create space in which new monsters will emerge or you leave a community totally desolate and therefore it is critically, critically important and that's why we have been moving as fast as we have been to try to put that programme - not inventing the wheel all over again because we have a number of programmes, the CSJP, for example, and other programmes. The basic needs programme of JSIF which are geared towards that. What we are seeking to do now is to have it calibrated in a more direct way with the anti-crime efforts. Legislation is going to be important. I hope that we can get passage of those Bills.

If I could just use the opportunity of answering your question just to refer to something that the Member for Central Manchester alluded to. We want bi-partisan support. We went to the Select Committee with those Bills, there were disagreements and on those points of disagreements the committee said we refer this matter back to Parliament for Parliament to consider and decide. So we want to continue and we want to urge as much bi-partisan co-operation as possible for - and I don't mean to say this in any offensive way, bi-partisanship cannot be a substitute or an explanation for indecision. We are going to have to decide and therefore the matter having been considered by a Joint Select Committee we are going to have to make some decision in the House as to the way forward. I am particularly excited about the Organized Crime Act that we are trying to develop. It is a comprehensive piece of legislation and we are going to need the input of the Opposition in terms of how we put that Bill together.

HUMAN RIGHTS

I want to alert the House from now that the direction in which we are going is not going to avoid friction with some ultra human rights defenders. You are not going to avoid it. In the same way that other countries have had to come to terms with the reality of 9/11 and the new threat of international terrorism have had to contend with the action that is going to arise in terms of what we have traditionally regarded as human rights protection and the need to protect the interest of the State, and it's an area where I urge the Opposition to let's

look at it jointly, let's look at it together and see how we can resolve it.

There are a range of other initiatives that involve greater use of technology. We are now making some headway in terms of securing technical assistance in critical areas to strengthen our capacity. it's going to be an all-out effort. I don't tell you that it's going to be easy. I don't tell you that we are going to be able to complete it within any short period of time, but I believe that with every success the next success becomes more attainable and it is something that this whole country is going to have to mobilize itself around with one common purpose because if we don't then all of the other efforts that we have been making and all the other areas of success that we as a nation have achieved will now be jeopardized if we don't deal with this problem.

Mr. SHAW: Hear, hear! (Applause)

The SPEAKER: Dr. Phillips, you have another question?

Dr. PHILLIPS: Yes, Mr. Speaker. Just two questions and I will just pose them now. First I don't know what is contemplated or if the views of the Government have been settled in relation to the Organized Crime Act. But does the Government consider the problem of what I call ‘the criminal militia', that is to say the groups of 50, 100 armed persons with high-powered weaponry, as was in evidence, as being a distinct subset not amenable to at least treatment in the present set of legislation, in my view, and is that particular problem a specific focus in the legislation that is being contemplated?

The PRIME MINISTER: Absolutely. And I have looked at the preliminary cut of the definition. Again we are not inventing the wheel because other countries have similar legislation. It involves where people are operating (a) in consort or where people are associated for purposes of committing crime, even if the person is not involved in the commission of that particular crime but just by association in an enterprise that is engaged in that activity. That's the kind of thing that is going to now be criminalized and that is one of the areas where we are going to have to be prepared to defend that position against ultra-conservative human rights activists, who are going to feel that you are now punishing somebody when he was not on the scene and didn't pull the trigger, when he was part of an enterprise that is not only engaged but is doing it as a practice, as a purpose, as a collective objective. These are some of the threshold crossing measures that we are going to have to be prepared to take if we are going to deal with this thing.

I am of the view - and I haven't come to this point lightly because I was always wary of this kind of legislation. But I am of the view that what we have as the body of statutes to enable us to deal with what is now the current threat to our society was never designed for the kind of threat that we have to contend with; and therefore we have to take a pragmatic view but, and this is the last thing I would say on it, making sure that sufficient provisions are there for oversight, for review to ensure that it is not abused. We are going to have to take a far more proactive and strident posture than we have taken in the past.

The SPEAKER: Dr. Rhodd.

Dr. PHILLIPS: My final. I said I had two. In the face of this larger campaign, Mr. Speaker, is there still a priority on the arrest of Mr. Coke, even as we move forward, and has the Government contemplated any other

specific measures to induce public co-operation in this specific act?

The PRIME MINISTER: The answer to both questions is, yes. It is still a matter that is being pursued relentlessly by the security forces, so far without success, but that pursuit continues. There are some additional measures that may assist in achieving that purpose, that are currently being considered; and I would imagine that those perhaps would be made known within a very short period of time.

The SPEAKER: Dr. Rhodd.

Dr. RHODD: Thank you, Mr. Speaker. Mr. Speaker, I have three questions for the Prime Minister. 1 will pose the first two. Prime Minister, can you say how many of the persons killed or detained were members of the security forces previously or had previous military or paramilitary training? Second question, how many of the persons killed or detained had previous convictions?

The PRIME MINISTER: I don't have that information.

Mr. SHAW: But if you have the information you could give us.

The PRIME MINISTER: I don't have that information. What 1 can tell you is that of the 73 persons whose bodies were recovered, three are women, two of whom were killed prior to the commencement of the operation and had nothing to do with operation at all. There are no children among the 73 and the other 70 are men predominantly between the late teens and late Twenties. But I have no information in relation to the antecedents of any of them as to whether or not they had any prior association with any agency of the security forces.

Dr. RHODD: Mr. Speaker, I have asked the question against the background of the fact that over a year now the Government has spent over $12 Million to conduct a successful pilot for electronic monitoring of certain categories of persons such as persons on bail, parolees, sex offenders, *et cetera*. I would like to ask the Prime Minister, in view of the fact of the recent challenges that we have had and the fact that the Government has spent all this money for a successful pilot, what is delaying the implementation of the roll out of electronic monitoring of certain categories of persons, persons we know have had serious convictions and need to be monitored. Persons who, for example, have curfew orders and we need to monitor their movement?

The SPEAKER: Dr. Rhodd, to be fair we don't even know the identity of the 70 people, to the best of my knowledge.

Dr. RHODD: With respect I would like to ask the Prime Minister to answer the question.

The SPEAKER: No, but it has to be fair, a fair and appropriate question.

Mrs. Sharon Hay-Webster.

Mrs. HAY-WEBSTER: Prime Minister.

The PRIME MINISTER: The Member is right. The pilot was successfully completed and it is being implemented subject and limited to the equipment that we have available.

What is required to roll out the programme is additional - are the additional resources that are necessary to purchase the additional bracelets; they don't come cheap, as I think you know. And it is one of the issues - one of those areas - one of those important areas that were not able to triumph over the fiscal constraints within which the budget had to be put together. We are making attempts to get assistance from our international partners to see whether or not we can expand that

programme far beyond, just the pilot stage that it is at.

(*Sotto voce* comment by Mr. Shaw

Dr. RHODD: Mr. Speaker, the Prime Minister's response on the premise of cost could not be a correct one, sir, because research has shown that it cost US$26 in respect to maintaining a prisoner as against $15 to $16 for rolling out this projrct for monitoring one person. So, the cost benefit analysis has been done, and it is much cheaper in respect to having somebody in prison.

The SPEAKER: That is per day. Mrs. Sharon Hay-Webster.

Mrs. HAY-WEBSTER: Prime Minister, in keeping with the comments you made in respect of the social aspects of the programme as detailed, clearly you have not rolled that out for us, but I would ask, have yourself and the Cabinet considered any programmes to be undertaken in the schools, in the target communities? I ask this against the background that there are many young persons who have been exposed to these negative elements and the negative social behaviour that we are seeking to change. And I can speak to my own experience in my constituency that where you work with the schools you work through the structures.

There is a clear and distinct difference that you begin to see in the trouble groupings in there. Has there been any consideration and if not, I would strongly recommend that you undertake this because the children are within the structure of that institution for large blocks of time. And there are structures that work along with the institution, the Board, and the PTA, and the school community, that can begin to roll out the kind of change that you are considering.

The PRIME MINISTER: I wouldn't want to attempt to even speak about that level of detail now. I know that in the briefing that I got yesterday, they are seeking to include the CAP programme which is targeted at what we call the *unattached youth* out of schools to try to get them back into some sort of learning process. I have no doubt that they are looking at schools as institutions and ensuring that they produce children that are - students that are more attitudinally disposed to the kind of lifestyle that we want.

What I would suggest - and as soon as l am able to meet with the Leader of the Opposition - I indicated that it is going to be important to get bi-partisan buy-in on this, and I hope that - I am going to propose to her that she name a representative who will work with the planning team, so that not only can the Opposition be kept abreast, but the Opposition can, in fact make its own input in the development of the programme.

The SPEAKER: Doctor Davies.

(Dr. Davies shook his head, indicating that he wasn't going to speak)

Very well.

Mr. HOLNESS: Mr. Speaker, the Minister of Agriculture has a Statement for the House.

The SPEAKER: Dr. Tufton.

SUGAR INDUSTRY

Dr. TUFTON: Thank you Mr. Speaker.

Mr. Speaker, the sugar industry...

The SPEAKER: You have copies of the statement?

Dr. TUFTON: Yes, l gave an entire file to....

(*Sotto voce* comments)

Mr. Speaker, the sugar industry is the... certainly one of the oldest and largest segments of the agricultural sector, the formal agricultural sector. The industry currently engages over 35,000 employees directly, as well as another 100,000 indirectly, inclusive of some 9,000 independent farmers with earnings of approximately US$70 million.

Mr. Speaker, this Honourable House should be aware that the reform of the EU Sugar regime which commenced in 2006 with a 36 per cent reduction in the price for sugar exports to the EU over a four-year period triggered a significant re-examination of the sector in Jamaica. It was felt then, Mr. Speaker, that the sector could only survive this price-cut if we undertook fundamental changes in the way sugar production is organized in Jamaica.

These changes involve the exit of Government as a major player in the production and operations, re-tooling of factories and improvements in cane yields, as well as full utilization of all the possible by-products that this versatile crop can produce. These considerations, Mr. Speaker, essentially informed the Government of Jamaica's Sugar Adaptation Strategy which was presented to this Honourable House in October 2005.

As if the 36 per cent reduction over four years, Mr. Speaker, was not enough, the sugar protocol under the Cotonou Agreement which many held as sacrosanct and immutable, was terminated with effect from September 2009. This House should also be aware, Mr. Speaker, of the process so far, in keeping with the Government's commitment under the sugar adaptation strategy of the divestment process.

We have sold two factories, so far, Mr. Speaker, St. Thomas and Trelawny, and we are still in the process of divesting the remaining three; that is, Bernard Lodge, Monymusk and Frome. With the divestment of the three estates the sugar industry, Mr. Speaker, in Jamaica, will, after many years, we hope, not too long from now, be completely in private hands.

Mr. Speaker, these fundamental changes in the sector warrant a comprehensive review of the regulatory, marketing, pricing and institutional arrangements. Against this background, the Cabinet approved the appointment of a Commission of Enquiry to look into, and recommend changes, if necessary, to these current arrangements. This Commission of enquiry, Mr. Speaker, is consistent watts the time-honoured practice in the industry of reviewing current arrangements at critical junctures in the life of the industry.

MILLS COMMISSION/PRICING

The last such Commission was the Mills Commission, Mr. Speaker, in 1987, out of which the current pricing mechanism, based on quality testing, emerged. The Commissioners, Mr. Speaker, this time around, approved by Cabinet and appointed by the Governor-General are as follows: PROFESSOR ALVIN WINT, Professor of International Business and Pro-Vice Chancellor of the University of the West Indies, as chairman; MRS. MARJORIE HENRIQUES, former Director General of the Planning Institute of Jamaica; MR. WILFRED BAGALOO, Director, Price Waterhouse Coopers Limited; and MRS. CAROL JONES, retired Deputy financial Secretary, Public Enterprise Division of the Ministry of Finance and Planning as the Secretary of the Commission.

Mr. Speaker, the hearings will commence - hearings of the Commission will commence on June 14th and we expect the recommendations of the Commission by the end of September 2010. It is our expectation that these recommendations will provide the framework for a new, robust, prosperous, multi-product sugarcane industry, led by the private sector.

Mr. Speaker, in my last update to this Honourable House, I advised of the partial pre-shipment financing agreement with Eridania, which allowed us to continue operations of Frome, Monymusk and Bernard Lodge estates whilst we continued will the divestment process.

l report here today, Mr. Speaker, to this Honourable House, that we have so far, shipped some 60,800 tons of the 79,000 tons agreed as at the end of April, 2010. With the $15 Million pre-payment obtained, Mr. Speaker, we have not only been able to secure the jobs of approximately 2,700 workers, but we were able to plant some 1,300 additional hectares of cane, rehabilitated over 24 irrigation deep wells, and properly retrofitted the factories for the existing crop. These improvements in field and factory operations, Mr. Speaker, has resulted in significant improvement in factory efficiency and labor productivity overall. Overall confidence, Mr. Speaker, in the sector has improved significantly, evidenced by the over 400 per cent decline in illicit fires at Frome in Westmoreland.

The Pre-Financing Agreement, Mr. Speaker, with Eridania will end with the current crop. It became obvious to us earlier this year that we would not have been able to divest the remaining three estates within the current crop year. In an effort, therefore, to continue the operations of these estates with the approval of the Cabinet, the SCJ Holdings Limited concluded a two-year, partial Pre-Shipment Financing Agreement with Tate & Lyle of Britain.

Under this agreement, SCJ Holding, Mr. Speaker, will supply a minimum of 100,000 tons of raw sugar to Tate Lyle in exchange for pre-shipment financing of approximately US$46 Million over the two-year period. The guaranteed price per ton of raw sugar under this agreement, Mr. Speaker, is €370 plus poll premium and profit share. Tate & Lyle, Mr. Speaker, has also given a commitment to collaborate with the Jamaica cane farmers - cane growers to facilitate fair trade certification. With fair trade certification, Mr. Speaker, the sugar sold to Tate & Lyle could earn an additional US$60 per ton of sugar as a fair trade premium.

(*Sotto voce* comment by Members)

Yes, US$60 per ton.

Mr. Speaker, with the pre-financing resources, the SCJ Holdings Limited will undertake the planting of an additional 3,200 hectares of cane on the three estates, continue with the upgrading of irrigation systems, and prepare fields and factories to another timely start of the sugar harvest. Significantly, Mr. Speaker, we will be able to preserve some 2,900 jobs, and this without recourse, as was the case this year so far, to the public purse.

Mr. Speaker, the incremental improvements to the Frome, Monymusk and Bernard Lodge estates, made possible by the Eridania Ageement and to be continued under the agreement with Tate & Lyle, will continue to enhance the attractiveness of those assets to prospective investors.

In respect to the divestment process, Mr. Speaker, pursuant to Cabinet decision, the SCJ Holdings invited new expressions of interest on the basis of a revised information memorandum in March 2010. I am pleased to advise this Honourable House that some eight (8) expressions of interest were returned at the designated deadline of May both, 2010.
(Applause)

Of the eight (8) expressions, two are from Europe, two from the United States of America, one from China and the other three, local. The SCJ Holdings, Mr. Speaker has scheduled discussions with these interests and negotiations will ensue, commencing this week.

The Government remains optimistic at the prospects of divesting these assets. The agreement with Tate & Lyle is structured to be terminated at the end of the first year, if the estates are divested within the upcoming crop year.

Mr. Speaker, consistent with our optimism for the industry, the Government continues to provide support to cane farmers through the Cane Expansion Fund, supported by the EU resources under the accompanying measures. This year, we are projected to inject another J$200 Million, following an allocation of $210 Million so far.

Thank you. (Applause)

The SPEAKER: Mr. Clarke.

Mr. CLARKE: Minister, the arrangement from the Jamaica Sugar Holdings was to supply seventy-nine thousand tons of sugar to Eridania. How much of that amount is going to be supplied by the Sugar Holdings? So far I understand Frome has done forty thousand. Can you say how much Monymusk will do for the crop?

Dr. TUFTON: Mr. Speaker, the commitment to Eridania in exchange for the pre-financing of US$1 Million was to supply seventy-nine thousand tons. The arrangement, however, with the local stakeholders, manufacturers was to ensure that the seventy-nine thousand tons, if the need arose could be taken from the pool of sugar produced by all the players locally.

As it relates to the government-owned estates, Frome had a target of forty-one thousand tons - well forty-two thousand tons and we did just over forty thousand tons or just below forty-one tons so we are close enough. Monymusk which had a late start and we are still taking off cane, has so far done about fourteen - approximately fourteen thousand tons. So out of the seventy-nine thousand tons we have supplied sixty thousand eight hundred and of that sixty thousand eight hundred the Government-owned estates have provided approximately fifty-five thousand tons of that.

Mr. CLARKE: The target for Monymusk was how much? And what do you expect?

Dr. TUFTON: The target Monymusk, Mr. Speaker, was approximately thirty-seven thousand tons. We will not make that target. The late start of the crop, the severe drought has impacted Monymusk, as it has all the other estates including the private estates. So we are expecting as of now, we are calculating that we should make somewhere in the region of twenty-five thousand tons, which would be well short of the target. But given the circumstances it would have been a decent performance given the drought conditions.

Mr. CLARKE: The arrangement with Eridania was for seventy-nine thousand tons. You have done, forty from Frome you have

done fourteen from Monymusk and I can assure you that you won't reach twenty from Monymusk. You have now gone into a new arrangement for a hundred thousand tons. Do you envisage making that one hundred thousand tons for the ensuing crop? And again, may l ask, why the shift from Eridania to Tate & Lyle?

Dr. TUFTON: Mr. Speaker, there are a number of variables that would influence the determination as to whether you meet a target or not. The targets are set relatively conservatively based on a projection of the conditions that may ensue, some that you have control over like the amount of cane that you plant, others such as weather condition that you have no control over. As it relates to the seventy-nine thousand tons, we were hampered severely by the drought conditions. The Member should now, being a cane farmer himself, that this year only three out of the twelve months saw normal rainfall. All the other months law less than average as rainfall and in some instances well below average. And that severely affected the cane.

We were though, affected by the late start of the crop because the Eridania Agreement, as the Member may recall came slightly late. And so we started the crop late.

I would think we could, based on what the experts tell me, meet the twenty-five thousand tons. However, there is some consideration currently about using some of that cane as plant-stock, which may further compromise that twenty-five thousand that we are targeting. So a lot depends on the decisions of those who operate the estates.

In terms of the hundred thousand tons, Mr. Speaker, that target was set based again on the amount of cane that we plan to put into the ground and the productivity levels that we are calculating. As I said earlier in the Statement, we anticipate putting in an additional three thousand two hundred hectares, that process has already started and the difference between last year and this year in terms of the controllable variables, is that we received the resources on time and the planting process has started on time, and we anticipate therefore to have better results as long as the weather conditions do not affect us severely.

On the question of why Tate & Lyle and not Eridania and this agreement, simply trying to get the best agreement for the farmers and for the other critical stakeholders. The offer on the table from Eridania was not as attractive as the offer from Tate & Lyle. Eridania, for example I think offered us Three Hundred and Fifty Euros per ton; Tate & Lyle offered Three Hundred and Seventy. So it is just an issue of economics trying to get the best deal for the stakeholders. (Applause)

ANNOUNCEMENTS

The Clerk laid on the Table of the House a copy of the Following:-

- **Ministry Paper No. 50**
  Cabinet Agenda issues for May 3, 2010.
- **Ministry Paper No. 51**
  Cabinet Agenda issues for May 10, 2010.
- Formal notice of commencement of special statutory investigation proposal to divest the Government of Jamaica 45% stake in JAMALCO from the office of the Contractor General.
- National Council on Education
  Annual Report for the 2007/2008

- Certified Appropriations Accounts for the following Ministries and Departments:
  Ministry of Education, Youth and Culture 2005/6 and 2006/7
  Ministry of Tourism Entertainment and Culture 2006/7
  Ministry of Justice 2006/7
  Ministry of Education 2008/9
  Ministry of National Security 2008/9
  Chief Parliamentary Counsel 2008/9
- Jamaica Information Service 2008/9

And these documents may be accessed from the Parliamentary library.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Reverend Thwaites.

ELECTION CAMPAIGN FINANCE REFORM

Rev. THWAITES: Mr. Speaker, at the next sitting of this Honourable House I beg to move the following motion:

> Be it Resolved that this Honourable House debate the need and if acknowledged, the modality of election campaign finance reform in Jamaica with the view to recommending legislation and regulation to effect same.

Also Mr. Speaker, I wish to move:-

APPOINTMENTS: JAMAICA'S AMBASSADORS

> Be it Resolved that the appointment of all of Jamaica's Ambassadors and High Commissioners be subject to the approval of the House of Representatives.
>
> And Further that all public offices equivalent in rank or salary to that of a Permanent Secretary, the appointment to which are not provided for by any other legislation be also subject to Parliamentary confirmation and that the same process of confirmation apply to the appointment of chairpersons of all public companies, statutory bodies and Executive agencies.

May it please you.

The SPEAKER: Mr. Kellier.

JAMAICA/US EXTRADITION TREATY ISSUES

Mr. KELLIER: Mr. Speaker, on behalf of the Leader of the Opposition, I beg to give notice that at the next meeting of the House she will move:-

> Whereas it was entirely inappropriate for the Prime Minister, as he eventually advised the Parliament to have sanctioned the involvement of his political party in the resolution of **extradition treaty** issues between the governments of Jamaica and the United States and has refused to provide full answers to pressing questions concerning the engagement of a United States law firm for that purpose.
>
> Be it Resolved that this Honourable House:-
>
> (1) Reject the Prime Minister's assertion that the Government of Jamaica did not enter into a

contract with the United States law firm Manatt, Phelps & Phillips,

(2) condemn the Prime Minister for his suppression of the truth which amounted to a deception being practised on the Parliament on the people of Jamaica; and which has resulted in continuing damage to Jamaica's name in the international arena.

(3) to censure the Prime Minister . for his interference with the Minister of Justice in the terms by which he advised this Parliament and his eventual about-face without one iota of new information or change regarding the nature of the request for the surrender of the subject of the extradition request.

(4) declare that the actions of the Prime Minister have so severely impacted on his credibility and trustworthiness that he no longer enjoys the confidence of this House as Prime Minister.

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

(Applause)

BAIL - ACT TO MAKE INTERIM PROVISION, ETC.

The PRIME MINISTER: 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 "AN Act to make interim provision in relation to the grant of bail in specified circumstances".

And also to introduce and have read a first time, A Bill entitled: "AN Act to make interim provisions extending the powers of arrest and detention under Section 50(b) and 50(f) of the Constabulary Force Act.

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

Whereas on the 17th day of March 2010 this Honourable House of Representatives gave approval for the Sessional Select Committees which were appointed in the last session of Parliament to continue with unchanged composition of membership, except where necessary by further motion taken and approved by this Honourable House.

Be it Resolved that with reference to the Public Accounts Committee that the name SHARON HAY-WEBSTER be deleted and the name LISA HANNA be substituted therefor.

And Be it Further Resolved with reference to the Economy and Production Committee that the name PETER BUNTING be deleted and the name ROGER CLARKE be substituted therefor.

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

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader, there are about four (4) questions which are due now. What is the position?

Mr. HOLNESS: Mr. Speaker, as you would realize, we have passed the time allotted for questions.

The SPEAKER: Please, let us deal with them soon.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: Prime Minister.

BILLS/WITHDRAWN RE BAIL ACT, ETC.

The PRIME MINISTER: Mr. Speaker, I seek the leave of the House to have two Bills standing in my name withdrawn. These are the Constabulary Force (Interim Provision for Arrest and Detention) Act 2008, and a Bill shortly entitled: The Bail (Interim Provisions for Specified Offences) Act of 2008. These are the Bills, Mr. Speaker, which I had indicated we had redrafted. I have just given notice of the tabling of the redrafted Bill and therefore, I seek leave of the House to have these two Bills withdrawn.

The SPEAKER: Members is this the wish of the House that these Bills should be withdrawn?

Motion put to the House and agreed to.

The SPEAKER: The Bills are withdrawn.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Dr. PHILLIPS: Mr. Speaker, if I may.

The SPEAKER: Yes, Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, there have been reports in the Press about an Election Petition matter. I enquire of you whether or not the...

The SPEAKER: You are now enquiring?

Dr. PHILLIPS: You have - there has been service on the House?

The SPEAKER: Yes, I have Minister.

Dr. PHILLIPS: Is it proposed to notify the House, Mr. Speaker?

The SPEAKER: Is this normal.

(*Sotto voce* comments by members)

The SPEAKER: I have been served and in the particular situation the Member is not here.

Dr. PHILLIPS: If one of our number has been prevented by virtue of a judgment of the Court, then l would think courtesy is an important consideration. But I would think beyond that it is a requirement that notification be given to the House.

MEMBERS: No, no!

The SPEAKER: No, yes, Mr. Holness.

Mr. HOLNESS: Mr. Speaker, just for a house-keeping matter, I would want to move for suspension of Standing Orders to recommit the item 'Announcements' to deal with an urgent matter.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the item 'Announcements' to be recommitted.

Motion put to the house and agreed to.

ANNOUNCEMENTS
(Recommitted)

The Clerk laid on the Table of the House:-

The Emergency Powers Regulations 2010, under the Emergency Powers Act.

The SPEAKER: Yes, House Leader.

PUBLIC BUSINESS

Mr. HOLNESS: Mr. Speaker, at Public Business today, the Government will take the motion brought by the Leader of Opposition Business in the House.

But before we move for the suspension of Standing Orders to take this extraordinary item, Mr. Speaker, the simple matter of which notice I gave earlier. Mr. Speaker, l now move for the suspension of Standing Orders to enable me to take the motion notice of which I gave earlier. That motion being the change of names for the two committees mentioned.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the House Leader to take the matter, notice of which he gave earlier.

Motion put to the House and agreed to.

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, I now ask that the motion be approved.

The SPEAKER: Members, the motion before the House is for the approval of the motion, notice of which was given earlier by the House Leader.

Motion put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, I now move for the suspension of Standing Orders, as is required to allow the House to debate the motion brought by the Leader of Government Business before - the Leader of Opposition Business, on behalf of the Leader of the Opposition to allow that debate to take precedence today.

Mr. Speaker, I so move.

The SPEAKER: Very well.

Members, the motion before the House is for the suspension of Standing Orders to allow the motion presented by the Leader of Opposition Business on behalf of the Opposition Leader, to be taken at this time.

Put to the House and agreed to.

The SPEAKER: Leader of the Opposition.

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

Mr. Speaker, after the catastrophic political developments of the past several months, and the traumatic events of the past few days, Jamaica cannot be the same again, following the astounding and shameful revelations we heard in this Parliament a few weeks ago from the Prime Minister, and against the backdrop of our people's insistence, before and since then. On a higher level of moral and ethical leadership of our country, today marks a watershed moment in the life of this Parliament. (Applause)

Ms. HANNA: Hear, hear!

Mrs. SIMPSON MILLER: The matter before this House today, is of the gravest national importance, because it goes to the very heart of the democratic system of governance that we in Jamaica have practised since 1962, when we became an independent nation.

The issue of being truthful and forthright, to which we on this side raised today, is central to the notion, Mr. Speaker, of responsible government and sacrosanct in respect of the principle of parliamentary accountability.

Ms. HANNA: Hear, hear!

Government MEMBER: Trafigura to the world!

Mrs. SIMPSON MILLER: Mr. Speaker, the issues I will address concern the role of the

Prime Minister, and his responsibility to the country, Parliament and the people. In the oath of office... Mr. Speaker, I just want to indicate, I'd like to be heard in silence, without any disturbance. I am not afraid of anyone and I'm going to do what I come here to do this afternoon, anyhow.

(Applause) (Cross talk/heckling)

The SPEAKER: Members, Members please, the Leader of Opposition is asking for some courtesy, please. It's important that we give that respect.

Mrs. SIMPSON MILLER: Mr. Speaker, I'm not asking, I think every Member of this Honourable House deserves that.

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: In the oath of office, the Prime Minister pledged to be faithful and bear true allegiance, to uphold...

Mr. MONTAGUE: Mr. Speaker, on a point of order.

The SPEAKER: Just a second, Leader of the Opposition.

Yes?

Mr. MONTAGUE: I notice that the Member is reading her speech and Standing Order 32(11) ...

(Cross talks/*Sotto voce* comments)

The SPEAKER: Can we hear what's your point of order?

Mr. MONTAGUE: Mr. Speaker, I demand to be heard in silence, I demand to be heard in silence.

Dr. DAVIES: Bobby, the country people watching you.

Mr. MONTAGUE: Mr. Speaker, I'm not afraid of anybody. (Laughter) I am here and I will be allowed to do what I came here to do. I am demanding that respect.

Dr. DAVIES: To make a fool of yourself, that's what you came here to do.

The SPEAKER: Yes, could you allow the Member to make his point of order.

Mr. MONTAGUE: I note that the Member is reading...

Dr. DAVIES: The Prime Minister read his statement.

Mr. MONTAGUE: ...and Standing Order 32(11) ...

A MEMBER: The Prime Minister read.

Mr. MONTAGUE: I await your ruling, sir.

The SPEAKER: Well, I have it before me:

> "A Member shall not read his or her speech, but he may read extracts from written or printed papers or books in support of his argument and may refresh his memory by reference to notes."

The position, Members, in this House, is that we have allowed it, but once someone raises the issue, then either the House approves by a suspension of Standing Order, or we have to....

MEMBERS: No!

Mr. PICKERSGILL: It's a plan! That's not what was said the last time.

(Cross talks/inaudible comments

The SPEAKER: No, I'm saying that once a Member raises the Standing Order ...

Mr. PICKERSGILL: It has been raised here several times.

The SPEAKER: It has never been raised, but once it has been raised - it has been raised before in respect of Miss Lisa Hanna.

(Inaudible comments by members)

The SPEAKER: One second, no, no, one second. Once a Member raises it ...

MEMBERS: No!

The SPEAKER: Once a member raises it I have to go by the Standing Order.

(Cross talks/inaudible comments)

Mr. WARMINGTON: Mr. Speaker, Mr. Speaker...

(Cross talks/inaudible comments)

The SPEAKER: No!

Mr. WARMINGTON: Mr. Speaker...

(Cross talks/inaudible comments)

The SPEAKER: Yes, yes!

A MEMBER: Rule! That's what you're there to do.

The SPEAKER: No, but once the Member raises it, I have to stick byte Standing Order.

Mr. WARMINGTON: Mr. Speaker, the Standing Order is quite clear. There is nowhere that you have any latitude. You say once it's raised as such you'll have to observe that, and it can be amended, or allowed, or submit because of a motion, or approval of the House. That Standing Order gives you no such latitude. It is pretty clear, 32 (11) makes it pretty clear: 'A member shall not read his or her speech, but shall refer to notes in support of the discussion'. There's no where there that says a latitude can be extended by the House, it says no such stuff.

The SPEAKER: Okay.

Mr. MAIR: Mr. Speaker, Mr. Speaker, Mr. Speaker.

The SPEAKER: Yes, Mr. Mair.

Mr. MAIR: Mr. Speaker, I need to support my colleagues on this point of order. The reason being, I would like to be assured that what is presented by the Member in her presentation, is what she wants to say on the mode she presents it.

Mr. BUNTING: Sit down and stop the noise! Go back a Venezuela.

A MEMBER: Sit down, shut up!

(*Sotto voce* comment)

Mr. MAIR: I'm not a third party that is not going to be a part of this Honourable House, that is why it cannot be read, I do not know who wrote that speech..

A MEMBER: Rubbish!

(*Sotto voce* comment by members)

Mr. HOLNESS: Mr. Speaker ...

The SPEAKER: Yes, House Leader.

(Sotto voce comments by members)

The SPEAKER: (Gavels) Okay, enough, let us hear the House Leader Could you allow me to hear the House Leader?

Yes, House Leader.

Mr. HOLNESS: Mr. Speaker, the Standing Order is very clear, but you have a discretion as always, Mr. Speaker, to exercise. We on this side, we are very much interested in hearing what the Leader of the Opposition has to say. Mr. Speaker, the decision has to be made and made very quickly.

The SPEAKER: The position, Members, is that in the past, ever since I've been in this Parliament, we have allowed speeches to be read. It is wrong, because it is against the Standing Order, but it has been over the last 12 or more years that I've been here, where the Standing Order has been breached. But once a Member raises the Standing Order as they did in respect of the Member from South East St. Ann at an earlier occasion, I have ruled that the Member cannot read, and in the circumstances I have to abide by that ruling.

Leader of the Opposition I ask you to try as best as possible to glance - to speak and glance at your speech without giving the impression that you're reading.

Mr. PICKERSGILL: Read yu speech, 'bout glance.

MEMBER: Yu a look attempt to curtail your presentation.

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: Mr. Speaker, I'll just make one comment before, because I'm gonna continue to use my notes.

MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: This is something that is critical. (Applause) This is something that is critical. We are where we are today....

The SPEAKER: One second. Leader of the Opposition it does not stop you from using your notes.

Mrs. SIMPSON MILLER: Well I'm going to be using my notes.

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: I want to quote the oath that all of us took when we came in here: "To uphold and defend the Constitution and laws of Jamaica and to conscientiously and impartially discharge his responsibilities to the people of Jamaica, so help me God". That's the oath of the Prime Minister. (Applause)

It is therefore, Mr. Speaker, the primary responsibility of the Prime Minister, it is - his responsibility is to the country and not to a person or a political party. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mrs. SIMPSON MILLER: And so we debate this motion this afternoon, not as a partisan political concern, but as an issue, a fundamental parliamentary ethics with grave national and international repercussions. (Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: It is a matter that must turn the individual conscience of Members of the Government, as much as the Members on this side of this Honourable House ... (Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: ...as much as it assaults the ethical values of those of us on the Opposition. (Applause)

It is a matter, Mr. Speaker, that has sharpened the Jamaican sense of - national sense of right and wrong, and caused a deep-seated reexamination of the standards by which national leadership in this country is judged. (Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: We on this side, we come not today with this motion...

(Inaudible comments/laughter)

We of the Opposition Mr. Speaker, we do not come to this Honourable House today, we do not come as hypocrites feigning perfection. Instead, Mr. Speaker, we have come here as leaders, re-awakened to a new dawn of accountability and insistent on helping to raise the bar of national leadership...(Applause)...in response to a rise in national consensus that this, Mr. Speaker, must be done. We are seized too, of the overwhelming imperative that this must be done now and that the work to rescue our system of governance and restore the faith of our people must start today and not tomorrow.

The sequence of the events that have unfolded over the past several months point, Mr. Speaker, to the Prime Minister as someone who has obstructed the justice system, corrupted the governance system, deceived the Parliament and brought our

nation and our people into international disrepute. (Applause)

The Westminster Parliamentary system which we have adopted proudly practised since 1962, delicately, Mr. Speaker, rests on the twinned principles of collective responsibility and individual responsibility in government. These foundation principles rely on men and women of honour to discharge them in the environment of honesty, prudence and good judgment, (Applause) so that the entire edifice of our society does not come tumbling down. Using either level, collective responsibility or individual responsibility. Mr. Speaker, this motion is correctly focused on the person who is the architect of this entire situation and the most culpable protagonist in the whole sordid affair, the Prime Minister of Jamaica. (Applause)

What is clear, Mr. Speaker, is that the Prime Minister was an integral part of the decision-making process in relation to the request for the extradition of Mr. Coke. We on this side anxiously await the Prime Minister's disclosure as to his involvement in other extradition requests, and if he has been involved, why.

Mr. Speaker, the Prime Minister sanctioned a scheme that included persistent attempts by lawyers representing his political party to induce the Solicitor General of Jamaica to utilize, Mr. Speaker, a Jamaica Labour Party-hired lobbyist to act for the Government of Jamaica.

Opposition MEMBERS: Shame! shame!

Mrs. SIMPSON MILLER: This situation, Mr. Speaker, created...

(Inaudible comments)

This, Mr. Speaker, created a situation that the Prime Minister himself has admitted would have been, Members of this Honourable House, an irreconcilable conflict of interest and duty. (Applause) The Prime Minister sanctioned a scheme by his political party to unlawfully insert a foreign lobbyist, paid by his party into government-to-government negotiations.

Mr. Speaker, the Prime Minister it appears, failed to warn his Minister of Justice and the Solicitor General, the Solicitor General of Jamaica, that the lobbyist invited by the Solicitor General to Government-level meetings with the United States Department and Justice Department officials were never engaged by the Government of Jamaica...

Mr. D. PEART: Bruce or the Prime Minister, or the...? (Inaudible)

Mrs. SIMPSON MILLER: These monumental acts which have severely compromised the Jamaican State are eclipsed in their outrageous dimensions, Mr. Speaker, only by the barefaced contempt the Prime Minister has shown for this Parliament. (Applause) Let me check my notes for dates. Don't want to say it wrong. (Laughter) Don't want to say it wrong.

On March 16, 2010, the Member of East Central St. Andrew raised questions in this Honourable House as to whether there was a contract between the Government of Jamaica and the US firm, Manatt, Phelps & Phillips, relating to extradition matters.

Mr. Speaker, the Prime Minister, in his response said - and let me go to my notes now because I have to quote the Prime Minister correctly. And l quote:

> "Let me make it quite clear the Government has not engaged any legal firm, any consultant, any entity whatsoever in relation to any

extradition matter other than deploying the resources that are available within the Attorney General's Department to guide the Government on these matters "

Mr. Speaker, the Opposition and indeed the entire country were led to believe that the entire matter had been put to rest by our Prime Minister. We now know by the Prime Minister's own admission that his Statement to this Honourable House then, was designed to mislead or at any rate had the effect, Mr. Speaker, of misleading this Parliament. (Applause) Subsequently, information in the media printed and electronic, local and international, revealed that the Prime Minister had not told the country the truth

Opposition MEMBER: Lie, lie!

A MEMBER: By omission.

Mrs. SIMPSON MILLER: In any other self-respecting democracy, the Prime Minister would have spared his party, the Government and the country the embarrassment and this agony. (Applause)

Mr. MONTAGUE: Trafigura!

A MEMBER: Gwine deal wid it.

Mrs. SIMPSON MILLER: History.... The other speakers to come that are going to be dealing with other issues and that will be dealt with as well.

Mr. Speaker, history is replete with examples of Ministers of Government and Prime Ministers in the Commonwealth and elsewhere living up to the time-honoured tradition when they are found to have misled Parliament. Parliament throughout our contemporary history, Government and Opposition Members alike, acting in concert to save the moral fiber of their societies, Mr. Speaker, have been insistent, the abhorrent breach that misleading Parliament constitutes is punishment by resignation or, Mr. Speaker, a majority vote of no confidence. But maybe, Members of this House need a little reminder, Mr. Speaker, of the magnitude of the Prime Minister's abominable assault on the fundamental principles of our Parliamentary system. To provide this reminder, Mr. Speaker, I crave your indulgence and I have to turn to my notes now as I retrace the chronology of the facts. (Applause)

What is the reality, Mr. Speaker? The record will show, Mr. Speaker, that the extradition request was made by the United States authorities on August 25, 2009. Between August 25 and September 18, the Prime Minister, by his own admissions sanctioned, through HAROLD BRADY, an initiative with Manatt, Phelps & Phillips. The same firm that the Member from East Central St. Andrew had asked about in March of 2010.

The record will show, Mr. Speaker, that the Prime Minister...Again, let me look. I don't want to give a wrong figure...that the Prime Minister also admitted that a payment of US$49,892.62 cents was made to Manatt Phelps & Phillips on the 18th of September 2009.

Mr. BUCHANAN: US dollars.

Mrs. SIMPSON MILLER: Yes, and that's US dollars. One would expect that for payment to be made, some prior contract negotiations and agreement or arrangement must have taken place. So between August 25 and September 18, three weeks, not only had the Prime Minister sanctioned an initiative, but firm arrangements were in place and monies were paid over.

Mr. Speaker, it is interesting to note, sir, that on the same date - let me turn again - September 18, that the US$49,892.62 was paid to Manatt, Phelps & Phllips, the Government of Jamaica made its first response via Diplomatic Note to the US authorities requesting further information.

Certainly if there had been no communication between the Government and the United States authorities there could not have been a stalemate. So on the same day Manatt, Phelps & Phillips was paid, the US is hearing that the Government needed information on the name or names of the informers. The question then, Mr. Speaker, is, why was it necessary to retain the services of Manatt, Phelps & Phillips?

Certainly at this point, Mr. Speaker, in September there was no treaty dispute or stalemate between the Government and the US authorities. So, Mr. Speaker, was this to fight the extradition request?

(*Sotto voce* comments by Opposition Members)

What is clear is that at the time September 18, the Prime Minister knew about a contract with Manatt, Phelps & Phillips through Mr. Harold Brady. What is also clear is that, by its own chronology, it took the Government one full month, one full month from October 2 to October 30 to respond to the US suggestion, Mr. Speaker, that the matter be placed before the courts here in Jamaica.

Mr. Speaker, the matter of the extradition was raised by the Member from Central Kingston in this Parliament on the 8th of December. The Prime Minister had the opportunity to tell members of this Honourable House, Mr. Speaker, and the citizens of Jamaica the truth that there was an initiative…

Mr. PICKERSGILL: Before Christmas.

Mrs. SIMPSON MILLER: …being pursued by the JLP in this particular matter.

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: Instead, the PM advised the Honourable House that both the United States and Jamaica have agreed that they would not discuss the matter publicly. Not a word, not one word about Manatt, Phelps & Phillips. Not a word about HAROLD BRADY, yet, Mr. Speaker, the evidence shows that the Prime Minister was more the aware of these matters.

This is evident by the fact that the Prime Minister, by his own Statement tells us that from as far back as September, Mr. Brady had contacted the Solicitor General to discuss issues relating to the extradition request. These discussions he said, included e-mail correspondence sent to Mr. Brady, at an e-mail address which turned out to be that of Manatt, Phelps & Phillips.

Opposition MEMBERS: What!

Opposition MEMBER: That story so unbelievable.

Mrs. SIMPSON MILLER: It is also evidenced by the fact that Manatt, Phelps & Phillips recorded five (5) meetings - let me check the date - between . . .

Mrs. HAY-WEBSTER: Say that again.

Mrs. SIMPSON MILLER: ….recorded five (5) meetings between October 13 and November 20, with various high level US officials. No doubt as a result of these. . . .

There was no doubt in the mind of Manatt, Phelps & Phllips, Mr. Speaker that they were acting on behalf of the Government of Jamaica.

(*Sotto voce* comment by Mr. Hayles)

Mr. SHAW: You should get out of your seat bout…

(Inaudible)

Mr. HAYLES: Rude!

Mrs. SIMPSON MILLER: On October 13, 2009.

Government MEMBER: Squatter! Tief government land.

Mr. HAYLES: Out of order.

(*Sotto voce* comment by Mr. Shaw)

Mr. BUCHANAN: Cool Oasis, just cool no man!

(Laughter by Opposition Members)

The SPEAKER: Continue, continue.

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

(Laughter by Opposition Members)

Mrs. SIMPSON MILLER: On October 13, 2009, they filed a report Mr. Speaker, under the Foreign Agents Registration Act, stating explicitly that they were working on behalf of the Government of Jamaica. This information, Mr. Speaker, was on the US Department of Justice website, so it was not a secret.

Mr. Speaker, there is also no doubt that the US officials were clear that they were meeting with Manatt, Phelps & Phillips in their capacity as representatives of the Government of Jamaica. Clearly, Mr. Speaker, the US officials were in their right to make such an assumption as treaty matters are inter-state matters.

Mr. BUCHANAN: That's right.

Mrs. NEITA-HEADLEY: That's right.

Mrs. SIMPSON MILLER: Guess I said assumption.

Instead of putting these facts before the House, Mr. Speaker, the PM accused the Opposition and the media of not being seized by the facts and of disregarding the laws of the country. The Prime Minister had several opportunities to tell the truth. He could have - he, Mr. Speaker, he could have told the truth on December 8th when questions relating to the extradition were raised. He had another opportunity on March 2, 2010 when the Prime Minister made a Statement to the House in response to the US Narcotic Report. Yet another opportunity was provided, Mr. Speaker, for the Prime Minister to tell the Parliament and Jamaica exactly what happened when on March 16 he responded to questions raised by the Member from East Central St. Andrew. Instead….

Mr. D. PEART: Get opportunity to lie again.

Mrs. SIMPSON MILLER: ….the PM abused the Member and accused him of diversion. Of course, this was to thunderous applause. On March 18, Mr. Speaker, the Prime Minister issued a News Release to clarify his March 16 statement.

That release said - and I have to go down now, Mr. Speaker, forgive me to the notes, because I am going to quote. And I quote:

> "*Further to my statement in Parliament on Tuesday, I have made investigations to ascertain whether the Government has had any connection with the US law firm, Manatt, Phelps & Phillips.*
>
> *1 am advised that in December, while on a flight to Washington DC for a meeting with the US State and Justice Departments, the Solicitor General was approached by Mr. Harold Brady, who made reference to the law firm, Manatt, Phelps & Phillips.*

Mr. D. PEART: Lie again!

Mrs. SIMPSON MILLER:

This firm he said, had represented the Government of Jamaica in various matters in the past, and suggested that they could provide assistance in relation to Treaty issues between Jamaica and the United States."

Mr. Speaker, do not forget that the Prime Minister was issuing this statement, pretending total ignorance by his own admission, Mr. Speaker, to this House, he had already sanctioned Mr. Brady's effort.

Mr. D. PEART: From September!

Mrs. SIMPSON MILLER: Something is very strange here, Mr. Speaker.

Mrs. NEITA-HEADLEY: Strange. Strange!

Mrs. SIMPSON MILLER: In March the PM speaks about investigating and being advised. No mention was made of the JLP'S involvement, although we now know, that the PM himself sanctioned what he termed . . .

Mr. D. PEART: No, not the PM, Bruce!

Mrs. SIMPSON MILLER: ….a JLP….. . The PM himself sanctioned what he termed a JLP initiative, Mr. Speaker. If this is not deception then what is it? This is samfie of the calibre that would put our folk hero Bredda Anancy to shame.

(Thunderous applause by Opposition Members)

Mrs. SIMPSON MILLER: Let us not forget either that this matter was discussed by the Cabinet, Mr. Speaker, of this country. The Cabinet referred to it - the Cabinet referred it to senior Minister, Minister Samuda . . .

(*Sotto voce* comments by Opposition Members)

Mrs. SIMPSON MILLER: …as senior Minister and General Secretary of the Jamaica Labour Party. Why was there the need, Mr. Speaker, to investigate what the Prime Minister later stated that he had already sanctioned?

Mr. D. PEART: And Karl know bout it, you know, and Karl was part of it. Buoy! What a ting. Man!

Mrs. SIMPSON MILLER: Mr. Speaker, Mr. Speaker, something is rotten in the state of Jamaica.

Mrs. NEITA-HEADLEY: That's correct. (Applause)

Mrs. SIMPSON MILLER: Our Prime Minister is the head of the Cabinet of the land and then told us he sanctioned this matter from September. This was yet another opportunity for the Prime Minister to tell the country the truth. And then I would not have to go through this pain….

Mr. MONTAGUE: Of reading another few pages.

Mrs. SIMPSON MILLER: Because I, - it's no pleasure . . .

Mr. MONTAGUE: To be reading a speech.

Mrs. SIMPSON MILLER: …to do this this evening.

Mr. MONTAGUE: A very good speech you write.

Mr. D. SMITH: You know why you never distribute any bulb in St. .... (Laughter)

Mr. BUCHANAN: Mr. Speaker, why are you hesitant in reprimanding your Members?

The SPEAKER: My Members?

Mr. BUCHANAN: Your Members, Speaker.

The SPEAKER: (Gave1s) Members on both sides including Mr. Buchanan, could you please be quiet. Could you please be quiet?

(*Sotto voce* comment by Mr. D. Smith)

The SPEAKER: Mr. Smith, Mr. Derrick Smith, please? (Gavels) Please, please, allow the Leader of the Opposition to complete.

(*Sotto voce* comments by both sides)

The SPEAKER: (Gavels) Mr. Vaz, please, please, Members, could you allow the Leader of the Opposition to complete. Continue.

Mr. MONTAGUE: Allow the Leader to read her thing.

Mrs. SIMPSON MILLER: Instead, Mr. Speaker, what we have heard is that Manatt, Phelps & Phillips cannot produce any document, one single document that represents any authorization on the part of the Government of Jamaica. Not one!

Well, by not doing a contract, was it intended, Mr. Speaker, to deliberately deceive Manatt, Phelps & Phillips?

Mrs. NEITA-HEADLEY: Hmm.

Mrs. SIMPSON MILLER: Mr. Speaker, in other words, in other words, Mr. Speaker, I have done it, can you prove it? Even village lawyers now, Mr. Speaker that you do not need a written document to prove that there is a contract. What I do know and everybody that knows about this company knows that Manatt, Phelps & Phillips is a reputable company.

(Applause)

And that the lobbyist sector in the United States of America is highly regulated and Mr. Speaker, the sanctions are severe. So, the firm could not just have made an Admission to representing the Government of Jamaica if it was not led to believe by the Jamaican Government that they were representing them.

(Applause)

Mr. Speaker, the Washington Bar Association has since then investigated Manatt, Phelps & Phillips and issued a declaration that they are satisfied that this firm of Manatt, Phelps & Phillips did nothing wrong.

Mrs. HAY-WEBSTER: So who was wrong?

Mr. D. PEART: Who then?

Mrs. SIMPSON MILLER: If that is in fact the case then the deception must be located clearly somewhere else.

(At approximately 4.32 p.m. the Speaker indicated that the Member's time for speaking had expired and a motion was moved by the Leader of the House for an extension to allow her to complete her presentation.)

Motion put to the House and agreed to.

The SPEAKER: Leader of the Opposition.

Mrs. SIMPSON MILLER: Thank you very much, Mr. Speaker.

Mr. Speaker, the State Minister in the Ministry of Foreign Affairs, the Solicitor General, the Ambassador of Jamaica to Washington at whose residence, official residence we are being told that meetings were held with Manatt, Phelps & Phillips must have known that the lobbyist would form the impression that they were working on behalf of the Government of Jamaica.

Mr. MONTAGUE: Impression?

Mr. BUCHANAN: Oh, it was a fact. It's a fact, thank you.

(Heckling)

Mrs. SIMPSON MILLER: It begs the question, Mr. Speaker, were they trying to

mislead the lobby group? From day one the cloak and dagger activities by the PM and his team was calculated, was a calculated act of deception.

Mr. D. PEART: Read it again.

Mrs. SIMPSON MILLER: Oh what a tangled web we weave!

(Applause)

I ask the question then, who can we trust, Mr. Speaker?

(Heckling)

Mr. SHAW: What you think... (Inaudible comment) ...about Trafigua? If I knew then.

Mr. PICKERSGILL: Vaz.

Dr. DAVIES: Vaz, you know what I now, I know what you know.

(Heckling)

Right, Daryl? What l know that you know.

(Heckling)

Mrs. SIMPSON MILLER: So, Mr. Speaker who can we trust to clarify these issues, our Prime Minister?

Mr. D. PEART: No, we can't do that, we can't do that.

Mrs. SIMPSON MILLER: The Minister of Justice and Attorney General?

(*Sotto voce* comments by some members)

Mrs. SIMPSON MILLER: Mr. Speaker, we note that despite the Prime Minister's recent public declaration to Jamaica and the world about the signing of the Extradition Order that preceded the issuing of an arrest warrant for Mr. Coke, the Minister of Justice now asserted, and I want to say what she said, well she said she was never instructed by the PM to sign the authorization of the extradition process. Why then has he been so engrossed in this whole ugly saga? You see, Mr. Speaker, Jamaica is facing a crisis of governance that we must all accept as the first step in a long process of social renewal and political rebirth.

(Applause)

Mr. Speaker, one factor contributing to the crises facing the democracy, our democracy, the democracy of Jamaica is the widely expressed disillusionment with politicians and the political process. And I mean all politicians.

In our Westminster model the integrity of Parliament is sacred, the integrity of Parliament, Mr. Speaker, is sacred. We in this House, on both sides must ensure that this continues to be so.

(Applause)

Yes, Mr. Speaker, there will be robust debates and tempers might even flare from time to time, but it must be implicitly understood that our word should be our bond.

(Applause)

Mr. Speaker, trust should never be compromised or undermined.

Mrs. NEITA-HEADLEY: Never.

Mr. D. PEART: Never regained.

Mrs. NEITA-HEADLEY: You can't get it back.

Mrs. SIMPSON MILLER: Wherever in the conduct of our parliamentary affairs this is found to occur it should be dealt with in a decisive manner. The House of Representatives is called honourable. That means that at all times its Members must act with honour. If and when we fail to do so we forego our right to be called honourable or to remain here. And so, Mr. Speaker, we must speak the truth not only to each other but most importantly through this Parliament to the people of Jamaica.

(Applause)

If Parliament is misled then both the nation and the Constitution are betrayed.

A MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: And so, Mr. Speaker, that kind of betrayal must never be allowed. The Constitution gives us, Mr. Speaker, enormous powers to speak freely in this Parliament without the fear of civil or criminal action. That is a major right that all of us in this House enjoy, but every right carries with it awesome responsibilities.

(Applause)

Awesome responsibilities and one responsibility, Mr. Speaker, we owe this Honourable House and certainly the people of Jamaica, is to be honest with them. When we lose their trust, Mr. Speaker, it's serious. The loss of trust between the governed and the government can and Mr. Speaker, will do irreparable harm to our society. It will destroy our democracy and the confidence of the people in their government and their leaders and this is why leaders must be honest and transparent. Great leaders place this premium on truth in good times because, Mr. Speaker, in bad times it will be essential that there be no moments of doubt or distrust when unity is needed for us to overcome adversity facing our nation.

Mrs. NEITA-HEADLEY: Hear, hear! (Applause)

Mrs. SIMPSON MILLER: There was a time in the very recent past when any Jamaican Prime Minister could stride out on the regional and global stage like a giant. They commanded far more respect and wielded influence, more influence than would be expected of a country of our size. Whether it was with kings or presidents, prime ministers, statesmen or women, Jamaica was large and in charge. (Applause)

Mrs. NEITA-HEADLEY: True, true!

Mrs. SIMPSON MILLER: We were able to hold our heads high because regardless of our economic status or size or social problems, everyone knew, Mr. Speaker, that Jamaica was a principled nation, a nation of integrity, a nation with moral rectitude, a nation whose heart would always bend towards justice and truth. Let me quote one from outstanding former leader of the region, ERIC WILLIAMS. That's what led Eric Williams, Mr. Speaker, to say in reference to a withdrawal from the Federal experiment, that 'one from ten leaves zero'. That is why Bustamante was able to simply and confidently declare, "we are with the West". The world understood what he meant and he acted accordingly. That was why NORMAN MANLEY was able to unquestionably lead the fight against apartheid South Africa. (Applause)

That is why HUGH SHEARER stirred the United Nations to action on the issues of human rights and that's why MICHAEL MANLEY was the champion in the nonaligned movement...(Applause)

…The voice of the Third World and a pioneer in the South-South Cooperation.

Mr. SHAW: Walk to the mountain top with me.

Dr. DAVIES: Yes, you were there too.

(Heckling)

Mrs. SIMPSON MILLER: That is why EDWARD SEAGA was able to lead with the respect of the Caribbean and the United States the establishment of the Caribbean Basin Initiative. That is why PJ PATTERSON expertly

led the LOME IV negotiations, was head of G77, an icon in Caribbean regional integration.

(Applause)

Mr. Speaker, through the words and deeds of the incumbent the Office of the Prime Minister of Jamaica has been severely compromised. It has been devalued nationally, regionally and globally. The words and actions of the Prime Minister have taken us to the brink of a disaster.

In the unforgettable words, Mr. Speaker, of one member of the European Parliament about another former Prime Minister:

> "We have devalued Prime Minister, we have a devalued Prime Minister in a devalued government."

There is only one action if we are to recoup the noble legacy of respect, Mr. Speaker, for the national constitutional symbol, our office of Prime Minister. It's only upon this Parliament that the Constitution bestows that awesome power. The Parliament and those who comprise it are the last vanguard, Mr. Speaker, in the defence of the noble Jamaican Constitution of office of Prime Minister.

This House is now beckoned by history and watched by Jamaica and the world to act honourably, to preserve the integrity of that office, and to rediscover Jamaica's international image, pride and reputation. We must demonstrate, Mr. Speaker, that we have the fortitude and courage to stand up for truth, without which we will surely perish. If this House turns its back on the truth today, then we run the risk of discarding a proud legacy of national and international respectability. The region will be watching us, Mr. Speaker, the world will be watching us, and this House must do the right thing. It must act to salvage and preserve our democratic foundations, our constitutional integrity, and our international image. And, Mr. Speaker, we must act, and we must act now.

(Applause)

The Prime Minister in his capacity as leader of the JLP has already received the approval of his Senators and his party Central Executive to continue as leader of his party. That is their decision to make. The position of Prime Minister is a national responsibility. (Applause) It is about the country and it is about our people. Let us therefore be absolutely clear on one thing, Mr. Speaker, the electors decide the Members of Parliament, but it is the Parliament that decides who commands the respect of the majority in this House, to be Prime Minister.

The Prime Minister has undeniably betrayed the respect and trust. His own admission in this House on May 11, and his statement on national television May 17, have confirmed that betrayal by our Prime Minister. In addition, he has misled this Honourable House. This is an unforgivable violation, Mr. Speaker that is punishable by dignified resignation, or in the absence of the demonstration of such a selfless and moral action, must, Mr. Speaker, be met with the sanction of removal by a vote. (Applause)

As a responsible Opposition, in defence of the oath we took to act in our nation's interest and to defend Jamaica's honour, our first action to preserve Jamaican legacy is to call upon Members of this Honourable House to discuss the Motion which was laid before this House. After we have carefully, Mr. Speaker, and thoughtfully considered the Issues which have been raised, I ask each one to let his or

her conscience and Jamaica's ultimate interest, guide our actions. (Applause) I urge each one of us to take a stand today in the glare of all Jamaica and the world for a fresh new start in our body politic, or, God forbid, remain mired in the old tribal embrace of party above country.

Thank you.

(Applause) (Standing ovation from Opposition members)

Mr. D. SMITH: Did Reverend Finn approve the speech?

(Laughter/*Sotto voce* comments)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Motion of the Honourable Leader of the Opposition, from the perspective of national security, and specifically, the damaging impact that the Prime Minister's improper actions have had on the safety and security of the people of Jamaica.

Mr. Speaker, there is an argument, an argument being peddled by the apologists, the spin-doctors and others heavily invested in the JLP Administration.

(Heckling/*Sotto voce* comments)

Mr. SHAW: It's poor manners to speak with your hand in your pocket!

(Laughter) (*Sotto voce* comment from Mr. Warmington)

Mr. PICKERSGILL: Go back downstairs go drink your white rum!

Mr. BUNTING: Mr. Speaker, they summarize this argument with the Biblical quotation, "He that is without sin, let him cast the first stone".

Government MEMBERS:
(In unison) Ahhhh! (Heckling)

Mr. BUNTING: Mr. Speaker...

Mr. BUCHANAN: No, them never find anything in him warehouse, you know! Remember that!

The SPEAKER: (Gavelling) Okay, Members! Continue, Mr. Bunting.

Mr. BUNTING: Mr. Speaker, this was not a Biblical invocation to mediocrity, it was a warning against arrogance and self-righteousness in speaking the truth. It is not a charter to engage in a free-for-all where nothing matters.

Mrs. HAY-WEBSTER: Hear! Hear!

Mr. BUNTING: It is a challenge to be fair and humble whilst still holding others accountable.

Mr. Speaker, from almost the beginning of this sordid affair, as the Honourable Leader of the Opposition has demonstrated, from the arrival of the extradition request for Christopher 'Dudus' Coke, reputed leader of the murderous Shower Posse, also down as the 'Presidential Click', from the very beginning Mr. Speaker, the Prime Minister and certain of his collaborators in the Cabinet, the Executive, and the Jamaica Labour Party, almost immediately commenced acting outside of the normal legal and diplomatic channels provided under the Extradition Act and the Mutual Legal Assistance Treaty. They did this by first engaging the US Law firm Manatt, Phelps & Phillips. Secondly, by diverting improperly, it seems almost the entire resources of the Attorney General's Department...

Mr. D. PEART: What a shame, man!

Mr. BUNTING: ..to the objective of finding some defect in the extraction request or some other reason to stall, to delay, to frustrate...

Mr. M. PEART: To prevent.

Mr. BUNTING: ...or to prevent the legitimate extradition request.

And third they set out to deliberately conceal these improper activities.

(*Sotto voce* comments)

Mr Speaker, the Prime Minister and others came up with a whole series of reasons for the delays in proceeding with this request.

First, we heard the request for extradition was not properly served.

Mr. D. PEART: Strike one!

Mr. BUNTING: Then we heard it did not disclose the identity of the witnesses...

Mr. D. PEART: A kill dem wa'an kill dem off.

Mr. BUNTING: ...even though this disclosure could have meant certain death for these witnesses.

Mr. D. PEART: Yes! Yes!

(*Sotto voce* comments)

Mr. BUNTING: And after those initial excuses were refuted, we then started to hear that some evidence was not authorized by the Interception of Telecommunications Act.

Finally, Mr. Speaker, when it became clear that the evidence was lawfully obtained, the Government settled on the excuse that the information was passed to the United States in breach of the Act.

A MEMBER: Constable Red Herring.

Mr. BUNTING: Now, Mr. Speaker, this was a breach, a breach that was so egregious that the Government was now seeking to prosecute not the subject of the extradition request, but they were seeking to prosecute this heroic Constable John Doe...

Opposition MEMBERS: Constable Red Herring!

Mr. BUNTING: ...now more aptly renamed by no less informed a person than the then Commissioner of Police, as Constable Red Herring.

(Applause/Heckling)

Mr. SHAW: Comrade Lewin!

(Heckling)

Mr. BUNTING: Mr. Speaker, this recent disclosure by Rear Admiral Hardley Lewin, now leaves the citizens of Jamaica to speculate on the real reason for the Prime Minister's effective frustration, and causing the resignation of the Police Commissioner, when he declared he had no confidence in him. The Police Commissioner, a man known to be intolerant of any improper interference.

(Cross talk)

Mr. Speaker, the Prime Minister was vigorous and combative in his defence of the human rights of this one individual, Mr. Christopher 'Dudus' Coke, alleged leader of the internationally renowned Shower Posse, legendary for its viciousness, responsible for the murder of thousands of people, not only in Jamaica but across the world.

(Opposition Members applaud/*Sotto voce* comments)

Mr. Speaker, this is the individual that the Prime Minister chose to make the poster boy for human rights of his administration, as he passionately defended Mr. Coke's cause in this Parliament on the 2nd of March.

Prime Minister Golding declared then. . .

Opposition MEMBER: Which hat was he wearing?

Mr. BUNTING: ...and 1 quote:

> "1 am not defending the wrong-doing of any person, but If I have to pay a political price for it I am going to uphold a position that constitutional rights do not begin at Liguanea."

Prime Minister, these are your words. You

said you were prepared to pay the political price.

(Heckling/cross talk)

Mr. BUCHANAN: I come to pay the price!

(*Sotto voce* comments)

Opposition MEMBER: Talk yu talk!

Mr. BUNTING: Mr. Speaker, the Prime Minister's strident defence of Christopher Coke was not only counter-intuitive, but it was inconsistent. Because this same Prime Minister, in this same House, was calling on the United States Government to give greater cooperation in stemming their flow of illegal guns and ammunition into Jamaica, the precise objective that the extradition request was addressing.

Mr. Speaker, this long-running pantomine which has played for the last nine (9) months, has now exposed to local and international audiences the insincere, the hypocritical and the tangled web of deception that was sanctioned by the Prime Minister and his collaborators in the Executive of the Government and the Jamaica Labour Party.

But, Mr. Speaker, what I have briefly summarized thus far is the Prime Minister's actions and the initiatives which he led or sanctioned. But there have also been serious consequences for Jamaica from these actions.

The first, Mr. Speaker, is that the behaviour of the Prime Minister has caused the International Community particularly the countries which traditionally co-operate with Jamaica in law enforcement, the USA, the United Kingdom, Canada those countries are today questioning the real commitment and the political will of the Government to (really) address the crime problem.

Mr. SHAW: Not anymore!

Mr. BUNTING: They are questioning whether the Government is so compromised, so entangled with the Shower Posse that it cannot trust them with secret and confidential information. That information is essential to combating transnational crime. And to support this assertion, Mr. Speaker, l quote from the US State Department in its 2009 International Narcotics Control Strategy Report issued in March of this year. It says, and I quote:

> "The Government of Jamaica's unusual handling of the August request for the extradition of a high profile Jamaican crime lord with reported ties to the ruling Jamaica Labour Party, which currently holds a majority in Parliament, on alleged drugs and firearms trafficking charges marked a dramatic change in GOJ's previous co-operation on extradition, including a temporary suspension in the processing of all other pending requests and raises serious questions about the Government of Jamaica's commitment to combating transnational crime".

But, Mr. Speaker, there is another reason our international law enforcement partners have to question their co-operation.

Mr. SAMUDA: Take a drink and cool down.

Mr. BUNTING: They now have to question the wisdom of sharing information with the Jamaican Government.

Mrs. NEITA-HEADLEY: Ah.

Mr. BUNTING: Mr. Speaker, in documents now in the public domain, put there by the Minister of Justice, it is made

clear that from October 29, 2007 that Christopher Coke has become aware that there - and l quote:

> "They are coming out with an indictment. They are saying one is to be there or me too".

Opposition MEMBER: He had the papers on his desk.

Mr. BUNTING: Mr. Speaker, this is not October 2009, is October 2007, October 29, 2007, less the two months after this Administration took office.

Mr. D. PEART: What!

Mr. BUNTING: Mr. Speaker, only a very few persons at the very highest levels should have been privy to this confidential brief from the US authorities that an indictment and related extradition request was being prepared.

Mr. Speaker, how was Christopher Coke informed at such an early stage of this coming indictment?

Mr. D. PEART: Tell us.

(*Sotto voce* remarks by members)

Mr. BUNTING: Mr. Speaker, if this international co-operation and assistance is withheld it will seriously compromise the effectiveness and the sophistication of our law enforcement effort in combating transnational crime and this has been put at risk. But, Mr. Speaker, the Prime Minister's action has also undoubtedly emboldened the criminal gangs across Jamaica while simultaneously demoralizing the security forces.

Mr. Speaker, statistics show for the last quarter of 2009 murders rose by 30%, taking us to a new record year. By the last quarter, that's October to December, it had now become clear that the Government was resisting the extradition request. It had now become clear that the Shower Posse, to use the analogy of the banking crisis recently in the US, had become too big to fail.

For the first five months of this year, Mr. Speaker, again referring to the Constabulary Force's statistics, murders are again up by a further 16% relative to last year, even though last year was a record year. But, Mr. Speaker, statistics have limitations in representing the gravity and horror of a situation. So let me compare it with the graphic consequences of the Tivoli Gardens/ West Kingston operation. The increase in the number of lives lost in the last eight (8) months….

(*Sotto voce* remarks by Mr. Warmington)

Mr. BUNTING: ...since your Government, your Prime Minister has resisted the extradition request . . .

Mr. SHAW: Our Prime Minister.

Mr. BUNTING: I am speaking to the Member from South Western St. Catherine.

Mr. SHAW: Take your hand out your pocket and address the Speaker!

(*Sotto voce* remarks by members)

Mr. BUNTING: Which Standing Order you are referring to?

Mr. SHAW: You must have manners.

Mr. BUNTING: Which Standing Order you are referring to?

(*Sotto voce* remarks by some members)

Mr. BUNTING: Mr. Speaker, for the last eight (8) months since it has become clear that the Government was resisting the extraction request for Christopher "Dudus" Coke, the increase, just the increase not the total, the increase in the number of lives lost in the last eight (8) months, 200 persons, not the total, just the increase, 200 additional persons have been murdered, Almost three times the number of lives lost in Tivoli Gardens operation.

Mr. Speaker, I have previously referred in this Honourable House to the debilitating impact the action of the Government has had on the morale of the good men and women in our security forces who, as serving professionals, are not able to come out and defend themselves publicly. They have felt like they were in a surreal environment, in a twilight zone when the enthusiasm of the Government was directed at prosecuting the heroic constable, whose life is now at risk - we understand he is in witness protection - attempting to do his duty in the service of his country while the Prime Minister champions the rights of the fugitive leader of the murderous Shower Posse. (Applause)

Mr. Speaker, in the last two weeks we have seen criminal gangs challenged the State. They have carried the fight to the security forces by attacking at least 14 police stations. In some cases burning them completely after personnel were evacuated.

Mr. D. PEART: All in PNP stronghold.

Mr. BUNTING: We have seen them attacking and in some cases ambushing, setting traps for police patrols resulting in the death of our security forces.

Mr. WARMINGTON: In PNP's stronghold.

Mr. BUNTING: Mr. Speaker, the serious loss of life from last week's operation could have been avoided. This serious loss of life could have been avoided, Mr. Speaker, if the Prime Minister and his Minister of Justice had allowed this request for extradition to follow the normal channels. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BUNTING: The processing and signing of the authority to proceed through to the issuing of the arrest warrant, all of that should have proceeded in secret so as not to telegraph the impending action to Coke and his criminal affiliates.

Mr. Speaker, the media has featured Christopher Coke's home in upper St. Andrew, not in West Kingston. If all of the normal process had been carried out in secret he could have been arrested with little challenge. Mr. Speaker, even to the very end, even to the very end some small element of surprise for the security forces could have been retained if the Prime Minister had not come on a national television broadcast to state that the warrant would be issued tomorrow or sometime in the future.

(*Sotto voce* remarks by some members)

Mr. BUNTING: Mr. Speaker, 'Dudus' must have appreciated the heads up from the Prime Minister. (Applause)

Mr. D. PEART: True!

Mr. BUNTING: Mr. Speaker, in all of this, in this pantomime of deception the Prime Minister, the Member of Parliament for West Kingston, the leader of the JLP, whichever hat he is wearing at the time. . . .

Mr. WARMINGTON: An honourable man!

Mr. BUNTING: …he was a principal player, not just a member supporting the cast. He improperly interfered with the ministerial authority and discretion of the Minister of Justice in first, either you could interpret it as threatening or at least intimidating her when he came to this Parliament and said that if she signed the authority to proceed, the next document she should sign is her resignation.

Mr. D. PEART: Out of order!

Mr. BUNTING: Mr. Speaker, if this was contemplated by the Extradition Act it would have named the Prime Minister as the person

with authority to sign the authority to proceed.

Mr. D. PEART: Out of order!

Mr. BUNTING: And, Mr. Speaker, I remind you this behaviour is from a former evangelist of the gospel of reducing prime ministerial powers.

Mr. D. PEART: What!

Mr. BUNTING: This behaviour from former evangelist for the gospel of reducing the powers of the Prime Minister.

Mr. Speaker, the Prime Minister chairs the National Security Council and the Defence Board. He was integrally involved in the evaluation of the performance of the previous Commissioner of Police by stating his loss of confidence. The Prime Minister sanctioned the scheme to use Manatt, Phelps & Phillips for what exactly we still do not know.

Mr. D. PEART: We know, usurping!

Mr. BUNTING: What we do know is that the Minister of Foreign Affairs has publicly catalogued the extensive communication with the US Government right up to the very Secretary of State herself….

(*Sotto voce* remarks)

Mr. BUNTING: ….by the Minister and other legitimate representatives of the Ministry of Foreign Affairs.

Mr. Speaker, the Prime Minister earlier in the sitting referred, and in speaking of the Opposition, he referred to vacillation when questions about the six (6) anti-crime bills came up.

Mr. D. PEART: He lied.

(*Sotto voce* remarks)

Mr. BUNTING: Mr. Speaker, Tivoli has been called the mother of all garrisons but the Prime Minister could be called the father of vacillation of flip-flopping. (Applause)

He vacillated on giving the authority to proceed for a long nine (9) months, and then telegraphed the eventual issuing of the arrest warrant which frustrated the normal extradition process.

Mr. WARMINGTON: Under frustration yourself.

Mr. BUNTING: Mr. Speaker, these actions allowed Coke and the criminal elements in Tivoli Gardens to challenge the authority of the Jamaican State, and resulted in the need for a State of public Emergency.

The current operation by the security forces in West Kingston, the regrettable and unnecessary loss of life to civilians, the damage to the reputation of the country, the economic and social loss to the society, and the generally increased level of insecurity, anxiety, and the reduction in the quality of life of the Jamaican people, responsibility for that has to be laid squarely at the feet of the Prime Minister.

Mr. Speaker...

(*Sotto voce* comments by Mr. Shaw) ...someone must be held accountable for this fiasco.

Mrs. NEITA-HEADLEY: That's it, that's it!

(*Sotto voce* comment by Members)

Mr. BUNTING: Someone must be held accountable for this fiasco.

Mr. D. PEART: Si him deh!

Mr. BUNTING: Today, the Government; after nine long months of delay, dithering, dilly-dallying has come right back to where they have started, at the beginning. The arrogance, belligerence, crudeness, disrespect and downright discourtesy from the Prime Minister and others, were totally unnecessary. It is the country and our people, in particular the poor, who have suffered from this inept,

incompetent and partisan position, adapted by the Prime Minister and members of the Cabinet.

(Applause)

Mr. Speaker, Jamaicans have had to suffer thousands of unfavourable articles on the Internet - almost 700 articles in the Foreign Press...

Mr. WARMINGTON: Can't beat Paulwell.

Mr. BUNTING: ...damage to the national economy. The Ministry of Tourism estimated it could be as bad as US$350 Million.

(*Sotto voce* comments by a member)

Mr. PICKERSGILL: Who can trace like you?

Mr. BUNTING: Our manufacturing has been hit; our commerce has been hit; innocent lives lost, including members of the security forces. We express our condolences to their families, friends and colleagues.

(Applause)

We regret the loss of lives; the loss of lives of those killed in Tivoli Gardens as well as elsewhere. No joy in loss of lives anywhere and under whatever circumstances do we find.

Mr. Speaker, in closing...

Mr. MONTAGUE: All right, Sally.

Mr. BUNTING: ....the Prime Minister's spin doctors are now desperately trying to re-invent him and re-position him once more, this time as the person to lead Jamaica's fight against crime.

(Cross talk)

This is, in a sense, Mr. Speaker, incredible, based on all that has transpired.

Mr. D. PEART: I wan see a copy of the resignation...

Mr. BUNTING: It is manifestly clear that the Prime Minister has neither the moral authority nor the confidence of the Jamaican people to lead this fight against crime, and to continue to lead this country.

A MEMBER: True, true!

(Applause)

Mr. BUNTING: The only appropriate action available to the Prime Minister is to do the honorable thing and resign.

(Applause/*Sotto voce* comments)

Mr. Speaker, this is why I support the motion and call on all colleagues on both sides of the Houses...

Mr. MONTAGUE: Kern, Kern, Kern...

Mr. BUNTING: ...to let decency and honesty triumph over political expediency as our National Anthem demands; *Justice, Truth Be Ours Forever.*

(Opposition Members stood while Applauding)

(Cross talk)

Mr. BUCHANAN: Joe Hibbert, Joe Hibbert.

(Cross talk)

The SPEAKER: Okay Members. Dr. Phillips.

Mr. MONTAGUE: Juk dem with Kern.

Dr. PHILLIPS: Mr. Speaker, I also rise to speak in support of the motion. It is not with a sense of glee, or with a sense of triumph, motivated by partisan consideration, quite the contrary.

Mr. Speaker, I don't know if I can raise a point of order in my own defence, but I refer you to Standing Order 40, which requires that I be heard in silence.

(Cross talk)

The SPEAKER: Please, allow the Member, allow the Member. We can get through quickly if you allow the Member to speak uninterrupted.

(*Sotto voce* comments by some members)

Dr. PHILLIPS: Mr. Speaker, contrary to having any sense of triumph, it is with a sense of sadness, regarding the state of Jamaica.

(*Sotto voce* comment by Government members)

Thank God I can.

Mr. MONTAGUE: Yes, I can too, and I don't work with CIA.

One MEMBER: You are Cuban.

Dr. PHILLIPS: Wonderful.

We are saddened...

Mr. D. PEART: Who you work with?

Dr. PHILLIPS: You know, they talk all about international corporations, I don't know how the Minister of Security is going to meet with the representatives of the very agencies that he is talking about who he is supposed to relate to, when he uses it as a term of abuse to reflect.

(Applause/*Sotto voce* comments)

A MEMBER: That demonstrates.

Dr. PHILLIPS: And if you say it outside, I will deal with you.

(Heckling)

Mr. Speaker... hear me now, you can remain like a cock partridge all you want.

(Cross talk)

The SPEAKER: Members, allow..

Government MEMBER: That is out of order. That is a point of order.

Dr. PHILLIPS: But we are going to talk.

Government MEMBER: How you gwine stop it?

Dr. PHILLIPS: Try and stop it.

Mr. SHAW: You don't turn leader yet...

Mr. BUCHANAN: I have the bounce cheque.

Mr. D. PEART: You have the bounce cheque them there?

Mrs. HAY-WEBSTER: All of them.

(Cross talk)

Mr. WARMINGTON: They set up Peter; they put the mike behind him.

The SPEAKER: Mr. Warmington, give the Member a chance nuh. Give the Member a chance nuh!

(Cross talk)

A MEMBER: They love trace eeh!

Dr. DAVIES: You will get your chance to trace

(*Sotto voce* comments continues)

Dr. PHILLIPS: What, fit and proper? It tells you the irony of local politics.

(Cross talk)

The SPEAKER: (Gavels) No, listen, Members, Members on both sides, it is a constant cross talk.

Mrs. HAY-WEBSTER: Both sides, Speaker.

Mr. BUCHANAN: Speaker, that is unfair.

The SPEAKER: Are you saying it is unfair? What is happening now?

Mrs. HAY-WEBSTER: They are not responding to you.

The SPEAKER: Both sides are guilty of the interruption and crosstalk.

A MEMBER: I agree.

Mr. M. PEART: We are being antagonized.

Dr. PHILLIPS: Mr. Speaker, we don't bring this with any sense of triumph, quite the contrary. It is with a sense of sadness regarding the state of Jamaica. We are saddened by the fact...

Mr. SHAW: Your legacy.

Dr. PHILLIPS: …that we have come to this point. We are saddened by the extent to which the lawless gorgons of organized crime

have come to insert themselves in our politics, and to threaten the very foundations of our society. We are dismayed that, for the first time in our history as an independent country, Jamaican authorities have engaged in a systematic programme to misrepresent the facts and delude another State in the international community, and in particular one with which Jamaica has had longstanding friendship and close historical associations.

A MEMBER: Really!

Dr. PHILLIPS: And further, Mr. Speaker, if you will permit me, it is with a sense of personal disappointment that one of the authors of this whole sordid chapter was none other than the Prime Minister of Jamaica.

Opposition MEMBER: Too lie!

Dr. PHILLIPS: The Prime Minister had previously given many, hope that he represented a new and different trend in Jamaican politics.

Mr. D. PEART: There is nothing new and different; lie, lie!

Dr. PHILLIPS: And even some who did not...

(Mr. Warmington consults with the Speaker)

Mr. PICKERSGILL: Go back to yu seat and leave the Speaker alone. Go drink white rum.

Dr. PHILLIPS: And even some who did not share...

(Cross talk/Laughter)

Mr. PICKERSGILL: Go back to yu seat! Or go downstairs go drink yu white rum.

(*Sotto voce* comment by Government Member)

Dr. PHILLIPS: You know, I believe that this pain me more this it pain you.

(Heckling)

The Prime Minister, even some who had not shared his party's political affiliation had expectations that he would open up new possibilities...

Opposition MEMBER: That's true, that's true!

Dr. PHILLIPS: ...a new beginning for an admittedly scarred and blemished political system in Jamaica. Understandably, there are those who want to dismiss this entire series of events as no big thing.

Mr. WARMINGTON: That is why you undermine my cousin.

Dr. PHILLIPS: Entire series of events associated with the extradition request for Mr. Christopher Coke, and the associated hiring of the lobby firm Manatt, Phelps & Phillips as no big thing, or as they would say, *"a nuh nutten*." Typical of politics.

In their cynicism, they say this is the normal stuff of Jamaican politics, parties protect their own, and it is only to be expected. While all of us in the political process, past and present, have to accept the major share of the responsibility for the rise in public cynicism toward politics, the reality is that the current issue involving the handling of the extradition request for Mr. Coke, and the associated matter of the engagement of the lobby firm, go much further and have graver implications for the quality of governance in our country than anything that has ever happened in our past.

In past episodes where breaches of public trust have occurred, or have been alleged, Ministers have resigned. In fact, in this instance, one Minister has resigned.

Mr. D. PEART: The fall guy.

Dr. PHILLIPS: Matters involving Prime Ministers on allegations against Prime

Ministers, as in the case of the case of the Maffessanti matter in the 1960's, or the Carinosa issue of the 1980's, Commissions of enquiry have been appointed.

Mr. SHAW: What happen to the 70's and 90's?

(*Sotto voce* comments by members)

Dr. PHILLIPS: Even in the so-called Trafigura affair, a Minister resigned.

(Applause)

The matter was debated in the Parliament. Whatever the other failings our system of administration may have, these…

Government MEMBER: What about the Iran sugar deal?

Dr. PHILLIPS: There was a Commission of Enquiry there too. So if you want to go to the issue read it fast.

(*Sotto voce* comments by Mr. Shaw)

Dr. PHILLIPS: And I mentioned two with Prime Ministers before, this is the first time. There is a time when you must just listen and try to understand because the future of our country is what we are debating.

(Applause)

There comes a time when you must learn that principles such as integrity and honesty are not outdated ideals of a bygone era, but they are the cement that holds together the foundation upon which we must build a nation.

(Heckling by Members)

Dr. DAVIES: Audley just heckling the man nonstop.

Mr. D. PEART: We need to give Audley, and we need to give Warmington a time to talk. Sit down and let them talk. But it cannot continue like this.

Dr. PHILLIPS: It is for this reason you know, Mr. Speaker, speaking seriously, why you....

Mr. MONTAGUE: That is why of you lose.

Dr. PHILLIPS: You see winning and losing is not what is important to me.

(*Sotto voce* comment by Mr. Montague)

Dr. PHILLIPS: That is all right and she is the leader of the People's National Party, and I support her.

(Applause)

What you need to understand is that if you reduce the Parliament to a poppy-show no one will respect the political process in the country and you can't learn it.

(*Sotto voce* comments by Members)

The SPEAKER: (Gavels)

Could you cut out the cross talk, please!

Dr. PHILLIPS: ...Whatever failings our system of politics may have had, Mr. Speaker, they were up to new benchmarks identifying the standards of ultimate accountability that existed within our constitutional framework.

Currently, however, not only have these hitherto accepted standards been ignored, indeed contemptuously ignored, but to this very day the Government led by the Prime Minister, has systematically misrepresented the facts and suppressed the truth in relation to questions illegitimately raised in the Parliament of the land. To this day, no one has been held accountable and to this day, the Government and the Prime Minister have not told the Parliament the truth, the whole truth and nothing but the truth. (Applause)

By itself that would be enough of a breach on which to base this motion of censure and no confidence. For, Mr. Speaker, in a parliamentary democracy such as ours, is

rooted in the West Minister tradition, the system can only function effectively if Parliamentarians observe the ethical norms which form the foundation of the system and effectively uphold the procedural rules especially of the Parliament.

The situation becomes even more disturbing and indeed frightening, and the demanding of a censure of this Honourable House, when one considers the objectives and the purposes which underpin this whole sordid saga of misrepresentation, suppression of the truth and duplicity in which the Government of Jamaica was engaged.

(Applause)

For it is now become patently clear that the objective of all of this, the objective of the surreptitious engagement of Manatt, Phelps & Phillips. The deployment of the financial resources of the State for the travel of officials and dinners at Ambassador residences, hotel bills and more, the legal maneuverings of the Attorney General and the misleading of the Parliament were all directed to one objective. That objective was to frustrate and obstruct the extradition request of the United States of America and to prevent the extradition of Mr. Christopher Coke. (Applause)

Never before, in the relatively short history of our country as an independent nation have we had a government act in such callous disregard of the interests of the Jamaican people. Never before have we had a government act in such blatant disregard of the international obligations of Jamaica, especially in relation to the international cooperation against transnational organized crime. Never before as a government attempted to so manipulate the legal process, so tendentiously; never before has a Government by its action so besmirch the good name of Jamaica in the international community by virtue of their machinations.

This Parliament, Mr. Speaker, cannot stand by and not respond to the grave misdeeds that are upon us.

(Applause)

In order to establish the misconduct of the Government in this matter we need to consider the background. I am relying here in the first instance on the document submitted by the Attorney General of Jamaica to the Courts, although I can say that not all the relevant documents are in the Attorney General's bundle. Here are some of the basic facts.

First the investigations and the alleged activities of Mr. Coke have been underway from sometime and l quote from the indictment "*at least from the mid-90s, and with the cooperation of Jamaican Law Enforcement authorities*". With the cooperation of Jamaican Law Enforcement authorities. It is desirable...

(*Sotto voce* comments by a Member)

Dr. PHILLIPS: Yes, it is desirable so you can have a full understanding. Listen and learn.

Mr. D. PEART: Your hearing aid a work alright?

Dr. PHILLIPS: It is - I need to say something, Mr. Speaker, so Members can understand and the public, about some of the circumstances of modern day law enforcement, particularly in relation to today's organized crime which is usually transnational crime.

One consequence of the transnational character of crime is that effective law enforcement inevitably will involve international cooperation. There are a number

of agreements, UN conventions, and transnational organized crime, neutral legal assistance treaties, extradition treaties and various bilateral agreements and the sharing of intelligence, investigative cooperation and the like which give substance to this reality. In practical terms, this means that law enforcement officials from various countries operate jointly, sharing information, ideas, cooperating and working crime targets together. Usually deciding on the basis of practical assessments of each case, such as the availability of witnesses, the ability to protect and secure witnesses, the extent of the investigations completed, they decide on the basis of those practical considerations where the best chances of a successful conviction exists.

In pursuit of this, law enforcement officials in other States have been and are based in Jamaica. And I don't know about now, but in the past Jamaican Law Enforcement officials have been based in the United States, in the United Kingdom, in Canada in Colombia in Bahamas and other countries, for the same purpose. Such cooperation is based on the assumption that independent sovereign states freely enter into such arrangements because they share a common interest in suppressing and defeating organized crime in order to enhance their own public safety environment. (Applause)

Misplaced appeals to sovereignty as a reason for not cooperating is simply another red-herring, a diversionary tactic aimed more often than not at protecting criminals the protecting the public safety of the majority. (Applause)

Fact number two stated in the - derived from the indictments. Coke, it says, is a very influential figure. The allegations are quoted:

> *That he heads an illegal organization based in Jamaica and elsewhere, based in Tivoli Gardens and he in an extremely powerful and well-connected person with affiliation to the Governing party.*

We don't need the existence of the allegations in the indictment here. Events over the last few weeks, the shutting down of Kingston when the news spread that there was - that the request was going to be authorized and authority to proceed is given. The hasty egress from Downtown Kingston of people eager to get out of Town prior to the Prime Minister's address speaks to the widespread belief among the Jamaican people, ordinary Jamaican people, about the power of the man. Not the Prime Minister, I am talking about here.

Mr. D. PEART: 'Presi', president we talking about.

Dr. PHILLIPS: Third point, Mr. Speaker, third point I want to make.

(*Sotto voce* comments by Members)

Mr. D. PEART: Why you didn't send Dudus go a America then, why you never send Dudus go a America?

Dr. PHILLIPS: Third point Mr. Speaker. The Prime Minister was briefed in October 2007, around the same time the first indictment was handed down.

A MEMBER: How you know that?

The PRIME MINISTER: Absolutely not so.

Mr. PEART: Say it again.

Dr. PHILLIPS: The Prime Minister was briefed in October 2007 by the United States authorities that an extradition indictment had been delivered or was about to be delivered by…

Mr. HOLNESS: That would be normal procedure?

(*Sotto voce* comments by Members)

Dr. PHILLIPS**:** Yes, it would be normal procedure and it is the truth.

Fourth, the offences...

(*Sotto voce* comments by Member)

Dr. PHILLIPS: You don't really want to go there, you don't want to go there. Trust me, you don't want to go there.

Mr. HOLNESS: On a Point of Order. Mr. Speaker, if the Member would just state the source of which he is quoting that information.

Dr. PHILLIPS: I tell you directly. In October of 2007, one month after we had demitted office, I was contacted by the then United States Ambassador and her DEA representative with whom I had been in conversation with before. They said they wanted to urgently brief the Prime Minister of Jamaica. I called his office; I spoke to him myself and set up a meeting.

(Applause)

(*Sotto voce* comments by Member)

Mr. HOLNESS: For clarity, Mr. Speaker...

(*Sotto voce* comments by Member)

The PRIME MINISTER: So if the US Ambassador wants to speak to me they go through you?

(*Sotto voce* comments by Member)

Mr. HOLNESS: before you answer, member….

(*Sotto voce* comments by Member)

The SPEAKER: Members hold. Yes, House Leader.

Mr. HOLNESS: Would the Member care to say if he is aware that any other extradition request was made for the same person before October 2007?

The SPEAKER: No no. Continue Dr. Phillips, now.

Dr. PHILLIPS: What is the question? What is the question?

A MEMBER: Rubbish!

(Cross talks/*Sotto voce* comments)

The SPEAKER: No, no, no!

Mr. HOLNESS: If he cares to say, Mr. Speaker.

(Cross talks/inaudible comments)

The SPEAKER: No, no, he doesn't have to continue. Continue, Dr. Phillips.

Dr. PHILLIPS: What is the question?

The SPEAKER: The intervention is not appropriate, though. Continue, Dr. Phillips.

(Cross talks/*Sotto voce* comments)

The SPEAKER: No, no, no! Continue, Dr. Phillips.

(Cross talks)

Dr. PHILLIPS: Mr. Speaker, if you look in the sequence.... further ...

(Inaudible comments by Mr. Holness)

Dr. PHILLIPS: Now what is your question?

Opposition MEMBER: No question he nuh have man!

(*Sotto voce* comments by Government Members)

Dr. PHILLIPS: Number 4, Mr. Speaker

The SPEAKER: (Gavels) Members! Members! Please! You now, in all sincerity, both sides are shouting. Please, we need some silence.

(Inaudible comments by Mr. Holness)

Dr. PHILLIPS: You are asking me? No, I will tell you! I will tell you! No! I will tell you that I was urgently - I was in consultation, it was an investigation that was underway. The reputation had been developed among many people that it was only PNP people that were

being arrested and extradited. I knew this was the biggest criminal organization in Jamaica...

Mr. M. PEART: All a we know that.

Dr. PHILLIPS: ...but you cannot rush the wheels of justice. So no extradition request came, but I will tell you this further, since you want to know... (Applause)

(Cross talks/inaudible comments)

Dr. PHILLIPS: I will tell you this further…

Mr. BUCHANAN: Yes, let us hear it full!

Dr. PHILLIPS: ...because of the request that had come in '04 and '05 working jointly, the security forces were asked to prepare an arrest plan that would minimise the damage to the country, so that they would have a plan in place if it came.

Mr. M. PEART: Yu understand now, yu understand now.

Dr. PHILLIPS: And that is why the mayhem that took place never needed to have happened, never needed to have happened. (Applause) I don't have any problem. Let us talk the whole thing because there are no secrets here. None! (Cross talks)

Dr. PHILLIPS: And I'll tell you, l went so far as to ask the District Attorney in the United States because the Jamaican law enforcement participated at every stage, in all the investigations that have been taking place for all of the people. We cooperated with Colombians, with Bahamian authorities, with United States authorities, with Canadian authorities because we were determined to stamp out organised crime and drugs running and gun running... (Applause)

(Cross talks)

(Inaudible comments by Mr. Samuda)

Dr. PHILLIPS: Well all right, I'm glad to know, I am glad to know, I am glad to know. What you said pleases me, because I'm glad to know that that cooperation is now taking place.

Mr. D. PEART: If is true.

Dr. PHILLIPS: Continues to take place, I am pleased.

The fourth point, Mr. Speaker, the offences for which Mr. Coke was indicted include export of drugs - again in the indictment - marijuana and cocaine they were distributed in the East Coast of the United States. Evidence is also provided that these drugs were carried by a variety of means, including the utilization of Jamaican women carrying it in their body cavities.

Mr. D. PEART: What a shame, what a shame man!

Dr. PHILLIPS: The second charge centres upon the allegation that Mr. Coke conspired to export weapons to Jamaica including high-powered rifles.

Mr. D. PEART: And dem use dem pon we over the last weekend, boy.

Dr. PHILLIPS: Against receiving this indictment, how did the Prime Minister and the Government of Jamaica respond? Against the background of long term law enforcement cooperation, considering the nature of the charges and bearing in mind the period of time when all of this was going on, what is clear from the facts before the public, is that rather than consulting with his appropriate law enforcement and other officials as to how to give effect to Jamaica's obligations under the Mutual Legal Assistance Treaty, the Extradition Act and the various bilateral agreements that Jamaica had entered into with

the United States, members of the Government including and sanctioned by the Prime Minister, engaged in a conspiracy to obstruct the extradition request.

MEMBERS: Shame! Shame!

Dr. PHILLIPS: Indeed, the whole Manatt, Phelps & Phillips saga was just one element of the conspiracy of obstruction and it was because it did not in my view, have an honourable objective that it had to be handled in this surreptitious and underhand way that it was.

One MEMBER: And lie in between.

Dr. PHILLIPS: Because on the face of it, if a government wanted additional diplomatic resources, nothing would be wrong for a government to hire a lobby firm. We have to ask the question, why was it done in this way? How come, Mr. Speaker? (Applause)

Mr. D. PEART: Why dem did it da way deh?

Opposition MEMBERS: How come?

Dr. PHILLIPS: Let's look at the timeline, let's look at the timeline.

(Cross talks)

Dr. DAVIES: Officially, officially!

Dr. PHILLIPS: August 25, 2009 - again we're just going by the bundle submitted by the Attorney General - August 25, extradition request was received by the Government of Jamaica. The time between the original briefing in '07 and the handing down in '09 is because investigations continued and they were superseding, in fact two superseding indictments, this is the third one that the request - the actual request - was based on.

(Inaudible comments by members)

Dr. PHILLIPS: No, it's for the same person.

(Inaudible comments by a member) .

Dr. PHILLIPS: You can check someone. Check Ronnie and he will carry you through it all later.

Mr. M. PEART: Lawd man, yu nah hear good? Ask Samuda, ask Samuda, mek Samuda tell yu wah a gwaan. Samuda know everything.

Dr. PHILLIPS: September to August 25, Mr. Speaker, bear that date in mind, September 18; monies are paid to the US lobby firm...

Mr. D. PEART: Absolutely.

Dr. PHILLIPS: ...Manatt, Phelps & Phillips. The contract is signed late October first. On the 18th of May, the Prime Minister in his address to the nation in which he apologized for his actions in this whole affair, the Prime Minister said: "The engagement of Manatt, Phelps & Phillips by Mr. Harold Brady was an effort to secure assistance in resolving the stalemate, because the party was concerned about the negative effect…

A MEMBER: Stalemate? Stalemate?

Dr. PHILLIPS: ...it was having on relation between Jamaica and the United States of America."

A MEMBER: How yu get to stalemate so quick?

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

Mr. HOLNESS: Mr. Speaker, I move for the suspension of the Standing Orders to allow the Member 10 more minutes.

MEMBERS: No, no, no!

Mr. D. PEART: Mek him finish.

Mr. HOLNESS: To allow the Member 15 minutes to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Order

to allow the Member sufficient time to complete his presentation.

Mr. HOLNESS: Fifteen minutes.

The SPEAKER: Fifteen minutes, sorry, 15 minutes to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Dr. Phillips, I just want to warn you, you know, there are some - there's a bit of repetition there, okay, and you could avoid the repetition.

Dr. PHILLIPS: Well, Mr. Speaker, even if we cover the same ground we make different points sometimes.

A MEMBER: Hear, hear!

Dr. PHILLIPS: Mr. Speaker, within 24 days of the receipt of the request for extradition, the initiative had the scheme with Manatt, Phelps, had already been conceived, sanctioned by the Prime Minister, person or persons instructed Mr. Harold Brady, the law firm contacted, negotiations with them as to fees completed and the first retainer fee paid. How much of this three weeks had passed between the receipt and the decision by the JLP, supposedly, to seek the firm's involvement? We do not know. It may have been days, it may have been a week, but the negotiation certainly, would have taken some time.

Mr. D. PEART: Or maybe a from dem hear bout it dem start plan.

Dr. PHILLIPS: Three weeks. Was that enough time to justify a statement that matters had reached a stalemate...

Mr. D. PEART: In three weeks.

Dr. PHILLIPS: …as the Prime Minister described it?

MEMBERS: Lie! A lie him a tell.

Dr. PHILLIPS: It is hardly conceivable that the situation at that time, could be described as a stalemate. The question must be asked, was the Prime Minister being fulsome with the truth when he apologised to the nation and the Parliament, for not being fulsome with the truth?

A MEMBER: Him a pretty up the thing.

Mr. D. PEART: Caan be, caan be?

Dr. PHILLIPS: Well, he never came to the Parliament. But the question is, when he gave the national apology and described it as a stalemate having been caused was that in fact the situation? Did a stalemate then exist?

A MEMBER: That can't be true.

Dr. PHILLIPS: A more plausible conclusion to be drawn is that from day one when the extradition request was received, the Prime Minister and the others so far unnamed co-conspirators, set out to see how they could - shall we say - prevent the request from going forward. This was the purpose of the Manatt, Phelp & Phillips engagement by the JLP. And that was why the engagement of Manatt, Phelps & Phillips was done in the convoluted form that it was done.

Let's return to the sequence of events. October 30 is the first documentary evidence at least in the bundle, that there was a "dispute". That is the date of the letter between the Attorney General and the Charge' de Affairs of the United states in Jamaica. And reference is made to an earlier correspondence, but this is stating it and I can only guess as to the reason why the earlier correspondence was not exhibited.

Two main concerns were raised by the Attorney General: (a), the fact that the witnesses were not named, including the witness, Constable John Doe. Then (b), there was the suggestion that Constable John Doe breached the Interception of Communications

Act. The first concern which was the first issue, or among the first issue raised by the Government of Jamaica, can be quickly dispensed with, namely, that the confidential witnesses were not named.

There are ample judgements in the Courts - and if you want one just look at Ramcharan and the Commissioner of Corrections and DPP, or Williams and the Commissioner of Corrections and DPP, where the Courts say - Court of Appeal - that this is a matter that the Magistrate has to consider on the balance of concerns, including safety and security of witnesses and the interest of justice. So that that matter was quickly withdrawn.

The second issue is where the Government of Jamaica hangs its hat. The Prime Minister asserted in this House that the evidence adduced in the indictment was collected contrary to the provisions of the Interception of Communications Act. Many were under the impression, and in fact it was said, that no warrant was issued. That was patently not the case, yet the impression was left with the Parliament.

Subsequently however, the Prime Minister and the Attorney General narrowed down the issues to the questions of the illegality of the actions of so- called Constable John Doe. The Government of Jamaica went so far as to request in writing that the United States - and I'm quoting here – "disclose the name of the officer and the circumstances in which the intercepted communication was disclosed to them in order that steps may be taken to investigate the matter with a view to laying criminal charges against Constable John Doe". Here we see...

Opposition MEMBERS: Shame, shame!

Mrs. HAY-WEBSTER: Go back through the door.

Dr. PHILLIPS: This is an investigation in which the Government of Jamaica has been cooperating from the mid-Nineties, even before I was Minister. This is a country that has been carefully cooperating with us in this investigation and in other things, including other drug interdiction efforts. But what do we see here? The Government of Jamaica participating fully in the so-called 'informer fi dead' culture, sub-culture of the criminal underworld. And 'bout Constable John Doe was the informer and they want to lock him up.

(Inaudible comments)

It is quoted here. "*We want to investigate him with a view to laying criminal charges against him*". You put that policeman in the prison what you think it is?

Opposition MEMBER: Low blow, low blow!

Dr. PHILLIPS: But to make it worse, Mr. Speaker, to make it worse, Mr. Speaker...

Mr. SHAW: But the law is not a shackle.

Dr. PHILLIPS: Mr. Speaker, I hope you're not taking this out of my time? Yes. Mr. Speaker, to make it worse, there was no investigation of the matter before they wrote this asking, because the Commissioner of Police at the time the request was received, the extradition request was received, was never asked about the circumstances under which the intercepted communications were shared. The Commissioner of Police then was never asked about the circumstances under which it was shared. Pure red herring. Pure red herring.

And we should note, Mr. Speaker, that under the relevant law, Interception of

Communication Act, the Commissioner of Police is authorized to receive and use the information delivered under the Act for law enforcement purposes.

Note, too, note too, that nowhere in his affidavit does the Constable assert that he transmitted the information to the United States authorities. The Minister of Justice and the Attorney General herself indicates in her affidavit, and I quote:

> "*He states that he was able to confirm... " operative word – "that the recorded telephone calls are telephone calls that were recorded in Jamaica pursuant to Court authorization".*

So you have the information collected. The United States has it. He confirms that it is accurate information. The Commissioner of Police who had the right to get it for law enforcement and share it with anyone he was cooperating with under existing protocols, was never even asked if he had transmitted it. Was not even asked.

I believe - and all this talk about the prohibition in...(Inaudible comments by Government Members) ...Don't go there... Prohibition in Memoranda's Agreement. Don't go there either. (Cross talk) It is the whole allegation, the whole allegation against the Constable was just another contrivance, another deliberate misrepresentation by the Prime Minister and his co-conspirators to try to prevent the granting of authority to proceed with the extradition request.

Perhaps the clearest indication of the insincerity of all the various legal manoeuvring and all the pronouncements about the Attorney General having to resign if she signs; all the sonorous soundings about the defence of rights, was the ease with which they yielded the position when the public outage grew to a crescendo. (Applause) And now, every contortion is being engaged in, to prevent the paying of the political price which the Prime Minister said he would so gladly pay on behalf of the defence of Mr. Coke.

(Applause)

Much need not be said by me about the Manatt, Phelps & Phillips matter, suffice it to say that we have still not gotten the complete truth in this matter despite the apology on television and his admission, the Prime Minister's admission that the engagement was an error.

A MEMBER: By whom?

(Inaudible comments)

Dr. PHILLIPS: There are still some elements and the timeline can help us when we follow it.

September 18 the retainer is paid. October 1st the contract is signed by Mr. Brady, and it's a valid contract and you in fact put an end to it by withdrawing from it, authorized on behalf of the Government of Jamaica to approve engagement of Manatt, Phelps & Phillips. October 13 to November 20, telephone conversations, meetings, e-mails, *et cetera*, go-between Manatt, Phelps & Phillips and various US authorities including the White House, including the Office of the President of the United States. Mid-December, the Solicitor General meets with representatives of Manatt, Phelps & Phillips. March 16 the Prime Minister is asked whether the Government had entered into a contract to deal with the matter and he replies, as has been quoted here, that the Government of Jamaica has not engaged any legal firm, any consultant, any entity whatsoever in relation to

any extradition matter other than deploying the resources that were available to the Attorney General's Chambers.

He had sanctioned the engagement himself, by his own admission later. Says he was talking about his party responsibilities. The same person who in 2006 said you could not separate those things when you hold official office, and in a circumstance where the Government of Jamaica.....(Applause)... In a circumstance where the Government of Jamaica has been brought through the mud. In a circumstance where thousands of Jamaicans all over the world are fearful about their travel rights and privileges. A matter of national interest, and the Prime Minister deliberately dissembles and diverts the truth.

Opposition MEMBER: Lie!

Dr. PHILLIPS: The Office of the Prime Minister on March 18, two days after, issues a statement that says that "the Solicitor General while on a flight to Washington, by chance...

Opposition MEMBER: Buck up!

Dr. PHILLIPS: ...or was approached by Mr. Brady who suggested that Manatt, Phelps & Phillips could provide assistance with the Treaty issues between Jamaica and the United States.

Mr. M. PEART: Nutten nuh guh suh!

Dr PHILLIPS: The Solicitor General met with the representatives, he says, who accompanied him to the meeting but took no part.

April 27, more than six weeks after, the initial question is posed, Mr. Brady admits that persons "within the JLP" confirmed that Manatt, Phelps & Phillips attended the meeting and said a Minister had a brief social encounter.

The Prime Minister asserts finally on May 11 that he sanctioned the whole thing. But he also tells us now, that there was the chance meeting with Mr. Brady but he also says that Mr. Brady had contacted the Solicitor General as way back as September to discuss issues relating to the extradition request. So this chance was perhaps not so much of a chance after all. This chance could have been a planned chance. But in any event the Solicitor General could not have been ignorant of what Mr. Brady was about. And this is - now e-mails have exchanged between the Solicitor General and Manatt, Phelps & Phillips as early as September. They were asked for. We haven't heard. We haven't got them. The country hasn't got them. The Prime Minister strenuously refuses to answer the other obvious questions.

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

(Inaudible comments)

Dr. PHILLIPS: I need five more.

Mr. E. SMITH: No.

Dr. PHILLIPS: I need five more.

(The Members time for speaking having expired a request was made for the suspension of Standing Orders for an extension of five minutes)

Motion put to the House and agreed to.

The SPEAKER: (Gavelling) Dr. Phillips.

Dr. PHILLIPS: Much obliged, Mr. Speaker. What we have here is clear.

The Prime Minister sanctions a scheme in September before any dispute had been concretized with the United States. E-mails exchanged between the Solicitor General and the law firm and Mr. Brady in early September, presumably before the retainer is

even paid; Manatt, Phelps & Phillips attends meetings, makes telephone calls between October and November. They also go to a meeting with the Solicitor General in the State Department months after they have been retained and in fact the suggestion that they were there as observers is not permissible under United States law.

Mr. Speaker, what we have here is not only another element in the conspiracy to protect Mr. Coke from the effects of the law, but what we have here is the evidence of a contemptible coverup which misled the Parliament, abused its privileges and misrepresented the truth. And this coverup was apparently coordinated by the Prime Minister himself.

Still, despite supposedly coming clean, we still to date have no knowledge of who, other than Mr. Brady and the Prime Minister conceived the plan. We still don't know who paid the money. It's Jamaica's business. We still don't know who instructed the Solicitor General who must have either directly or tacitly presented Manatt, Phelps & Phillips', representatives to the State Department, as representing the Government of Jamaica. We have heard nothing from the Prime Minister about meetings at the Jamaica's Ambassador's house that the Minister of Housing spoke about on public radio, public media.

The Prime Minister would have us believe that having sanctioned the scheme, he took no further part in it and didn't even enquire as to its progress. That he would have us believe that despite the many hours of meetings and consultations with his Attorney General overtime Coke extradition matter, they never spoke not even once about developments in this alternate plan that was being carried out by Manatt, Phelps & Phillips?

They would have us similarly believe that the Solicitor General, despite e-mail exchanges and conversations with Mr. Brady from as far back as September 2009, was also kept completely out of the loop as far as the Government's official effort was made. Then why spend Fifty Thousand Dollars if there was to be no benefit from these discussions for the whole extradition matter? If there was no communication with the officials having official carriage of the matter? It does not add up.

Opposition MEMBER: Can't compute.

Dr. PHILLIPS: Beyond that, beyond that, what we have, Mr. Speaker, now after nine months of vacillation, nine months of obfuscation, nine months of delay and diversion and misrepresentation in this House, now having yielded to public pressure, a State of Emergency has been declared to arrest Mr. Coke. No chance for the implementation of an arrest plan that would have obviated all of these difficulties. No plan. The plan is the plan of the security forces of Jamaica.

(*Sotto voce* comment by Mr. D. Peart)

Dr. PHILLIPS: Now we have a hundred plus, seventy plus Jamaicans dead. Mr. Coke is still free. Police stations have been burnt and bombed and shot up. Policemen and soldiers killed and now the clothes of crime fighting is being put on to excuse and justify a contemptible delay….

(Applause by Opposition members)

…All because of an ill-conceived conspiracy spearheaded by the Prime Minister of Jamaica. This motion is not a cry of triumph nor is it a personal vendetta against the Prime Minister,

far from it. It is rather a demand that there should be some accountability in public life. It is born of an insistence that our leaders should choose to uphold the right and not the wrong. It is a demand that the Parliament be not treated with contempt without any consequences.

(Applause by Opposition members)

Most of all, it rests on the principle that our people cannot be asked to pay for the misdeeds of our leaders, even to the point of death without recompense.

I thank you, Mr. Speaker.

(Standing ovation by Opposition Members)

The SPEAKER: Reverend Thwaites.

Mr. THWAITES: Mr. Speaker, Mr. Speaker, the concern of this presentation has regard for the impact on the legal system and the nation's perception of justice of the so-called Coke fair. I speak for a constituency, neighbouring to Western Kingston and closely connected in commerce and personal relationships with those most affected.

Mr. Speaker, the central question of this debate is to discover what is the history and the texture of the relationship between the Shower Posse, Christopher Coke and the Jamaica Labour Party Government of Jamaica.

(The Speaker left the Chair at approximately 6:18 p.m. The Deputy Speaker presides.)

Mr. THWAITES: Each Member of this House, Madam Speaker, is a Minister of Justice. We are here to do what individual citizens cannot do for themselves, to foster order and opportunity. It is a sacred trust. All we must do, must be truthful and just. And if not, we open ourselves to censure and we are not fit to govern anymore.

More than three centuries ago, the great philosopher of the enlightenment Edmund Burke spoke to us.

> "It is not what a lawyer tells me1 can do, but what humanity, reason and justice tells me I ought to do."

was his precept to us.

The matter of the extradition request for Christopher Coke, the machinations with the American lobbyists, the trifling with Tivoli, the invasion of that community and all that follows are all at one seamless fabric.

(*Sotto voce* comment by Mr. Warmington)

The DEPUTY SPEAKER: (Gavels) Members of the House. Members of the House.

Mrs. HAY-WEBSTER: Not members, it is one Member.

The DEPUTY SPEAKER: No, it is not one Member.

Dr. RHODD: Go back downstairs and get another drink.

The DEPUTY SPEAKER: No, Members of the House, and it is not one Member. Members of this House, I am asking, I am asking that we conduct ourselves in the manner that is befitting of us and address the matter…

(*Sotto voce* comment Mr. D. Peart)

The DEPUTY SPEAKER: (Gave1s): But, Member, they are saying one Member. I am asking all the members of the House to observe the rules. I am asking you to allow the Member to speak. I am asking all Members of this House on both sides.

Mr. SHAW: Hi you, sit down! Sit down!

Dr. RHODD: Madam Speaker, on a Point of Order of principle. The Member from St. Catherine South West has passed a statement implicating me.

Mr. SHAW: What did he say? What did he say?

Mr. PERALTO: What did he say?

(*Sotto voce* comments on both sides)

Dr. RHODD: No, he stated - I am going to repeat it. He stated that I am a crook. I would like him to withdraw that statement or prove, provide the evidence that I am a crook. And he is rude and out of order.

Mr. SHAW: I didn't hear that.

Mr. BUCHANAN: Rude and out of order!

(Disturbance in the House by both sides)

Dr. RHODD: And he is rude and out of order and I demand that he withdraw that statement, Madam Speaker. I demand that he withdraw that statement.

(*Sotto voce* comments by Messrs. Pickersgill, Kellier)

Mr. BUCHANAN: Hansard.

The DEPUTY SPEAKER: You know…

Mr. D. SMITH: Withdraw what?

(Disturbance in the House)

The DEPUTY SPEAKER: Mr. Warmington. Members, I refuse to speak if you won't even allow me. The citizens of this country are looking at all of us as Members of Parliament. And indeed, the behaviour that is not becoming of this House is coming from both sides of the House.

(*Sotto voce* comment by Members)

And I am asking you, if I am speaking, at least allow me while I am sitting here to speak.

Did the Member of South St. Catherine say anything, and if . . .

A MEMBER: South West.

The DEPUTY SPEAKER: South West. Please. And if he did, and I have every confidence in the fact that he's a Member that would stand, if he did, I am going to ask him to withdraw the statement and let us move on.

I have every confidence in the integrity of that Member and I expect that if he does that he will withdraw the statement if you did, please.

Mr. BUCHANAN: Stand up!

Mr. PICKERSGILL: And tek yu han out you pocket! (Laughter)

Mr. WARMINGTON: Madam Speaker, I made a comment in reference to the Member from Central Kingston, and 1 said he has the gall and temerity to speak on this issue when as…

(*Sotto voce* comments by Opposition Members)

Mr. WARMINGTON: …the issue.

(Disturbance by Opposition Members)

The DEPUTY SPEAKER: (Gavels) Members of this House! Members, no, no! Members - doesn't make sense.

(*Sotto voce* comments by both sides)

The DEPUTY SPEAKER: But I asked the Member from South West to address the matter and you people are making light of the fact and repeating words.

Mr. PICKERSGILL: But it is not an issue. It's not an issue.

Mr. WARMINGTON: And I said, Madam Speaker, that I referred to the Member - where the Member from Central Kingston is concerned, I said he has the nerve, the temerity to speak on this issue when it comes to the issue of credibility, he had to resign from the House with concern after a particular…

Mr. KELLIER: Madam Speaker, on a Point of Order.

Mr. WARMINGTON: That's what I said.

Mr. D. PEART: You did not say that!

Mr. BUCHANAN: You did not say that! No, you are a blatant liar!

Mr. WARMINGTON: Didn't I say about the Post Offce money?

Opposition MEMBER: Did not say that!

Mr. PICKERSGILL: Liar! Liar!

(*Sotto voce* comments by Opposition Members)

The DEPUTY SPEAKER: Will the Member from South West St. Catherine just withdraw the comment and let us get on with the issue.

Mr. WARMINGTON: Madam, there is nothing I can withdraw. I said to the Member, the Post Office money and the Meadows land, so what can I withdraw.

Mr. PICKERSGILL: And when Rhodd spoke, you curse too. When Rhodd spoke...

Mr. WARMINGTON: I said where he is concerned…

(*Sotto voce* comments by Opposition Members)

The DEPUTY SPEAKER: Mr. Warmington, withdraw the comments.

Dr. DAVIES: Just withdraw everything you have ever said. (Laughter)

Mr. WARMINGTON: Listen to me. What I said - (*Sotto voce* comments by Opposition Members) Hear me! Let me just say - give me a chance nuh man. (*Sotto voce* comments) I said, the best cook in Portland supporting him. But if he believes I said a crook, I withdraw that. (Laughter)

The DEPUTY SPEAKER: Thank you very much, Mr. Warmington.

Mr. D. PEART: Sit down! (Laughter)

Rev. THWAITES: Mr. Speaker - Madam Speaker, the dignity of this Parliament is important and let it be known clearly, that the issue which caused my withdrawal from Parliament in 2002, was completely canvassed by the Auditor General of Jamaica who issued a Report, a full Report clearing me of any impropriety in that matter, and it is on that basis that I came back to Parliament and was chosen by the people of Central Kingston.
That is the truth.

(Applause by Opposition Members)

And, Madam Speaker, and Madam Speaker, it is very, very, very clear that the intention of certain Members of this House is to prevent the further discourse on this particular resolution and they will use any measure, fair or foul, in order to do so. I will not submit. I will continue my presentation.

(Thunderous applause by Opposition Members)

Mr. WARMINGTON: No! No!

Rev. THWAITES: The matter of the extradition request for Christopher Coke, the machinations with the American lobbyist and the trifling with Tivoli and the invasion of that community and all that follows, Madam Speaker, are all of one seamless fabric, conceived in crime, gestated in duplicity and miscarried in physical and emotional blood.

(Applause by Opposition Members)

We the Jamaican people have been let down and sold short and this administration must be held accountable.

Despite the posturing, the elevated voices at the dramatic times and the horrible expense, there was never any real principle about protecting the constitutional rights of Mr. Coke, a Jamaican citizen, entitled as he is to equal rights and justice, whatever he has or has not done.

Madam Speaker, in the Acts of the Apostles, Ananias did not speak the whole

truth to Peter, who represented the whole community. He withheld what was due to them, together with his wife Sapphira, who knew or ought to have known what he was doing, and you can interpret Sapphira, you can work the text to have her refer to colleagues on that side in both Houses. Ananias and Sapphira were held accountable, Madam Speaker, when the people found them out. Scripture records, what befell them both. The diversionary argument about evidence illegally transmitted to the United States authorities was at its highest a matter for the courts.

But think of it, Madam Speaker, access to the courts on that and other issues has been systematically blocked by those sworn to uphold the separation of powers, even up to it this moment. That is the bold fact that we face. This was as much as artful pretext as was the earlier point about how King Pin status would prejudice a fair trial. The one about the John Doe witnesses not being named. The next one about the wiretapping not being authorized, and do we remember them? Whether there was evidence of a crime rather than mere intent. And remember the one about the proceedings having not been served?

It's amazing, Madam Speaker, it's amazing how far our credulity has been pushed by those in whose hands we ought to rely for sound legal advice and unsoiled justice. Why? Why indeed? But look now at the even more unbelievable turn around that is taking place.

The Minister of Justice now seems to acknowledge, even at this most awkward moment for her, Madam Speaker, that there does exist witness statements supporting the indictment, completely separate from the wiretapping evidence, which by themselves are enough to have grounded the signing of the Order from the very start.

(*Sotto voce* comments by Opposition Members)

So since this of is true now, Madam Speaker, it was equally true months ago. Who can forget the careful parsing of the legal position by none other than our Prime Minister as we were led, bullied and traduced into a macka bush of strained truth, half truth and no truth at all.

Opposition MEMBER: Lies!

(Heckling)

Rev. THWAITES: We pause to ask the public at this point Madam Speaker, are these any longer safe hands to our individual rights, to pass just laws and to administer justice with equity?

Mr. Coke, Madam Speaker, apparently holds secrets for too many who have sought to protect him at incredible cost to the nation for nine months and perhaps for much, much longer.

(Heckling)

He is a citizen with a right to life; and I'm now constrained to fear for his life as I am for every one of my fellowmen in Jamaica. Will he in fact be brought in alive, Madam Speaker, is that the commitment?

Mr. M. PEART: No!

Rev. THWAITES: The Office and the person of the Attorney-General and Minister of Justice. Remember, Madam Speaker - you would know, she is the leader of the Jamaican Bar - has been demeaned as her discretion was undermined, she says not usurped, and she was manoeuvred into a series pseudo-legal embarrassments possibly even involving an abuse of the process of the court. Look at the proceedings as they work out now. Her

resignation, we were told in no uncertain terms, would be required if she signed the extradition request in supposed breach of treaty and law. Well, Madam Speaker, no legal principle has changed. She has signed now and she still continues in office. So what was all that about? How can all this mix-up and contradiction elevate the regard of the Minister for the Minister of Justice?

The Solicitor General and herself occupy pivotal positions in the legal hierarchy of this country and they are expected to take consistent and correct legal positions. When this manifestly does not happens what can remain of confidence?

If protecting Mr. Coke was in conformity with the highest principles of common law, the Constitution and the Treaty obligations between Jamaica and the United States as late May that no way the extradition could be acceded to, what happened, Madam Speaker, other than rising political and civic pressure for the reversal of the entire position? And are we to understand that rising civil and political pressure is to overtake what have been adumbrated as clear principles of law? Is that what we are to do? It cannot be so.

But there was never any acknowledgement that the original stance was incorrect and that was riven with other and obviously palpable motives. In the speech of confession and avoidance in later May, none of that was said. So where does that leave our young people particularly, Madam Speaker, among what are to be their perceptions about the rule of law in this land? When at the sitting of the House on May 11, in an effort to direct the Prime Minister to the same public evidence filed by the Attorney-General which is now contained in her affidavit, yes, which could have led him away from his going nowhere point about illicit transmission of wiretap evidence?

It was the Speaker and the House Leader as well as the Prime Minister who shut down that questioning. That was wrong. From the start, it wasn't the Member from East Central St. Andrew; it wasn't the Opposition and civil society who have been demeaning the rule of law by our questioning, Madam Speaker. Rather, it is the dissembling replies which have brought the ideals of justice into disrepute. If this attracts no censure, if you stay on unrepentantly, what assurance can there be that this won't be repeated?

A MEMBER: Rubbish.

Mr. HAYLES: None.

Rev. THWAITES: And, Madam Speaker, please help us to understand, please help us to understand how to repose confidence in all of those who on Sunday were zealously in support of the "leave Dudus alone" line have said nothing since, but like those who neither see, hear or know anything switch to the opposite position the next day? How can that be? How convincing does that ring? And all of this, Madam Speaker, for what purpose? Again, one is constrained to ask that central question, what hold does Coke and the Shower Posse have over this Administration?

I really don't know whether the Honourable Prime Minister remembers his answers to me at the last sitting of the House when I asked him if he had knowledge of the existence of the Shower Posse in the area of Western Kingston and if the whole idea of the State of Emergency and its working out would have effect and would crush that institution, the history and the pedigree of which is well

known. I couldn't believe his answer. I would like him, when he has the opportunity, if he could, to say more on that.

Had this matter been dealt with according to the principles of law, justice and fair play, Mr. Speaker, scores of persons need never have died, the three members of the security forces now lying cold would be alive today.

The right to life is the primordial human right. How has government policy, we must ask ourselves, over the past two or three weeks, vindicated that? What does Coke know? What does he represent, that keeping him out of Court would be such a supreme cause, that so much political credit, so much national fortune, so many lives would be squandered to protect?

Coke is still at large, Madam Speaker, it would hardly have been otherwise given the lawless and inconsistent way that the issue has been handled. He apparently, according to the other reports, was given his indictment papers from early days. They were found in the *detritus* of his once at the Presidential Click, in Tivoli. These would normally have been secret until he had been in custody. Who gave them to him, Madam Speaker? Who gave them to him?

A MEMBER: Good question.

Rev. THWAITES: How can we have any confidence in such - continuing confidence in such people? They must go. They are the wrong kind of whistle blowers Madam Speaker. Those whistle blowers support crime. They don't report crime. Nothing that has happened since should surprise us when a fugitive, given such long warning that he could host his public birthday party and continue to receive contracts from the Government amidst the contrived public and parliamentary furore over the minute say of the law of evidence. Madam Speaker, there are some who have tried to make us out to be fools.

Then there was the announcement, blended in with contrition, that a warrant would be issued after all. Time was given to erect the barricades, store the arms, collect more ammunition from whichever warehouse and wharf in the vicinity of Tivoli. Why? Why and by whom was the whistle blown again this time to warn that Government's defence of the Shower, up to then would no longer continue? Whose responsibility, Madam Speaker, was it to have told the women in white that they were hopelessly misled and were following a false leader? Why was it not done, and if it was done, why so ineffectually?

By what debasement of law, Madam Speaker, were barricades allowed to seal off public roads for days without clearance until the great jihad, resulting only in destruction, death, bad name, tourism *autoclaps* and irredeemable loss of trust, shame to every Jamaican, especially those abroad on whom we depend so much and at home, bringing down fear and contempt upon our leaders?

(Applause)

Madam Speaker, we are all at risk when the Grand Jury for the Southern District of New York continues to sit on this matter; when the ABC news work continues to defend their reporting about our leaders. The problem is that we don't have enough honest information to defend ourselves, our country and yes, even our leaders because they are our leaders, they represent us, too.

(Applause)

Madam Speaker, the way the Coke saga is turning out has confirmed public skepticism

about all politicians. Not one of us is untouched by what has been done. It is not true that all of us would have handled it in the way it has been handled. But hardly anyone wants to believe us at this time, I'm sure you know. So deep is the wound that has been inflicted on the process of governance and on the craft of politics. How do we propose to govern, Madam Speaker?

How does this Administration propose to lead when even the staunchest friends are convinced that duplicity and criminal entanglement are endemic to our practice? When even in our behaviour, one to another, in the respect or lack thereof, that we show to each other, yes, in the way that we deal with our ordinary business in this place, there seems to be ample circumstantial, if not direct evidence of exactly that point. And we hope that somehow some shallow advantage will be gained and we can go on and do better? How can government credibly advance the anti-gang legislation, as much as it may be needed, when at our huge and uncounted expenses in lives, in dollars and in credibility, the shielding has taken place from prosecution of a leader of the most notorious criminal gangs known to the western hemisphere?

It is a subversion of law and justice to frustrate the process of apprehension and the fair trial of a person accused of a serious criminal offence. That is what this tissue of events adds up to, Madam Speaker. What was effectively a pro-crime posture cannot now be turned around to a caricature of a genuine crime fighting effort. A huge chasm has been opened up between what government says it is doing or it is going to do and what it is really doing. Spin won't do it, Madam Speaker. The truth and contrition will. Sunlight is the greatest disinfectant. (Applause)

It has been a pattern of arrogance and selfishness which has led to the protection of a supposed malefactor until the public could take it no more. The Sixteenth chapter of the Book of Proverbs verse Eighteen tells us that "pride goes before destruction and a haughty spirit before a fall".

I support the Resolution.

(Applause) (Heckling)

Mr. D. SMITH: You Bobby, you shouldn't talk.

(Inaudible comments by Mr. Warmington)

Mr. PICKERSGILL: You can bray all you want like a jackass.

(Laughter)

You can rale, you can rale all you want, bark all you want like a dog...

(Heckling)

...have daydreams and nightmares and leap like a cock partridge, this Opposition and this man will pay no attention to you.

(Applause)

Madam Speaker, I rise to support the motion ably moved by the Leader of the Opposition and I come within the context of what I would like to describe as odious, comparisons sought to be made by the Prime Minister.

During the spurious nine-month barricade that was erected by the Government against allowing the extradition process to take its normal route, the Prime Minister and others attempted to draw on previous lapses in the area of extraction and in other circumstances in an attempt to buttress the Government's extended strange and strained stance. Those references and comparisons have been odious in the extreme. They did the Prime Minister's confused efforts no good. I will deal with

three of these references and comparisons. I start with the first, the case of Story Teller Morrison.

Digging deep into his bag of 'Houndini' tricks, the Prime Minister...

A MEMBER: Houdini?

Mr. PICKERSGILL: Houdini tricks. You have no basis on which to make any kind of corrections. You tried that with me once. You tried that with me, it not gwine work again. I gwine... This is so important that 1...

The DEPUTY SPEAKER: I thought Mr. Pickersgill said that he was not going to... (Applause)

Mr. PICKERSGILL: The Prime Minister ventured into the circumstances surrounding the standoff at that time between the governments of Jamaica and the United States, caused by the actions of the US authorities after Story Teller Morrison... Madam Speaker, this is very important you know, because these comparisons were made...

The DEPUTY SPEAKER: Member Pickersgill, I was hoping you were going to keep to your word. You said you were not going to notice a thing that anybody said.

Mr. PICKERSGILL: You mean the brain? (Laughter)

The DEPUTY SPEAKER: So continue with your...

Mr. PICKERSGILL: The brain and the barking? (Laughter/applause)

Mr. CHARLES: All right sweet bwoy, gwaan!

Mr. PICKERSGILL: And any time - So as I was saying, Madam Speaker, the first case is Story Teller Morrison, caused by the actions of the US authorizes after Story Teller Morrison had been extradited. Madam Speaker, it was dangerous and ill-advised reference to make. For in the case of Morrison it was Jamaica that had cause to complain, based upon principle to the extent that the Treaty arrangements were placed at risk. In this instance it is the other way around. The Jamaican Government has been in serious error by making spurious claims relating to the process that the US authorities employed in making this extradition request and has had to make an about turn.

Every Jamaican...

A MEMBER: Yuh a drink coffee tea?

Dr. DAVIES: It's a long speech. It's a long speech.

Mr. PICKERSGILL: Madam Speaker, every Jamaican now prays that the reaction of the United States will not lead our country into further problems which will add to the excruciating pain that we now have to bear.

The Prime Minister's credibility has been smashed to smithereens by that about turn without any explanation or comment even. Embedded in the extradition treaty arrangements, Madam Speaker, is the understanding that requesting State will not have the person, who has been surrendered, put on trial for any charge that is not disclosed in the documents that are supplied in support of an extradition request. So that for example, Madam Speaker, if the charge disclosed in the request is one of armed robbery, the Treaty arrangements forbid the requesting State from having the subject charged and tried in their country for murder or trafficking in drugs. Story Teller Morrison had been extradited to the United States to stand trial on certain offences after due process here in Jamaica.

Mr. CHARLES: By your government.

Mr. PICKERSGILL: Yes, yes, yes. PNP

didn't extradite, the Government did. Just listen nuh! The US authorities proceeded to put him, Madam Speaker, on trial for offences that were different to those that had been disclosed in the request for his extradition. That's what happened, Madam Speaker. The Jamaican authorities protested to no avail.

Mr. CHARLES: Ahh!

Mr. PICKERSGILL: This led to a deeply strained relationship between the two governments, with Jamaica correctly insisting that the US had been unfaithful to a principle that was embodied in the treaty. The reference to the Morrison case was therefore just another in the unfortunate line of missteps taken by the Prime Minister in this sorry episode that touches the administration of justice in Jamaica and our approach to treaty obligations and our relationships with friendly countries.

Madam Speaker, the US authorities must have been saddened by the contortions of the Prime Minister of Jamaica by his actions in the claim that he was seeking to uphold and protect the human rights of a citizen of Jamaica whose surrender has been sought for him to stand trial for his alleged involvement in international organised crimes Those actions have been severely criticised, Madam Speaker, as you probably know, within CARICOM, the USA, Canada and the United Kingdom and other countries.

Another apology to his colleagues in this House is required from the Prime Minister. The record of **Hansard** must be set straight by him. It is not only the rule, it is the decent thing to do.

A MEMBER: Hear, hear!

Mr. PICKERSGILL: The second, Madam Speaker, that he referred to is the case of PRESLEY BINGHAM, the case of PRESLEY BINGHAM. Very early in the day in the same presentation to the House when he spoke to the required resignation of the Minister of Justice should she dare to sign the authority to proceed, the Prime Minister sought to justify the delay by drawing on the extradition matter relating to one PRESLEY BINGHAM. The Prime Minister claimed that the papers relevant to Bingham's surrender languished on the desk of the Justice Minister, then Senator Nicholson, for such a long period that the time within Bingham could be surrendered under the Extradition Act was allowed to expire. That's what he said. That assertion was repeated on a political party platform by the Mayor of Kingston and Deputy Leader of the governing party.

The fact is, Madam Speaker, that the delay was caused not by any papers languishing on the Minister's desk but by a most unusual and unfortunate foul-up between the Registrar of the Supreme Court and the Office of the Director of Public Prosecutions, whereby the time had passed for the DPP to present the warrant of surrender of the subject that is Bingham, for the Minister's signature. This was clearly outlined in the judgment of the Court of Appeal relating to that issue and would have been known to the present Solicitor General and the Minister of Justice, who herself had ordered Bingham's release after the Court of Appeal had so ruled. Was the Prime Minister not briefed, Madam Speaker? Or did he speak once again without checking?

Mrs. NEITA-HEADLEY: Yah.

Mr. PICKERSGILL: The Opposition's spokesman on justice, the former minister to whose desk the Prime Minister and his party Deputy Leader had made reference, wrote,

wrote to the Prime Minister, wrote to the Prime Minister pointing out that the Prime Minister had misled the Parliament.

Mr. D. PEART: Lie!

Mr. PICKERSGILL: Copies of that letter were sent to the Speaker of the House, President of the Senate, where the former Minister is Leader of Opposition Business, the Attorney General and the Solicitor General among others, letters were sent to all of those, Madam Speaker. The Prime Minister, sadly, has never replied to the Senator's letter nor has he sought to correct his misspeak in misleading this Honourable House concerning the actions of a fellow Parliamentarian.

Opposition MEMBER: Shame, shame!

Mr. PICKERSGILL: Madam Speaker, the Speaker has a duty to bring that obligation to the attention of any Member who misleads this Honourable House and who fails to correct the record of **Hansard** and who fails to apologise to his colleagues for having misled them. For all the misleading statements that the Prime Minister has made in this House he has never apologized in this Parliament. (Applause)

Madam Speaker, he has chosen to hide behind a public broadcast. The rules of this Chamber require otherwise. The indisputable fact...

Opposition MEMBER: How do you do that?

Mr. PICKERSGILL: ...is that Bingham managed to escape the process, Madam Speaker, of surrender...

(Cross talk)

Mr. PICKERSGILL: ...as a result of bungling in the office of the Registrar of the Supreme Court after a Resident Magistrate had ordered his extradition. It remains, it remains. . .

(Cross talk)

Mr. CHARLES: Drink some wine... rum and coffee.

Mr. D. PEART: Rum and coffee?

Dr. DAVIES: Pearnel, you laugh at your own jokes?

Mr. PICKERSGILL: Madam Speaker, as I said two instances so far - Story Teller Morrison and Bingham.

Madam Speaker, it remains an oddity that no one can recall any other extradition matter in which such a foul-up has taken place, no one can recall. It bears no resemblance whatsoever to the flip-flop process that the Government misguidedly sought to embark upon in this matter under consideration.

Madam Speaker, the third is the attempted Trafigura comparison...

Mrs. NEITA-HEADLEY: Yes.

Mr. CHARLES: Wrong man talking. Secret money.

Mr. PICKERSGILL: Madam Speaker, of all the comparisons and references that have been attempted in this nine-month ill-advised self indulgence, none has backfired and caused such painful embarrassment as the reference to the Trafigura matter that the Prime Minister himself had introduced in this House when he was Leader of the Opposition. Rather than assisting his case it presented a stark example of a forked tongue, forked tongue leader of government on a flip-flop journey such as we have witnessed during the nine-month nightmare, Madam Speaker, which is still alive.

From several angles, Madam Speaker, the reference to Trafigura, so-called, has turned

out to be a slippery slope for the Prime Minister, in no area more so than in his spanish machete approach to the link between...

Opposition MEMBER: Spanish machete!

Mr. PICKERSGILL: Yes, his Spanish machete approach, to the...

(*Sotto voce* comment by Government Member)

Mr. PICKERSGILL: You don't hear tracing yet. (Laughter) You don't hear tracing yet. You know, I am really sorry for the Prime Minister.

The Spanish machete approach, Madam Speaker, to the link between the positions of Party Leader and Prime Minister or Minister of Government.

All Jamaica is grateful to the RJR Communications Group... (Applause)

Mrs. NEITA-HEADLEY: Yes, yes!

Mr. PICKERSGILL: ...for rewinding, for rewinding to '06 and reminding the nation in live and living colour of the Prime Minister's two-sided views of the interplay between the two roles. They showed up the about face that bears the stamp of what he has done to his fellowmen and women over these past nine months.

Mr. CHARLES: Yuh see how yuh jealous! Jealous ah Bruce Golding.

Mr. D. PEART: Jealous! Him a woman?

Mr. PICKERSGILL: Madam Speaker, for the PNP and Trafigura the roles. . .

(Crosstalk)

Mr. PICKERSGILL: No, no. Yuh si... Madam Speaker, you know...

Government MEMBER: Yuh don't hear that yuh mustn't read yuh speech in Parliament.

Mr. CHARLES: Tek yuh yeye aff di page.

Government MEMBER: Is who write it fe you?

Mr. PICKERSGILL: Madam Speaker, for the PNP and Trafigura, the roles are inextricably linked according to head of the JLP and Leader of the Opposition.

Opposition MEMBER: Of course.

Mr. PICKERSGILL: I quote, "you cannot jump out of one skin into another"

Mrs. NEITA-HEADLEY: Hi!

(Cross talk)

Mr. PICKEKSGILL: I don't know how many skins he has. So the Prime Minister intoned, as head of the JLP and now as Prime Minister along comes Brady gait and the roles are to be regarded as separate and distinct. This is the man who is saying you can't jump out of one skin into another.

Mr. E. SMITH: Concentrate on the motion.

Mr. PICKERSGILL: And ne'er the twain shall meet, not even when the issues deeply touch and concern the people's welfare and the public interest.

Madam Speaker, the people of Jamaica and the Members who sit in this Honourable House require and demand trustworthiness and credibility from their head of government. The confidence has evaporated.

It is the same mindset, Madam Speaker, and character flaw being displayed by the Prime Minister, that has led to the view being cemented in the minds of Jamaicans from all strata of society, that he cannot be trusted.

(*Sotto voce* comments)

Mrs. NEITA-HEADLEY: He can't be trusted!

Mr. PICKERSGILL: This is what, Madam Speaker, has led to the grave doubts that have been left in our minds surrounding the Prime Minister's assertions relating to the contract that had been entered into with the U.S. lobby group. Madam Speaker, it has become impossible to take his word on trust.

Mr. WARMINGTON: You forget Trifigura already?

(*Sotto voce* comments/Cross talk)

Mr. PICKERSGILL: Madam Speaker, again the introduction of the happenings of Trafigura, Madam Speaker, might have helped the previous Opposition in scraping through in the last General Elections to form the present Government. The recent manouverings of the Prime Minister and his Government have taken Jamaica's name into hitherto unknown and unsavoury depths within the contemplation of the community of nations.

Mr. WARMINGTON: Nonsense!

Mr. PICKERSGILL: The source of the funding of the JLP in the last General Election still remains a secret.

Government MEMBER: What about your own?

(Cross talk)

Mr. PICKERSGILL: No disclosure has been made, no exposure has taken place.

Mr. SAMUDA: Have you disclosed your funding?

Mrs. NEITA-HEADLEY: Yes, Trafigura.

Mr. PICKERSGILL: Yes, yes.

Government MEMBER: Lie!

Mr. SAMUDA: To whom?

Mr. PICKERSGILL: To all and sundry.

Mr. SAMUDA: Give me the receipt for the Trafigura... (Heckling)

Mr. PICKERSGILL: Madam Speaker, since they have assumed office, we have not witnessed any stridency on the part of the Government for structures to be put in place so that campaign financing may follow best-practice. Concerns are expressed relating to political campaign financing in several countries from time to time. Such concerns and missteps must be addressed to enhance the integrity of the democratic process, Madam Speaker.

It is known that the cure - of Madam Speaker, it fish known that the cure for the Trafigura sin is a proper regime to control the financing and integrity of political parties, and political campaign financing.

Mrs. NEITA-HEADLEY: Yes, Correct.

Mr. PICKERSGILL: What is the cure for the Prime Minister's and the Government's sins in these present circumstances?

Another aspect of the Prime Minister's approach to the Trafigura issues shows up the Prime Minister's selective approach to respect for the Rule of Law; another stark flip-flop. As Leader of the Opposition, when the Prime Minister was seeking the position that he now occupies, he made use of one of the elements of the Trafigura episode to extol the titles of whistle-blowing. He was then extolling the virtues of whistle-blowing. The banking official who unlawfully laid siege to the hallowed banker/customer relationship by divulging the details of a customer's account, was celebrated by him and his colleagues as a whistle-blower.

When the official was rightfully dismissed by the banking institution, the new Administration held her in such high esteem as to place her at the head of the premier

institution of social and cultural development in Jamaica...

Mr. SAMUDA: Where is she now, Bobby?

Mr. PICKERSGILL: ...the Social Development Commission.

Mr. SAMUDA: Where is she now?

Mr. PICKERSGILL: I don't know. She is dead. She is dead?

Opposition MEMBER: She dead!

Mr. SAMUDA: Oh, go on now, now that you have confirmed. Go on, whip the dead.

Mr. PICKERSGILL: This no, you are asking where she is.

Mr. SAMUDA: Go on, whip the dead! Go on, whip the dead!

Mr. PICKERSGILL: This Commission, Madam Speaker, is the child of Jamaica Welfare, which was a part of the foundation on which the Independence Movement was built; brainchild of the founder of this great Party, the Peoples National Party, N.W. Manley. (Applause)

Madam Speaker, the Prime Minister has changed course again. He contends that a Constable unlawfully passed on information to the US authorities, relating to the extradition request that was made. The veracity of that assertion of the Prime Minister has been seriously questioned. In any event, the Constable is not a whistle-blower in the eyes of the Government, or a person who is to be lifted up as a champion.

For the Prime Minister, the Minister of Justice and the Government, he is to be surrendered to Jamaica - he is not a whistle-blower - from wherever he might be, to be prosecuted and stand trial for the grave wrong that he has done.

Madam Speaker, one last thing. If the Government is held by the public to have done something wrong, there are consequences. Accountability demands that in the case of the last Administration a Minister had to resign, and the then Prime Minister did not take much time about that. No apology would have sufficed.

The actions of the Prime Minister could not have brought our country to the new low that they have, without any consequences. That is how it has always been, Madam Speaker. That is what took place in the case of a Minister of Government, the Secretary to the Treasury in the new Cabinet, the Secretary to the Treasury in the new Cabinet in the UK - of the United Kingdom just a few days ago, and he had to resign. And the actions of that Minister certainly did no damage to the image of the UK, which is by any means remotely close to what the actions of our Head of Government has done to Jamaica's people and reputation. All of these references and comparisons, Madam Speaker, were attempted in a concerted move to buttress ill-advised nine-month adventure of the Prime Minister, slavishly, slavishly backed by the members of his Government.

Madam Speaker, those references were as spurious as the reasons given for that wildly foolish and rash enterprise. It has not - It is not a road that has been taken by thinking heads of government, certainly within the Commonwealth; that road has never been taken.

(The Speaker returns to the Chair at 7:07 p.m.

Jamaica's journey out of the abyss that the actions of the Prime Minister have taken us,

clearly could not be contemplated with him leading the charge. Any other view would mean that as a fledgling democracy we are unwilling to learn from the serious errors of judgement that have taken place. Or, is it that collective amnesia has set in so soon, Mr. Speaker? Those actions of the Prime Minister have impaired his trustworthiness to the extent that he can no longer command the respect and confidence of this Honourable House, for he has engaged in a nine-month flip-flop of stupendous and never-to-be-forgotten proportions in the history of parliamentary democracy in any place on the planet that it might be practised. That surely is a story for the ages.

And you know, Mr. Speaker, it is interesting listen to some of the...

(*Sotto voce* comment from Mr. D. Peart) No, don't worry. This is the Prime Minister; this is the Prime Minister, Mr. Speaker, in the Trafigura....

(*Sotto voce* comment from a Member) Yes, I am going to quote.

> "And yet, you now, Mr. Speaker, the response for that side has come to us as no surprise, because whenever any creature listen to me, Mr. Speaker - not a lone human being, but whenever any creature feels that it is threatened, there is that instinct that demands that we surround the wagon, no matter how rickety the wagon is. And yet it is not so in other Parliaments that take their traditions from the same source that we do."

Opposition MEMBER: Cock mouth kill cock!

(Heckling)

Mr. PICKERSGILL:

> "In other Parliaments that are based on the Westminster Parliamentary Democracy System, there is a threshold of public accountability that when crossed, evokes from the people who practise, an instinct not to preserve themselves, but to preserve the political system that they cherish,"

And of course, applause/applause.

Opposition MEMBER: That's **Hansard**.

Mr. PICKERSGILL: Hansard. Hansard. I am reading from. And the biggest applause was from that man.

(Pointing to Government side)

Dr. DAVIES: It records it that way, too?

Mr. PICKERSGILL: Yes, man yes, man.

Mr. SHAW: Thirty million...

Mr. PICKERSGILL: And listen -

> "And if a situation such as this one had arisen in the British Parliament, new elections would have been held."

Opposition MEMBERS: What! What?

Mr. D. PEART: No, man, read it again! (Heckling)

Mr. PICKERSGILL:

> "And if a situation such as this one had arisen in the British Parliament, new elections would be held."

Mr. BUCHANAN: Who said that?

(*Sotto voce* comment from Mr. Gallimore)

Mr. PICKERSGILL: None other, none other. I am reading from **Hansard** and what the then Opposition Leader said.

(Heckling/cross talk)

Mr. BUCHANAN: You recall what was found in your warehouse

Mr. SHAW: Trafigura was bribery! That is what you call bribery!

(Cross talk) (The Speaker gavels)

Mr. PICKERSGILL: Mr. Speaker, he continued:

> "If a situation such as this had arisen in Canada in Australian in New Zealand, the Government would have had no alternative. But in this case, Mr. Speaker, the situation is different, because the strength of the Party instinct is so overpowering that we are prepared to compromise any standard. We are prepared to sacrifice any principle."

(Heckling/cross talk)

Mr. Speaker, they can bray and bark. He went on, he went on, Mr. Speaker, and I quote:

> "And they can say whatever they want, they can say whatever they want, but Norman Manley today must be turning in his grave."

(Heckling/cross talk)

And again, Mr. Speaker, **Hansard** recorded applause/applause.

Mr. SAMUDA: Norman is still turning in his grave.

Mr. PICKERSGILL: But what we find disappointing, Mr. Speaker, are a number of things. Firstly listen -

> "the lack of disclosure. We are told that the donation from Trafigura was not solicited, it was voluntarily offered. Who in Trafigura made that offer?"

We have asked the questions. What disclosure has he made? This is a disciple and an evangelist of disclosure. What has he made?

Mr. SHAW: You disclosed yours from Trifigura?

Mr. PICKERSGILL: Long time.

Mr. SHAW: Apologise.

Mr - PICKERSGILL: Apologise for what? The Prime Minister dealt with it. The Prime Minister dealt with it. We didn't apologise! The Prime Minister dealt with it.

(Cross talk)

Mr. PICKERSGILL: Madam Speaker...

A MEMBER: Who you say?

Mr. PICKERSGILL: Mr. Speaker, you were not able to keep yourself out of the debate, because you said, and I quote...

The SPEAKER: (Gavels) The time for speaking has expired. (7.13 p.m.)

(Laughter/Heckling)

Mr. BUCHANAN: Bob Marley has a song, "Run for cover."

Mr. HOLNESS: Mr. Speaker, I am proposing, Mr. Speaker, that we suspend the Standing Orders to allow the Member ten (10) minutes....

Government MEMBERS: Five minutes!

Mr. HOLNESS: ...a firm ten (10) minutes in which to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of the Standing Orders allow the Member a further ten (10) minutes to complete his presentation.

Mr. WARMINGTON: Mr. Speaker, no, no!

The SPEAKER: Hold it, Mr. Pickersgill.

Mr. WARMINGTON: Mr. Speaker, the Member - Mr. Pickersgill - the Member

mentioned a limited time, not enough time for him to complete his speech. The Member said ten (10) minutes, but you just said enough time.

(*Sotto voce* comments)

The SPEAKER: l said ten (10) minutes why you don't listen!

Put to the House and agreed to.

The SPEAKER: Mr. Pickersgill.

Dr. DAVIES: Him want you job in a reshuffle. Him tell me so.

Mr. PICKEKSGILL: Mr. Speaker, while you were down here you spoke, and you said:

> "Obviously, because there is too much cover-up, we don't know the true story."

Cover up?

And Mr. Speaker, what is quite clear to us on this side, and clear to the people of Jamaica, is that the full story is yet to be told. Have we heard the full story? "The cover-up has not been revealed .... That is you, Mr. Speaker.

And I say that this Government stands guilty of undermining the integrity of Jamaica and undermining the integrity of this Parliament by coming here and not telling us the true story.

(Opposition Members applaud/Heckling)

Opposition MEMBER: Very, very powerful words.

Mr. PICKERSGILL: Very powerful words.

Come and tell the truth. And that's all we ask. Come and tell the truth! (Applause)

(*Sotto voce* remarks by some members)

Mrs. NEITA-HEADLEY: Cock mouth kill cock!

Mr. PICKERSGILL: Mr. Speaker, l have more from your quote but I won't bother with it.

(*Sotto voce* comment by Mr. Shaw)

Mr. PICKERSGILL: And l have from you too. (Referring to Mr. Shaw)

Mr. BUCHANAN: Not the whimp and lackey though, you know.

(*Sotto voce* remaks by some members)

Mr. PICKERSGILL: Mr. Speaker, just briefly. The Prime Minister has been flipping and flopping for a protracted period, you know.

Mr. WARMINGTON: Bobby . . .

Mr. PICKERSGILL: Mr. Speaker, in 1995 he said that - listen to me - in 1995 he said that there must be a severance of the link between political representatives and those who do not uphold the rule of law.

Mr. D. PEART: What!

Mr. PICKERSGILL: That's what he said.

Mr. D. PEART: What!

Mr. PICKERSGILL: Yet by 2010 he is being perceived by many inside and outside of the country as preventing the extradition of a person wanted for gun and drug running.

In 1995, he said that what Jamaica needed was a Cabinet of no more than 14 persons. Yet by '07 when he became Prime Minister he formed a cabinet consisting of 18. In 1995 he spoke about the importance of non-partisan and effective Civil Service bureaucracy. Yet by '08, having disagreed with the proposal for the appointment of STEPHEN VASCIANNIE as Solicitor General by the Public Services Commission, he caused the dismissal of all the members of the said PSC. And it doesn't stop there. In 1995, he spoke about the importance of dialogue and

openness with public bodies, particularly those critical to the operation of a successful government, the teachers, nurses and the security forces. Yet by 2010, Mr. Speaker, he unilaterally broke off bargaining and negotiation with the said organizations. In 1995 he said, which he repeated in 1997, that nominations to the position of ambassadors and directors of Statutory Boards and public corporations should be made by the Prime Minister and approved by the Members of each House of Parliament.

(*Sotto voce* remarks by Government member)

Mr. D. PEART: What!

Mr. PICKERSGILL: Mr. Speaker, in October '95 he said we the NDM are committed to the effective separation . . .

(*Sotto voce* remark by Opposition Member)

Mr. WARMINGTON: …why don't you be quiet!.

Mr. PICKERSGILL: …we are committed to the effective separation of powers between the Executive, the Legislature and the Judiciary. The Prime Minister should be responsible for the control and direction of policy, which would include the executive management of the State services as well as budget preparation and implementation.

(*Sotto voce* remarks by Mr. D. Peart)

Mr. PICKERSGILL: The Judiciary should be responsible for adjudicating questions of law and interpreting the provisions of the Constitution. Yet in March 2010, Mr. Speaker, in defense of a person whose extradition is sought by the US under Extradition Treaty between US and Jamaica, Mr. Golding has sought to use the Executive to usurp the functions of the Judiciary by saying that the evidence against the person was illegally obtained and therefore inadmissable in a court of law.

Mr. Speaker, today Mr. Golding has apparently turned his back…

Mr. WARMINGTON: No, no, no!
Mr. Speaker, the Standing Orders make it clear that a Member should not refer to any Member by name.

Mr. PICKERSGILL: That's correct we accept that.

Mr. WARMINGTON: He needs to say the Member from Western Kingston or the Prime but cease to mention the Prime Minister by his name.

Opposition MEMBERS: All right! Yea! (Applause)

Mr. PICKERSGILL: Thank you.

The SPEAKER: Mr. Pickersgill, the Member is correct.

Dr. DAVIES: Is the first sensible thing you seh, you now, since you have been in the House.

(*Sotto voce* remarks by Mr. D. Peart)

Mr. WARMINGTON: I am always correct.

Mr. PICKERSGILL: Accepted.

Dr. DAVIES: You see how we deal with it accepted, and move on.

Mr. PICKEKSGILL: Al1 right.

Mr. BUCHANAN: When you were vexed about the pumpkin you were correct?

Mr. PICKERSGILL: You know, Mr. Speaker, on September 29, 1994 the former Prime Minister, Mr. Seaga, was reported to have given the then Commissioner of Police certain information And, look, here, and I quote, this is what he said:

> "I have no control over these fellows. I have no control over these thirteen (13) men who have

> a pattern of brutality that I will not tolerate. They have blown of the leg of a young girl who at 20 years old was to walk with crutches. They have killed two sons of one lady within three days. They have killed a seven-year-old and a nine-year-old boy. They sent l5-year-old boys with guns into the Rema community in order to chastise, in order to meet out what they called justice".

That's what the then Prime Minister did and handed over to the . . . You now, I could go on, Mr. Speaker. But, you know, there comes a time, Mr. Speaker, when you learn that principles such as integrity and honesty are not the out-dated ideals of a bygone era but the mortar or the cement that holds together the foundation upon which you must build a nation.

The SPEAKER: (Gavels) Could you hold a short while, Mr. Pickersgill?

(*Sotto voce* remarks by some members)

The SPEAKER: Just hold a short while. No, no, 10 minutes have not gone. Go ahead, House Leader.

(*Sotto voce* remarks by some members)

The SPEAKER: No, 10 minutes have not gone. Hold a short while.

Mr. HOLNESS: Mr. Speaker, with regard to the time, the House is set to close its business at 7:30.

Mr. D. PEART: What!

Dr. DAVIES: Procedure.

Mr. HOLNESS: Mr. Speaker, I would like to move for the suspension of the Standing Orders to allow the House to sit beyond the appointed time.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the House to sit beyond the appointed time of 7.30.

Put to the House and agreed to.

The SPEAKER: (Gavels) Mr. Pickersgill, you have another four minutes.

Mr. PICKERSGILL: Mr. Speaker, you mean that? All right, a gwine wind down. But, you now, what I find interesting is this, when the Honourable Prime Minister made his memorable Installation Speech he ended it this way - and listen, Mr. Speaker, "I want to thank my friend MRS. MITZIE SEAGA who visited me yesterday and brought me a prayer. It encapsulates my innermost feelings and l wish to share it with the people of Jamaica as I embark on the awesome responsibilities of leading this nation". Okay, hear the prayer.

> "Oh, God, grant that in all the public work which has been given to me to do my only motive may be to serve You in serving my fellowmen. Help me to set loyalty to the right things above all loyalty to party or to class. Grant that the importance of my work may never make me self-inportant but rather that it may make me humbly eager to serve and to help the people I am chosen to represented.

(*Sotto voce* remarks by Mrs. Neita-Headley)

Mr. PICKERSGILL: The prayer doesn't finish yet.

> "Give me wisdom in my mind, clarity in my thinking, truth in my speaking and always love in my heart so that I may try always to unite our people and never to divide them".

That was the prayer. Help me always…

Mr. SAMUDA: Are you ridiculing the prayer?

Mr. PICKERSGILL: No, I am showing how the prayer was hypocritically…

(*Sotto voce* remarks)

Mr. WARMINGTON: He has no prayer.

Mr. PICKERSGILL: Mr. Speaker,

> "help me always to set the interest of the community above those of the individual, the interest of the nation above those of the community and faithfulness to You and above everything else, and grant that at the end of the day I may win the approval of my own conscience, the respect of my fellow men and that Your will is done".

Now that was the prayer that he said to all Jamaicans.

Mr. SAMUDA: What's wrong with the prayer?

Mr. PICKERSGILL: You won't know what's wrong. You will never know.

(*Sotto voce* remarks by Mr. Samuda)

Mr. PICKERSGILL: I end, Mr. Speaker, by a quote from George Humphrey of American political fame.

> "I venture to suggest that one challenge rises to tower over all others. We must provide the moral leadership that sets vastness of spirit and mind which alone can make us worthy of the high commission that history has conferred upon us".

Mr. SAMUDA: You are boring us now.

Mr. PICKERSGILL:

> "We must care more for the truth than success. We must care more for the hopes of the people rather than the votes of the people. We must always worry more about our problems than the headlines. We must scorn glib talk, we must scorn glib talk, false interpretation, the shallow excuse and the clever evasion."

You know, Mr. Speaker, I end with the name of the governing party, the JLP. And you know what it means . . .

Mr. SAMUDA: Don't bother with that! Don't bother with that!

Mr. PICKERSGLL: Just please leave.

Mr. ROBERTSON: Wrong!

Mr. PICKERSGILL: Just please leave. (Applause)

(*Sotto voce* remarks by members)

The SPEAKER: (Gavels) Okay, Mr. Hylton.

Mr. HYLTON: Mr. Speaker, I rise in support of the motion of Censure tabled in the House today. In every country the Head of Government or head of State bears the mantle of leadership with its attendant privileges and responsibilities. The Head of Government symbolizes the nation, its standing in the world and its reputation of its government and people.

Jamaica, Mr. Speaker, is currently facing a crisis of leadership that has and will continue to severely damage our country's image and reputation in the International Community. This crisis reflects embarrassingly and unfairly upon all peace-loving and law-abiding Jamaicans here and abroad. The crisis also represents immoral political mismanagement by the Prime Minister of the machinery of State, including our foreign affairs and our legal system.

As spokesperson on Foreign Affairs and Foreign Trade, I therefore join in the Leader of

Opposition's view expressed in this Parliament on May 12. She said then:

> "The Opposition has lost confidence in the Government and its ability to provide Jamaica with credible, trustworthy and ethical leadership. There can only be further erosion of Jamaica's reputation and the Government's ability to advance the good and welfare of the Jamaican people at home and abroad".

Mr. Speaker, I draw attention to four (4) aspects of this crisis in particular, one (1), the failure of the Prime Minister to take responsibility for misdirecting the conduct of Ministers of Government towards inappropriate behaviour, two (2), governance of the Foreign Affairs Ministry and machinery, three (3), the impact on our international reputation and security co-operation and four (4), failure to promote and advance our domestic values internationally.

On the first issue, Mr. Speaker, the failure of the Prime Minister to take responsibility for misdirecting the conduct of Ministers of Government towards inappropriate behaviour, I say the following: the Prime Minister has confessed to sanctioning this entire escapade. By sanctioning this messy affair the Prime Minister would have directed, acquiesced in and/or condoned the direction to the Minister and the former Minister in the Ministry of Foreign Affairs to pursue meetings with Manatt, Phelps & Phillips. At least one such meeting we now know was hosted by the former Jamaican Ambassador to the US at the official residence. This blurring of party and government lines on an issue of national security and treaty matters has created instability in Jamaica, raised questions internationally as to our democracy and has so far caused the lives of three (3) members of the security forces, 73 civilians and an estimated $500 Billion and counting.

Mr. Speaker, I want to remind this Honourable House that the question posed to the Minister of Foreign Affairs and Foreign Trade, which included a question as to the role and function of the foreign ministry in this entire affair, the answer came back that the foreign ministry only served to address and to assist in those appropriate diplomatic functions. We now know that, that is not the whole truth.

In tendering his resignation, the Junior Minister said, and I quote:

> "I acknowledge that my conduct with the firm could be seen as inappropriate and for that I accept responsibility and I should not have met with them'',

meaning Manatt, Phelps & Phillips.

> "Also, morally, responsibility comes with actions and I know the just and upright thing to do at this time,"

and so he resigned. This is a recognition by the Junior Minister that persons who lead bear a responsibility.

Mrs. NEITA-HEADLEY: That's right.

Mr. HYLTON: Mr. Golding, as Leader of the Jamaica Labour Party, bears the ultimate responsibility for actions of the party and Mr. Golding as Prime Minister…

The SPEAKER: Mr. Hylton, you should know that you are not to use the name of the Member.

Mr. HYLTON: I withdraw. The Member from West Kingston bears the ultimate responsibility for actions of the Government. He must accept the consequences of having sanctioned the entire affair and cannot,

therefore, escape responsibility for this sordid affair. He must take responsibility first and foremost. He must resign!

On the second issue, Mr. Speaker, governance of our Foreign Affairs Ministry and machinery, the actions of the Prime Minister, taken by his own admission on behalf of his party on matters, some of which properly belong to the Ministry of Foreign Affairs and Foreign Trade, are causes of great concern for the following reasons: (a) it undermines the Ministry of Foreign Affairs.
Mr. Golding admitted sanctioning of the entire Manatt, Phelps & Phillips….

The SPEAKER: Mr. Hylton, again, please.

Mr. HYLTON: Sorry. The Member's responsibility…. I apologize, Mr. Speaker.
…admitted sanctioning the entire Manatt, Phelps & Phillips affair, had the JLP and its Leader conducting his own personal and political foreign policy, secretly using the Minister of Foreign Affairs and the Ministry's resources, including the official residence of an overseas ambassador. This has had the effect of undermining this critical ministry and Jamaica's conduct of foreign affairs in the International Community. Undermining the Ministry and its officials in this blatant way, Mr. Speaker, will inevitably lead to confusion in the minds of our international partners over who makes decision for the Ministry, who they must talk to, who they must believe and who has real authority to speak for the country.

In a case where, for example, the party speaks for an alleged criminal in an important extradition case and where the acts are unscrupulous, secretive and possibly illegal, this naturally strains the reputation of our Ministry of Foreign Affairs and Foreign Trade, a reputation that foreign ministers of both parties have done much to build up over the years since our Independence.

There is great danger, Mr. Speaker, when a party, as the JLP did in this instance, conducts so-called party activities through the Ministers of Foreign Affairs and Foreign Trade. It inevitably undermines the integrity of the Foreign Service and the country's highly respected Diplomatic officers who would otherwise act as checks and balances to preserve the integrity of the country. Such acts of the Prime Minister have and will continue to cause great embarrassment to our Foreign Affairs officers and expose them to ridicule by their counterparts around the world. In so doing, the Prime Minister has recklessly squandered a significant amount of goodwill, trust and diplomacy built up by previous administrations.

Mr. Speaker, the Prime Minister's action commingles conflicting interest of State and party. When a party's interest is tied up with that of a constituency and that interest seriously compromises the national interest, which it is the duty of the Ministry of Foreign Affairs and Foreign Trade to represent, then our international partners can no longer tell if Jamaica's foreign policy is the policy of a constituency rather than that of the nation, or if it is determined by powerful individuals or organizations, or by the people and their elected representatives.

Opposition MEMBERS: Hear, hear!

Mr. HYLTON: We must, Mr. Speaker, clearly separate our party, constituency and personal interest from our national interest. Our Prime Minister and Minister of Foreign Affairs and Foreign Trade, including junior

Ministers, have a duty to represent the Government, nation and people of Jamaica. And if the Prime Minister has violated this cardinal principle, as he has admitted to doing, then he must resin. The Prime Minister's action Mr. Speaker has also compromised his ability to lead CARICOM.

(*Sotto voce* remarks by members)

Mr. HYLTON: If the people of Jamaica have no confidence in the Prime Minister's credibility to govern Jamaica's affairs, it stands to reason that the people and the Opposition cannot sanction ….

Mr. MONTAGUE: Mr. Speaker, on a point of order.

The SPEAKER: Let's hear the point of order.

Mr. MONTAGUE: The Member, Mr. Speaker, is reading and he is boring everybody.

(Applause/Laughter)

The SPEAKER: Mr. Hylton, you have to try and speak extemporaneously watts occasional look at your notes.

Mr. HYLTON: Mr. Speaker, I will refer to my notes as the situation warrants.

This issue, Mr. Speaker, is a serious issue. It compromises his ability to lead CARICOM. I was saying and I repeat, if the people of Jamaica have no confidence in the Prime Minister's trustworthiness and his credibility, then the Opposition cannot sanction the Prime Minister's leadership of CARICOM. CARICOM Mr. Speaker, is at this very moment at a very critical juncture. CARICOM's work must be focused critically on Haiti whose state and whose condition the Prime Minister and the other Prime Ministers, Heads of Government of CARICOM has given - has a singular role and purpose of CARICOM in this period. We submit that this is too important a task not to have the kind of credible leadership that Haiti needs and deserves at this juncture.

(Applause)

Mr. MONTAGUE: Thank you.

Mr. HYLTON: The Prime Minister's action violates the Vienna Convention on Diplomatic Relations and on customary International Law. Under customary International Law the Prime Minister or Leader of the Jamaica Labour Party, whichever he prefers, clothes HAROLD BRADY with apparent authority to enter into a contract with Manatt, Phelps & Phillips by sanctioning the affairs, provided instructions, formal or informal to Mr. Brady to act by procuring the involvement of the junior Minister and/or the Ambassador and by facilitating the use of the official residence of the Jamaican Embassy in Washington to discuss issues surrounding the extradition of Mr. Coke.

Under the Vienna Convention on Diplomatic relation, the conduct of the junior Minister and/or the Ambassador is considered an act of State and is binding on the Government. This confirms that Manatt, Phelps & Phillips was acting on behalf of or in ways that bind the Government of Jamaica to the actions that the Prime Minister sanctioned. Manatt, Phelps & Phillips has insisted, and Minister Chang has admitted that if it were determined that the Government of Jamaica had contracted Manatt, Phelps & Phillips the Government would have no alternative but to resign. Those were the statements and direct.

Mr. MONTAGUE: Is there a contract?

Mr. HYLTON: The Opposition is calling on the Prime Minister to do so now.

Importantly, Mr. Speaker, the PM's action

has undermined his and Jamaica's credibility in being a trustworthy partner in co-operating in the Caribbean/United States Security dialogue.

The launch of the Caribbean/United States Security Initiative last week, May 27, 2010 to be exact, involves wide-ranging commitment to fighting drug trafficking, organized crime and violence throughout the hemisphere. We note that the US Attorney General singled out the recent violence in Jamaica purportedly to arrest the JLP don, CHRISTOPHER COKE, and the reference to lack of co-operation on the extradition of Coke by the State Department in its International Narcotics Co-operation Strategy Report of March this year, along with the wide coverage from the International Press, Mr. Speaker, implying complicity rather than co-operation in shielding Coke from extradition. All of these, Mr. Speaker, undermine the Government's credibility as a trustworthy, co-operating partner.

On the third issue, the impact on our international reputation and security cooperation, I ask the following question: What more important thing can a government be expected to promote and defend than the country's international reputation and the security of its people? Yet, these are the very things that this Prime Minister and members of his Cabinet have failed to do, to a degree never before witnessed since our Independence.

The global media has a power and reach like never before. We must be careful of what we do and say because it is carried around the world in seconds.

Mr. MONTAGUE: You must stop read, though.

Mr. HYLTON: I will give this one recent example. On Monday evening, May 17 as the Prime Minister was about to address the nation, the United States Embassy issued a security message. Its title was, and I quote: "Possible civil unrest throughout Jamaica". It anticipated that the Prime Minister would announce the decision to sign the Order to proceed with the extradition of Coke. What kind of country must others think this is when a Prime Minister's action, purportedly taken in the name of law and order, can threaten disorder throughout Jamaica? How safe can any Jamaican feel in such a country? How safe can any visitor feel in our country? How safe can any investor feel in this country when an organization has the power to cause disorder throughout the country, when that organization operates from the Prime Minister's constituency and when, as recent events confirmed, the Prime Minister has no effective influence, authority or control in that constituency?

Mr. MONTAGUE: When last you go to yours?

Mr. HYLTON: You watch your mouth.

Mr. MONTAGUE: When last you go to yours?

Mr. HYLTON: The United States warning is very significant. It influences what all other foreign diplomatic missions think and what perceptions of Jamaica they transmit back home.

It affects how possible investors think, and a message as the one referred to would naturally cause potential investors to hold back to see if things would settle down. Probably they won't want to invest at all until the power of such organization is crushed, and until the Prime Minister demonstrate an

uncompromising and unambiguous determination to do so.

The International Press has already depicted a government as one run by a Prime Minister who is in the capture of a powerful Don, alleged to be a most wanted criminal awaiting extradition to the United States. The United States has extradition treaties with over one hundred countries, and l wonder if any has ever resisted a treaty in these circumstances of capture of the State and foreign policy machinery, whether directly or indirectly to such a degree.

The positive image that we have earned from our artists, from our sports persons, our students, teachers, nurses, business persons, and others who have excelled, has been undermined by the image of one man, in one picture associated within one Government and one Prime Minister. This is how the world sees us today. What a shame! What a waste of Brand Jamaica. And I know it has certain wrinkles that are going to be very hard to iron out.

On the fourth issue, the failure to promote or advance our domestic values and interest. I assert, Mr. Speaker, that the Prime Minister and his Deputy, the Minister of Foreign Affairs and Foreign Trade have failed to protect those values that we Jamaicans cherish, such as, the freedom of movement as a globally travelling people, because we now fear that our visas will be suspended without notice.

The pride of a nation and the pride of a people is another value, Mr. Speaker. We cherish those because others now laugh at us for sacrificing so much of what we have for a Prime Minister and his constituency's selfish and misplaced priorities. The friendship of the world we desire, because our Prime Minister strangely fails to travel to, and to solidify the relations with our most powerful neighbour, the United States.

Last, but not least, Mr. Speaker, the Prime Minister and the Deputy Prime Minister failed to promote our interest in engaging in the international trade, because now we fear trade and economic sanctions, the diversion of investments and damage to our tourist industry, without which our own economic recovery cannot be realized.

In summary, Mr. Speaker, we have become a "State of concern." And more dangerously, we are on the road to being declared a rogue State. We are already being called a Narco State. When a Prime Minister causes us to be called a rogue and Narco State, an apology will not suffice. The Prime Minister must resign. When a Prime Minister has a series of blunders and mis-calculations over a period of nine (9) months, lost the respect of the people whom he has been called upon to serve, then it is time for the Prime Minister to shoulder the mantle of leadership, take responsibility and resign.

(Applause/*Sotto voce* comments)

The SPEAKER: Prime Minister.

(Applause)

The PRIME MINISTER: There have been many innuendos, imputations, and even invectives that have been delivered over the last four hours. I don't propose to even attempt to respond to those. There are issues that have been raised, some of which need to be put back on the table.

In the statement I made to the House on the 11th May, 1 acknowledged that persons within the party, with my knowledge and approval, had sought to secure the assistance

of longstanding contacts that we have had to help us to address what was clearly a major challenge. I could have done otherwise. I could have said, go ask the JLP....

(Heckling)

Opposition MEMBERS: Do better than that.

Mr. WARMINGTON: The Prime Minister is speaking.

The PRIME MINISTER: ...but to the extent... to the extent, Mr. Speaker that I was aware, that initiative led to the engagement of Manatt, Phelps & Phillips. I was not involved in any of the operations. I wasn't involved in any of the discussions, the meetings, the correspondence, but I had sanctioned it, and therefore, l had to take responsibility for it. I didn't supervise it. It went against the directive that I had given, and I have said this already. I said, now, look, this has nothing to do with Government; it must be kept clearly separate. That was not adhered to.

(Laughter/*Sotto voce* comments)

There was an inexcusable conjoining of that initiative with the Government's own efforts through the Solicitor General's Department. .We can't blame Manatt either because Manatt was made to believe by Mr. Brady that he was authorized by the Government to engage their services, and that their services were being engaged to act for the Government of Jamaica. And therefore, I am not blaming Manatt.

Opposition MEMBER: Really!

Other MEMBER: Shut yu mouth!

(*Sotto voce* comment/Cross talks)

The PRIME MINISTER: Mr. Speaker, I have already said a number of things; one, that to the extent that when the Member for East Central St. Andrew asked me very specific questions to which he got a specific answer - I hear it being defined as *lying by omission*, whatever that means. I imagine that is like hiding behind a public television broadcast.

(Cross talk)

But I have already expressed regret that, in hindsight, whence Member asked the question I should have volunteered the information. Since I was aware of the Party's engagement with Manatt, l should have put that on the table, and I have accepted that. I have expressed regret that the party ever got involved in the matter. I have already expressed that regret. I have apologized to the nation and to the Parliament and 1...

Opposition MEMBERS: When, when!

The PRIME MINISTER: Would you please allow me? Would you please allow me?

(Cross talk)

The SPEAKER: (Gavels) Members, Members, listen! Members, if you can't behave you know, if you can't behave there is a power the Speaker has, you know, which can be exercised. I am very reluctant to do it.

The PRIME MINISTER: Mr. Speaker, in a national broadcast, I apologized to the nation and I apologized to Parliament, and I tender that apology here today.

(Applause/*Sotto voce* comments)

There were issues that were involved that I am disappointed - but perhaps one shouldn't really be - have been trivialized, just brushed aside. These were contrivances; these were smokescreens; these were red herrings.

The Attorney General was provided with an opinion which suggested - well more than suggested - indicated to her that the information provided in support of the application did not satisfy the requirements of

- I think it's Article 9 - don't hold me to the exact one, of the treaty. That opinion or that position was challenged in the public media. There were some eminent lawyers who questioned it. There were equally eminent lawyers who stoutly defended that position.

The Attorney General found it necessary, or found it appropriate to seek the opinion of the HONOURABLE DR. LLOYD BARNETT. And I want to quote from the opinion he provided. It says here:

> "*The Minister is entitled to exercise her .independent judgment as to whether the issue of an authority to proceed is justified by the evidence submitted in support of the application."*

And then he goes on:

> "It is my opinion…

LLOYD BARNETT'S opinion...

> "*It is my opinion that in executing this duty, the Minister should only consider admissible evidence. This issue is of considerable importance because there are powerful grounds for concluding that in the absence of the impugned evidence which resulted from the interception, there would be no justifiable basis for making the Order."*

This is the position - I am not a lawyer but this is the position that some people are just - they just brush it away. They just dismissed it out of hand. What the Minister was advising and it is not whether or not the court should consider these matters, he was advising on what the Minister should consider in exercising her discretion and her authority.

We felt, Mr. Speaker, the Attorney General felt, and I supported her position, that this was something that needed to be pursued. And we pursued it. We got to a point where it had become a virtual national crisis that was affecting the country's ability to function. And Cabinet met, Cabinet had to consider the matter, Cabinet expressed its view. The Attorney General and Minister of Justice is a Member of the Cabinet. The authority to issue – to proceed was issued. People have criticized, even in the debate here; I should not have said so in that national broadcast.

I wonder what would have been the response if I had not. 'It has been said, for example, that I have caused the death of so many people because we signalled to Coke that the warrant is on its way. Very careless talk, very careless talk!

Every time the security forces have done an operation in Tivoli Gardens, almost every time, I think there is one occasion when it was a relatively minor operation. But if you look at 2001, if you look at 1997, when they go in unannounced, women, children end up being the victim, not one child was killed this time and I have already told you in relation to the three (3) women that were killed.

(*Sotto voce* comments by Members)

The PRIME MINISTER: I say one more thing, Mr. Speaker, I say one more thing. Anybody who believes that the execution of that warrant for that individual could in any circumstance be a simple exercise are not - I know I spoke for the security forces. I know the security forces advised me what they were anticipating and what they were preparing themselves for.

Last year was a very challenging year, not just for this Government but for the country, very challenging year. We had to take some decisions last year. We had to do some things

otherwise I don't know where we would have been this year. And while we pursued an issue that had been presented to us by eminent legal minds, there were some serious issues that this country had to face that had to be protected. I have to accept the responsibility for that. But what l will tell you is that, the position that we are in today in terms of how we have managed, not out of the woods, but where we have managed to position the economy to give us a chance to survive the onslaught of the last two years, if we had taken decisions that we are being maligned for not taking we would not have been there. (Applause)

Certain things that we did last year you could not have done it on the heels, on the backside of civil disturbance. But those are decisions that sometimes we have to take. And when you take those decisions we get pummelled on the other side - and in a sense I don't blame you. If I were in the Opposition, I would be probably going on just like you have gone on. But ultimately, somebody has to take the responsibility and I have taken it.

(Applause)

The fate of the resolution is in the hands of the Members of this House. My fate is in the hands of God.

(Applause)

The SPEAKER: Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: Mr. Speaker, we have spent more than four (4) hours analyzing, presenting the chronology of events, in the case that we on this side would like to present for censuring the actions of the Prime Minister.

Government MEMBER: We?

Mrs. HENRY-WILSON: We on this side.

Mr. Speaker, I can say with all sincerity that in moving this censure motion we do it with no malice.

Government MEMBERS: Ohhh!

Mrs. HENRY-WILSON: We do not do it as any kind of vindication. I myself would like to say that I am very disappointed, in some aspects of the debate, because in any Parliament, a censure motion is seen as a solemn action. I am disappointed because, yes, we have to have the thrust and parry of Parliament, but we don't need to be rambunctious. We need to be a little bit more reflective and have a little bit more introspection. It is a teachable moment and one in which... (Applause) ...all of us as Parliamentarians need to carry out some introspection. And I say this because, I don't appreciate the frivolity and the trivialization that has taken place. The people of Jamaica are not interested in who did what when. They are interested in a new threshold and a new beginning and that is what we need to do. (Applause)

Mr. Prime Minister....

(*Sotto voce* comments by a government Member)

Mrs. HENRY-WILSON: So why are you clapping.

Prime Minister, I don't know what you have taken from this discussion, but I want to say that at the root of all of it is the question of trust. The question of trust, the details are there for history to record. I believe your response, your tone in some respects were a little unfortunate and I think that is what has gotten us to the point where we are. Trust is something that does not take place overnight and it is an essential part of the relationship, between those who govern and those who are

governed. (Applause) And the moment that that trust begins to evaporate then our democratic governance is under threat and we will descend into anarchy. (Applause)

And the motion before us today asks us to reflect on prime ministerial behaviour and decorum. .. And I want to submit to you Prime Minister, it is not so much the details, it is not so much sometimes the what, but the how. How some of the things were presented in Parliament the kind of tone and attitude, very important in terms of trust. Matters relating to, for example, where are the e-mails with the correspondence that were asked for, or can they be open to scrutiny? People want to see the evidence so that they can be re-imbued with trust. (Applause)

The behaviour of the Prime Minister may have damaged the reputation of the country. It may have damaged our reputation because of the alleged links to organized crime. But let me say something, what it has damaged most profoundly is the Office of the Prime Minister.

(Applause)

In putting this resolution today, what we would like to do is to salvage that Office and to return it to its legitimacy. As I said, we don't bring this resolution as a part of recrimination or vituperation, no. We bring it as a part of the recognition that those who are at the helm of the political system must be held to a higher standard.

It is important that we reinforce the demand of the people of this country, that we must be a nation of laws and not of men, and that whoever violates a rule, there is a sanction and that whatever practices are up-ended that whoever in that office must pay the price, cannot approach it with impunity. (Applause)

Government MEMBER: Talk yuh talk Maxine.

Mrs. HENRY-WILSON: If we don't take that action, then we can't here in this House pass laws to govern the behaviour of robot drivers, those who have transgression of praedial larceny, those people who veer away from legal prescriptions - we have no legitimacy to pass those laws if we can't self-cess it.

(Applause)

Many Jamaicans say they still have not heard the truth in the case. And Prime Minister with the greatest of respect the problem is the inconsistencies that have occurred in the telling of the story. And therefore, the question is, is there a point at which people can feel that what has been said by the Prime Minister represents the truth? Why? If the trust is gone then whatever you say there is going to be a question about it. There is going to be that doubt. So, some people say that it was an error of judgment on your part. My question would be, was this just a one off, or is it that the Prime Minister's judgment is flawed? The error of judgment has done dire and deadly consequences in terms of the country. Other people say now is not the time for this Censure motion. But given the fact that the nation has this uphill battle, both economically and socially, given the fact we have to take a bold stand against crime, that we have to take a bold stand in terms of corruption, how do we go to the people and tell them that in 2007 we were 84th on the World Index of Corruption, and in 2009 we fell to the 99th place. If we don't have a situation of absolute trust in the holders of office, can we then come up programme that the rest of the country will

follow? Can we mobilize the people; can we mobilize the people to carry out what is essential nation building?

(*Sotto voce* comments by a government Member)

Mrs. HENRY-WILSON: I am not interested in what interest rate was, I am interested in how we move forward as a country. And so, Mr. Speaker, we have had a period in which the institutions of the country have been damaged, the office of the Solicitor General, the people who are the incumbents in that office and the office of the Attorney General and Minister of State, those offices have also been damaged. We need to know how we repair that damage. (Applause)

So rather than us in this House having these displays of arrogance and intolerance, rather than us using the kind of language that demeans each other, let us take - set our sights on the future and decide how we go forward.

Applause)

The censuring of the Prime Minister and the vote of no-confidence is based on our view of his conspiracy to obstruct justice, the consequential increased threat to the security of this nation and its people, (Applause) misleading the public and the damage that has been inflicted on the Brand Jamaica by what we consider to be reckless action.

It is in this respect, Mr. Speaker, that we on this side contend that it is the responsibility of – our responsibility as representatives of the people out there, the majority of whom are asking for a change in behavior and who want to see the country go forward, re-invested with trust and confidence, it is in this respect that we say, we support a vote of no-confidence against the Prime Minister. (Applause)

Opposition MEMBERS: Hear! Hear! Well done, well done!

Mr. MULLINGS: Mr. Speaker, Members of this Honourable House, we are here debating a motion of no confidence in the Prime Minister.

Opposition MEMBER: No, you are here seeking your supper.

Mr. MULLINGS: And Mr. Speaker, for these eight (8) years I've listened with respect and we've intervened for purposes of clarity, or hilarity, but I've always listened with respect and I only ask for that tonight, especially at this critical juncture in our history. I implore you.

Mr. Speaker, it is easy to lay blame, to weigh down on someone, who has taken responsibility. Of all the speakers this evening, I've not heard one admit to the fact, that it's the Member from Western Kingston, who came to this House and say what happened. He is being criticized for it, but he took responsibility in acknowledging it.

(Applause)

Mr. SHAW: Dishonest?

Mr. MULLINGS: And it is important, because for anyone to do that, bearing in mind the gravity of the issues that surround this particular one, we must be very careful when we seek to criticize, utilizing words like corruption and murder and all these things happening without bringing the evidence to support it. And it is important, Member from Manchester, because we don't know what tomorrow brings for any of us. And in that regard, in that regard, we must stay true to what we are putting forward on the table. And in this motion that has been brought forward, where one, to reject the Prime Minister's

assertion, that the Government of Jamaica did not enter into a contract with the United States Law Firm Manatt, Phelps & Phillips, where is the evidence?

We stay in this House and we vote on expenditures, if indeed there is a contract with the Government of Jamaica then the money that was paid must have been a vote on the treasury or the Consolidated Fund.

(Cross talks/inaudible comments)

A MEMBER: Because a contract has to be signed.

Mr. MULLINGS: But clearly, there is nothing to indicate the support of this assertion that there was this contract. So you glibly rise and say...

Mr. STERN: Mr. Christie back it up.

Mr. MULLINGS: ...you reject it.

Mr. STERN: The Contractor General back it up.

Mr. MULLINGS: So how and when will we be satisfied in this House? How and when?

(Inaudible comments by Opposition Members)

Mr. MULLINGS: When the Prime Minister indicated that he sanctioned this move by his party, one must understand the context of Extradition Treaties....

Opposition MEMBER: Go wey!

Mr. MULLINGS: ...that extradition treaties are fraught with danger, with risks.

Israel is well known to be a friend of the United States, yet in 1997, there's an issue involving a young man known as SAMUEL SHEINBEIN ...

A MEMBER: Correct!

Mr. MULLINGS: ...that young man was accused of a murder in Maryland. He was born in the United States, his father was Israeli, but his mother was American born. He had never visited Israel. He fled to Israel and they refused to extradite him to the United States. It caused serious tensions between the US and Israel, so much so that members of the US Congress were contemplating cutting off aid to Israel.

We think of GARY MCKINNON, in the United Kingdom, where he was accused of hacking computers in United States and he was charged, a warrant was placed on him for breaching the Terrorism Act. He exhausted all his appeals. In February of this year the Conservative Party indicated that they are going to revisit his possible extradition to the United States.

I make these references to make the point that it is always fraught with difficulties and with risks. And bearing that in mind with our own history, be it STORYTELLER MORRISON, be it PRESLEY BINGHAM, one can understand the need to lobby to prevent a risk accruing. We are always wiser after the event, always wiser.

The Member from Central Kingston quoted EDMUND BURKE, where EDMUND BURKE says: "It's not what the lawyers may tell me to do, but honesty and integrity".

And so what it means, therefore, is that there is always a judgement call, because it is indeed a balancing act. An Extradition Treaty is inconsistent with the constitutional rights of a person, that's a fact, because what you are seeking to do is to take your citizen and send elsewhere. So that is at the very instance inconsistent with his own constitutional rights.

(Cross talks)

Mr. MULLINGS: By agreement.

But the point is, it therefore behooves you to look very critically at the issue.

Now, let us look at the history of this

particular instance. At no time did the Minister of Justice refuse... (Applause)

Government MEMBERS: Hear, hear!

Mr. MULLINGS: ...and so the suggestion that you're obstructing justice is irresponsible. (Applause)

Government MEMBER: Very irresponsible.

Mr. MULLINGS: And indeed, this is why it is important for us to have the evidence of our assertions. (Applause)

Mr. D. PEART: Rubbish, man. Siddung!

Mr. MULLINGS: It may be rubbish for you but pray God you are not in that position.

Mr. D. PEART: Rubbish, man, rubbish!

Mr. MULLINGS: Pray God you are not in that position, because the extradition treaty itself...

Mr. PICKERSGILLL: What's the new evidence?

Mr. MULLINGS: …indicates that there is discretion in the Minister of Justice.

Mr. MAIR: It's true.

Mr. MULLINGS: And in the motion it says: "Censure the Prime Minister for his instructions to the Minister of Justice".

Mr. D. PEART: Him caan give instruction him caan do dat!

Mr. MULLINGS: Where is the evidence of that...

(Cross talks)

Mr. MULLINGS: ...in the terms in which he advised the Parliament, and so you have brought a motion, the assertion of the motion is that the Prime Minister instructed the Minister of Justice and not one shred of evidence you've brought.

(Inaudible comments/cross talks)

Mr. MULLINGS: I took the liberty of looking at **Hansard**, I took the liberty of looking at **Hansard,** and Mr. speaker, it's important for us, because we must remain true to what was actually said.

(Cross talks)

The SPEAKER: (Gavels) Hello, hello!

Mr. MULLINGS: And this is what was said:

One MEMBER: In Parliament?

Mr. MULLINGS: In Parliament.

Mr. KELLIER: Mr. Speaker, a point of order.

Mr. MULLINGS: The Minister of Justice…

The SPEAKER: One second, Mr. Mullings. Yes.

Mr. MULLINGS: ...in authorizing the extradition proceedings, has a duty...

Opposition MEMBER: Point of order! Point of order, man!

Mr. KELLIER: Mr. Speaker, the motion that I read to the House does not speak of instructions, it speaks of his interference it.

The SPEAKER: Yes. The version was corrected.

Government MEMBER: Was corrected?

Mr. KELLIER: I never read a motion that says instruction.

(Cross talks/heckling)

The SPEAKER: What was read, Mr. Mullings: "for his interference with the Minister of Justice".

Mr. MULLINGS: I am obliged. The motion I have signed on the Leader of the Opposition's signature doesn't have that.

A MEMBER: Yu out a date.

Mr. MULLINGS: But therefore, l ask this question, where is the evidence? Where is the evidence of that interference?

(Cross talks/heckling)

Mr. MULLINGS: And I make the point

Mr. Speaker, because it is easy to use flowing crows to make assertions, to lay blame, but you are hard put to place the evidence on which you rely. (Applause)

(Cross talks/heckling)

Mr. MULLINGS: Mr. Speaker, the Leader of the Opposition made some very startling assertions, that he corrupted the justice system.

A MEMBER: Irresponsible statement.

Mr. MULLINGS: Where is the evidence of that?

(Cross talks)

A MEMBER: Irresponsible statement.

Mr. MULLINGS: That the Prime Minister corrupted the governance system.

Government MEMBER: Irresponsible!

(Inaudible comments/laughter)

Mr. MULLINGS: Mr. Speaker, the Member from Central Manchester sought to rely on crime statistics, seeking no doubt to lay at the feet of the Prime Minister, the rising crime. That is unfortunate, if not disingenuous. The Bar in this House and the debate that we engage in this House must be higher than that.

(Applause)

Government MEMBER: Absolutely, yes.

Mr. MULLINGS: Mr. Speaker...

A MEMBER: You don't sey nutten.

Mr. MULLINGS: l'm sorry?

(Inaudible comments/Cross talks)

Mr. MULLINGS: …the reason I stand here...

(Inaudible comments by a Member)

Mr. MULLINGS: And that comment is regrettable from you.

A **MEMBER:** Very regrettable.

Mr. MULLINGS: It's regrettable from you and I expect that you take that back.

Government MEMBER: Take it back! Out of order!

One MEMBER: Don't listen to him. Don't listen to him Clive.

The SPEAKER: (Gavels) Please, Members could you allow...

A MEMBER: You should be ashamed to be a friend of Skeng Don.

(Cross talks)

The SPEAKER: Mr. Peart!

Mr. MULLINGS: Mr. Speaker...

The SPEAKER: Yes.

(Cross talks/*Sotto voce* comments)

Mr. MULLINGS: I don't want to take the House's time because it is clear. I understand, Mr. Speaker, that our proceedings are viewed not only here, but overseas. Basic manners...

A MEMBER: They don't have.

Mr. MULLINGS: ...will go a very far way. I'm obliged.

Mr. Speaker, the essence of it is this, when there is leadership that takes responsibility, I have every confidence in that.

(Applause)

Government MEMBER: Talk, Clive, talk.

Mr. MULLINGS: When there is leadership that will apologise to his people and engage his people, I have confidence in that. (Applause) We must be very careful, Mr. Speaker, that we don't believe for one moment, that we're free to say or do anything without supporting what we say or do. All of us are human. 'To err is human, to forgive divine' (Applause)

MEMBERS: Ah! Ah!

Mr. MULLINGS: And therefore, Mr. Speaker, and Members of this House, bearing in mind that not one bit of evidence has been

brought to support this motion, but none of the speakers spoke to this motion. Unfortunately, Mr. Speaker, it is clear, that what we have heard this evening is invective, ill-conceived, and no amount of politicking can help us at this time.

Thank you, Mr. Speaker.

(Applause)

A MEMBER: Tek the motion now, motion time.

The SPEAKER: Okay, Members, settle down, settle down. Okay, Leader of the Opposition.

Mrs. SIMPSON MILLER: Mr. Speaker, first of all, let me thank all who made a contribution supporting this motion and those who argued against the motion. The last speaker said that the Member from West Kingston that he came and take responsibility. Let me remind that speaker that it was the pressure of civil society...(Applause)....and the questions asked...(lnterruptions)

Mr. BUCHANAN: The Leader of Opposition is speaking yuh nuh! Yuh mus' know that.

Mrs. SIMPSON MILLER: ...and the questions asked by the Member from East Central St. Andrew that evoked the attention not only locally but internationally. The PM did not just come and accept responsibility in this Parliament like that. And I want for the record...don't want...l want to close the debate because I could go on again because of what was said because we know what happened in this Parliament and we now what happened outside of this Parliament, but the country is at a crossroad. Never in the history of Jamaica before have we been in this position. As a matter of fact what happened, Mr. Speaker, this is qualitatively and exclusively different from anything else in this country... (Applause)...some of which was captured by a documentary and by academics, various studies. The Prime Minister, for the first time today, the Prime Minister apologized to the nation...

Government MEMBER: That's not true.

Mrs. SIMPSON MILLER: ....by way of a broadcast. The Prime Minister apologized to the nation by way of a broadcast. It's the first time today that the Prime Minister, what should have been done before, rightfully apologized to the Parliament and I commend him for doing that his afternoon, for correcting the...

(Applause by both sides)

Government MEMBER: Withdraw the motion now.

Mrs. SIMPSON MILLER: The Prime Minister indicated in his presentation that eminent lawyers took one position and some others took another position.

What I want to know, Mr. Speaker, what delayed the Government, the Prime Minister from taking the action for so long? I have heard nothing new, no new information. We still have more questions than answers. Was the economy the reason for the delay why the Government took so long to address this issue? I just want to say, Mr. Speaker, we moved this motion in this Honourable House this afternoon. It doesn't say that the matter is going to go away because as long as the international media continue to pour more information and to give information that we did not get from our Government, it is going to continue.

(Applause) (Inaudible comments)

Mr. Speaker, I'm very proud to know that I am so influential that I can plan with the

international media. Very good. Mr. Speaker, we can sum up our position with that of a guest editor commenting in the *Gleaner* of May 17 when he said, and I quote:

> *"Never in the history of the country has governance and the structures of government seemed so unstable*".

This motion, Mr. Speaker, is not about the Jamaica Labour Party. It is not about the People's National Party. It is about Jamaica land we love. (Applause) It is about returning trust and credibility to the Office of Prime Minister of this country. (Applause) Mr. Speaker, I will continue. I don't mind the hassling right now. The Jamaican people they are watching and they will judge us by what is happening here in this Parliament this afternoon.

We brought this motion. We know that the majority is on the Government. But we are doing it because it is the right thing to do. History, and to ensure that this generation of Jamaicans and generations to come will remember this day. (Applause) And I say, we might not win this motion but it is the right thing to do and history will absolve the People's National Party of this. (Applause)

Governance by arrogance, rudeness and crudeness and disrespect will not be tolerated by this Opposition. We indicated that we would give any support to government on issues affecting the people of this country.

Mr. D. SMITH: When we want to discuss the six (6) crime bills you run and hide.

Dr. DAVIES: Derrick after the way dem treat yuh, yuh still a loyalist?

(Laughter) (Inaudible comments)

The SPEAKER: (Gavelling) Members, Members, can we have some silence.

(Interruptions continue)

Both sides. This whispering and snickering, it's not necessary. Let us finish...Leader of the Opposition, please complete.

Mrs. SIMPSON MILLER: You know, Mr. Speaker, this is the very reason why a number of outstanding Jamaicans would never want to walk through these doors to become members of parliament. And we cause it on ourselves and we create it on ourselves and that's why there is no respect or trust in parliamentarians, in politicians in this country.

We can, through selfish political expediency vote against this motion and confine generations of Jamaicans to this shameful blot upon our national history or assert the sense of decency, Mr. Speaker, and moral fortitude to make a bold statement in support of a new day of with, honesty and decency in public life.

You heard, Mr. Speaker, for yourself, majority of Members who spoke on this motion do not believe that the Prime Minister has put this matter squarely to the Parliament and the nation. So, Mr. Speaker, I move the motion with pain in my heart, with love for my country.

Government MEMBERS: Ooh, ooh!

Mrs. SIMPSON MILLER: I cry for Jamaica. I cry for the land of my birth. I cry for the land we love. And so, I now ask that the motion, Mr. Speaker, be approved.

(Applause)

The SPEAKER: Members, the motion is now before the House. The motion is now before the House.

(Disturbance by Members)

The SPEAKER: (Gave1s) Members, listen, we have to be quiet so the Clerk can

hear the answers.

A Divide having been called the Members voted as follows:

Ayes	Noes
Mr. N. Arscott	Mr. E. Bartlett
Mr. L. Buchanan	Dr. St. Aubyn Bartlett
Mr. P. Bunting	Dr. K. Baugh
Mr. R. Clarke	Mr. L. Broderick
Dr. O. Davies	Dr. H. Chang
Dr. D. Duncan	Mr. P. Charles
Mr. C. Fagan	Mrs. M. Phillibert
Dr. F. Ferguson	Mr. A. Gallimore
Dr. M. Guy	Mr. B. Golding
Ms. L. Hanna	Miss B. Grange
Dr. E. Harris	Mr. L. Henry
Mr. I. Hayles	Mr. J. Hibbert
Mrs. Hay-Webster	Mr. A. Holness
Mrs. Henry-Wilson	Mr. Hutchinson
Mr. G. Hylton	Mr. O. Lawrence
Mr. F. Jackson	Mr. D. Mair
Mr. D. Kellier	Mr. R. Montague
Dr. K. McNeill	Mr. C. Mullings
Mrs. N. Headley	Mr. T. Peralto
Mr. P. Paulwell	Mr. Robertson
Mr. D. Peart	Mr. K. Samuda
Mr. M. Peart	Mr. A. Shaw
Dr. P. Phillips	Mr. D. Smith
Mr. R. Pickersgill	Mr. E. Smith
Dr. D. Rhodd	Mr. R. Spencer
Mrs. Simpson Miller	Mr. M. Stern
Mr. K. Spencer	Mr. D. Vaz
Mr. R. Thwaites	Mr. E. Warmington
	Mr. F. Witter
	Dr. C. Tufton

The SPEAKER: Members, the vote, 28 Ayes, 30 Noes, the motion is defeated.

(Applause by Government Members)

(Standing ovation by the Government Members)

The SPEAKER: House Leader.

House Leader.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, we do not propose to do any further business today. I therefore move that the House do adjourn until tomorrow, the 2nd of June when we will continue with our business.

The SPEAKER: (Gavels) Members, the motion before the House is that this Honourable House do adjourn until Wednesday the 2nd of June at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House was adjourned at approximately 8:50 p.m. to Wednesday 2nd June 2010 at 2:00 p.m.

WEDNESDAY, June 2, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.29 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MRS. NATALIE NEITA HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Mr. Gregory Mair.

The House resumed its sitting at 2.29 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Prime Minister.

(MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, entered and took his seat.)

The PRIME MINISTER: Mr. Speaker... I am sorry.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader?

Mr. HOLNESS: Mr. Speaker, we are expecting the Minister of Finance who has answers prepared for his questions.

(Hon. Michael Anthony Stern, (JLP), Clarendon, North Western, Minister of State in the Ministry of Commerce, Industry and Investment, entered and took his seat.)

The SPEAKER: Which questions?

Mr. HOLNESS: Which are the only answers for presentation today?

The SPEAKER: Questions, which one?

Mr. HOLNESS: Questions 4 and 3.

SECTION 7, S/O 17A REVISITED

The SPEAKER: House Leader, and may I just say Prime Minister, the position is basically we have to get and adhere to Standing Orders. And I just want to bring to attention Prime Minister and relevant Ministers, section 7, Standing Order 17A.

Mr. HOLNESS: Seventeen (17).

The SPEAKER: Section 17A in particular.

1. "A minister seeking to defer answering a question shall hand to the Clerk a written request therefore which explains the reasons why the answer could not be supplied in time required; and if the House is satisfied with the explanation, the House may extend the time for answering by a period of not more than 14 clear days.
2. The procedure specified in paragraph 1 shall apply to any further extension required by the minister so, however, that in such case consent in such extension and the length thereof shall be obtained from the Speaker and the questioning Member. However, if there is no agreement between the Speaker and the Member the matter shall be determined by the ruling of the Speaker."

House Leader and Prime Minister, I am just begging you...

Dr. DAVIES: Beg?

The SPEAKER: Urging you, urging.

The PRIME MINISTER: Can I just advise, Mr. Speaker, that in relation to, Question 1 the answers were ready.

They have had to be amended because of recent engagements that affect the answer. In other words, the answers as prepared would not have been accurate, given subsequent developments. I will give the House an undertaking to have those answers here on Tuesday.

And similarly, Question 11 standing in the name of the member for South East St. Catherine due for answer today, the only reason why those answers are not here is that the last few days have not been quite normal demands on my time. I will guarantee to have those answers here next week Tuesday as well.

A MEMBER: What cause that?

(HON. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment entered and took his seat.)

The SPEAKER: Thank you very much, Prime Minister.

Dr. DAVIES: This ruling not gwine apply retroactively?

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, I now beg to introduce and have read a first time two Bills, "The Bail (Interim Provisions for Specified Offences) Act of 2010" and "The Constabulary Force (Interim Provisions For Arrest and Detention) Act, 2010".

Bill shortly entitled:

''The Bail (Interim Provisions for Specified Offences) Act, 2010''

read a first time; and a Bill shortly entitled:

''The Constabulary Force (Interim Provisions For Arrest and Detention) Act, 2010''

read a first time.

The PRIME MINISTER: Mr. Speaker, I beg to give notice of second reading.

PUBLIC BUSINESS

The SPEAKER: House Leader, Public Business.

Mr. KELLER: Mr. Speaker, could I just crave your indulgence before the Leader speaks?

The SPEAKER: Yes, Mr. Kellier.

Mr. KELLIER: Just to find out whether or not you have settled on a date for the meeting of the Standing Orders Committee ... the Committee that should have met to deal with Standing Orders, have we set a date for that meeting up to now?

(HON. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing, entered and took his seat.)

The SPEAKER: Repeat the question so the Clerk can hear, for me.

Mr. KELLER: I think we had had agreement some week ago that we would have a date set early to deal with the Standing Orders, the committee to meet. I am not aware that any date has yet been set for us to meet to deal with all these outstanding issues.

(MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern, entered and took his seat.)

The SPEAKER: Mr. Kellier, my understanding is that the relevant supporting House Clerk is trying to set up a meeting shortly.

Mr. KELLIER: Shortly?

The SPEAKER: The problem leader - Mr. Kellier the problem, the Clerk is informing me, is that this week, next week even to the following week the Schedule is just full. That's why we have not been able to schedule a meeting. There is no doubt in my mind because of the importance of the Standing Orders Committee; I will ensure that at the latest next week or week after next we'll have a meeting.

Mr. JACKSON: Next week Tuesday is open.

Dr. DAVIES: Next week is free. The PAC is not meeting.

The SPEAKER: I understand that we were trying to set a meeting. I had given instructions but the Schedule really has been so full that they have not been able to put one in place. I will pursue it, Leader of Opposition Business, so we'll have a meeting shortly.

Mr. JACKSON: This thing has been going too long.

Mr. HOLNESS: Mr. Speaker, at Public Business we would have had the Sectoral Debate presentations continuing today, but as the Prime Minister indicated that we have not had our usual sittings and these have not been usual times.

Dr. DAVIES: Who was supposed to speak?

Mr. HOLNESS: You remember that Member from St. Catherine East Central and Member from St. Catherine North East would have presented today. What we will be doing, Members...

(*Sotto voce* comments by members)

Mr. HOLNESS: The frame of mind, Members - what we will be doing is to reschedule the sectoral debate to start - to restart officially next week and we may have to look at a revised schedule in terms of narrowing down the number of speakers. For today, Mr. Speaker...

(*Sotto voce* comment by Members)
(MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South

Western, Leader of the Opposition, entered and took her seat.)

Mr. HOLNESS: And your side too.

Mr. Speaker, at Public Business today we will have Item No. 9 on the Order Paper, that will be taken by the Minister of Agriculture, a Bill entitled "AN ACT to Amend the Agricultural Development Corporation" and then the Prime Minister will take the Crime Bills.

(MR. DERRICK CHARLES SMITH, (JLP), St. Andrew, North Western, entered and took his seat.)

The SPEAKER: Yes, Mr. Kellier.

Mr. KELLIER: The Leader has indicated - Mr. Speaker, with respect to the Crime Bills, what are the stages that we propose to engage today, whether or not we are starting the discussion on the Report and deal with it before or what's the full situation with the other two. When do we start? We need a proper schedule to know what we are doing. Are we starting and continuing? We want to know exactly what is happening.

Mr. HOLNESS: In this session of Parliament, Mr. Speaker, in answering the Leader of Opposition Business, we will be taking the Report from the committee today and we will be debating and we hope that we have participation from the Opposition in this; after which, Mr. Speaker then we will take the Bill in - the four (4) Bills in Committee. Now we have already tabled the other two (2) Bills which were - well the appropriate term which we have revised and then withdrawn.

A MEMBER: Why?

Mr. HOLNESS: Revised, we made some changes to them. Now, Mr. Speaker, those two will be dealt with at the next sitting.

The SPEAKER: So we are not completing today.

Mr. HOLNESS: No.

The SPEAKER: Leader of Opposition Business, the debate will be started and won't be completed today. Is that okay, Leader of Opposition Business?

Just for information Members who are sitting on Standing Orders Committee we are trying to put a meeting for early next week. I have instructed The Clerk to consult with Members who are sitting on the Standing Orders Committee so we can get a meeting early next week. So the Clerk to the Committee will be consulting with you for an appropriate time. Very well.

So we start now with the Minister of Agriculture, Dr. Tufton.

AGRICULTURAL DEV. CORP. ACT (AMENDEMENT)

Dr. TUFTON: Thank you, Mr. Speaker.

Mr. Speaker, Members, this is a relatively minor amendment to the Agricultural Development Corporation Act.

Mr. Speaker, the restructuring and modernization of the Ministry of Agriculture and Fisheries was deemed imperative to provide the support and leadership to the sector which the data suggests had declined in terms of production volume by approximately 25% since 1996 to 2007 and in terms of productivity declined by some 17%.

The modernization of sector, Mr. Speaker, from the Government's analysis and perspective, which form the base of its strategy rested on four pillars. **Firstly**, the strengthening of the Extension Services to reach more farmers, and that Chief Extension

Agency would be RADA, supported by the veterinary Services Division.

Secondly Mr. Speaker, the establishment of a marketing unit in the Ministry to provide marketing support to farmers and to all agricultural production more closely with demand. **Thirdly**, the revamping of research and development to make research more relevant and demand-driven, as well as to strengthen linkages with extension to ensure dissemination of the latest technology. And **fourthly**, the promotion of new investments in agriculture.

Mr. Speaker, in respect of the fourth pillar outlined above, that is to promote agricultural investments, the intention was to merge the Agricultural Support Services Productive Project Funds Limited, (hereafter referred to as ASSP with the Agricultural Development Corperation (referred to hereafter as ADC). The ASSP, Mr. Speaker, was incorporated under the auspices of the Agricultural Support Services Project jointly funded by the Government of Jamaica and the Inter-American Development Bank.

This project, Mr. Speaker, became necessary because at the time of its conception back in 2001, the Ministry was not then configured to provide critical support services to farmers in areas of business facilitation and marketing intelligence. At the same time the ADC, which was incorporated under the ADC Act of 1952, with a broad mandate to develop the agricultural sector, had become relatively dormant. The merger, Mr. Speaker, of the ASSP and the ADC was therefore intended to mainstream and institutionalize the success and best practices of the ASSP project.

Mr. Speaker, Members may recall that in the first years of its existence the ADC was the catalyst for the major agricultural development in the country, notably in rice, dairy and beef production. Over time however, because of the failure to hand over these developments to the private sector, most of these enterprises became loss makers, until ADC was reduced to almost a dormant company, with a huge portfolio of under-utilized assets.

Mr. Speaker, both from the standpoint of its set base, as well as the mandate of the ADC to act to, as part of the Act: "**To stimulate, facilitate and undertake the development of the agricultural sector in the island"**. The ADC, in our evaluation, constitutes the ideal vehicle for driving and promoting large investments in the sector, using its considerable asset base as leverage in partnership with the private sector.

We have therefore sought, Mr. Speaker, to marry technical skills in investment, facilitation and promotion that was resident in the ASSP with the asset base of the ADC. There is no doubt, Mr. Speaker, that the agricultural sector will only be transformed as a major contributor to GDP through large investments, in a number of enterprises for which comparative advantage has been established.

In this transformational process however, Mr. Speaker, the role of the Government must be to facilitate, and not be a primary player in terms of production. There is therefore the need for a renewed partnership with the private sector. It is against this background that the Cabinet in October 2008, approved the merger of the ADC with the ASSP, to form Agro-Investment Corporation.

Theoretically, the ADC Act as it is currently configured, Mr. Speaker, already provide a mandate for the agency to deal with

the investment promotion, consistent with section 8 of the Act. However, given the fact that in recent years the ADC as an entity, became associated with significant operational losses and dormancy, it was felt that a name change would provide the new image and impetus that this organization needed to move forward with its new mandate.

Consultations, Mr. Speaker, with the Attorney General, confirmed that the merger could be effected within the framework of the current ADC Act with the appropriate name change. This, therefore, is the subject of the amendment being discussed here today. By this amendment the merged entity would now be referred to as the Agro-Investment Corporation, existing under and by virtue of the Agro-Investment Corporation Act.

The change, Mr. Speaker, of name to reflect renewed emphasis on the mandate of facilitating and promoting agricultural investments is not a cosmetic change. Indeed, we have moved swiftly to rid ADC of its major loss-making operation and in this regard, I am pleased to advise that Cabinet last week approved the divestment of Wallens Dairy to a private sector entity.

(DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, South Central, entered and took his seat.)

Additionally, we are actively seeking partnerships with the private sector in relation to the management of Minard, which stands as the main repository of three cattle breeds. We've also consolidated in the new entity, some 8,000 acres of land which the entity is now using to promote investments in a number of enterprises.

Since the merger, Mr. Speaker, we have prepared some 47 business plans, which have since been submitted for financial institutions, involving investments of over $260 Million. Over 290 jobs have been created in this effort so far. Two Agro-Industrial Parks, Mr. Speaker, are currently being established, involving over 30 investors on over 500 acres of land, brought into production at Amity Hall and Spring Plains. The new entity, Mr. Speaker, is also in discussion with major investors in respect to rice, sheep, honey and the production of other traditional commodities.

Mr. Speaker, this in brief is the position being taken and the justification advanced for the amendment to this Act.

Thank you. (Applause)

The SPEAKER: Mr. Clarke.

Mr. CLARKE: Thank you, Mr. Speaker.

The Opposition does not oppose the proposal as has been outlined. Only to say that in essence, the Bill only speaks to the name change. The details, as you have outlined, those have just come to hand. The fact, however, Mr. Speaker, is that as far back as 2007, it was proposed that some merger would have taken place in this regard. You know the Agricultural Support Services Project was coming to an end. The ADC, as was said, was actually dormant.

The lessons we learnt from the ASSP gave us an indication that an entity like that, would have been able to help drive agricultural production in a very very significant way. As a matter of fact, it had taken onto itself somewhat of an approach as business facilitation, and therefore, we thought that using the experience of the ADC over the many years, and twinning the assets of the ADC with the expertise gained through the ASSP over that period, it would have been

something worthwhile.

What I'd like to know, Minister, as you embarked on this new venture, you've outlined some of the efforts you'll be making in that regard here, how will this new entity be financed, number one. Secondly, what is going to be its relationship with RADA, because already you have marketing structures in RADA. I don't think you need to have any overlap, but how you're going to establish that relationship?

The Development Bank of Jamaica has also been an entity that has been involved in agricultural financing and so forth, how are you going to put all those things together into an entity that doesn't see these kinds of overlap?

In essence, based on what is proposed, the Opposition has no problem in supporting, but just to get clarification on some of the implementation process.

The SPEAKER: Dr. Tufton.

Dr. TUFTON: Thank you very much, Mr. Speaker, and I thank my colleague for his support - his contribution.

In relation to the clarification sought, Mr. Speaker, the entity has already been merged - the two entities - and is currently in operation. It is governed strategically, by a Board of Directors that comprises primarily private sector individuals, in an attempt to drive the investment packaging promotion on fundamental business principles. It's chaired by MR. PAUL SCOTT of Seprod, and includes several other very successful private sector individuals.

The funding will be achieved through a number of sources, Mr. Speaker. **Firstly**, the Government is currently in negotiation for an ASSP 2, which will be captured under the umbrella of the Agro-Investment Corporation and be used as part of the capacity building and resources for our future project.

Secondly, the Member may recall that last year the Cabinet approved the Agricultural Development Fund, which is a fund drawn from imported food items - specified imported food items, a dedicated fund that was created towards capacity building in agriculture. And that is now in effect. It started last year and the resources from that particular fund are going to be captured under the auspices of Agro-Invest and used to support the efforts of Agro-Invest. We are projecting, I think, this year, some $120 Million from that particular fund.

And **thirdly**, the configuration of the entity will be of such where there will be revenue streams from the provision of technical support services to interested entrepreneurs. The expertise once residing in ASSP now in Agro-Invest, will be strengthened to provide services such as business plan development market studies and it is not envisioned that those services are going to be provided free of cost, they may be subsidized, but they are not going to be totally free. So we are going to provide those services to interested entrepreneurs and use the resources to support the expansion.

There are other relationships that we have that will provide some support. For example, recently we got the DBJ to approve a glut management fund that is made available to entities operating within the sector that may require financing support to take off supplies that are in the marketplace, particularly in a situation where you have excess supplies, primarily the agro-processors. That fund is now in place, approximately $40 Million to start with, and Agro-Invest has a relationship

with that fund in trying to provide some administration and guidance.

So all combined, Member, we believe that the funding is in place, or will be in place, based on these various reasons.

Having said that Mr. Speaker, I close the debate by asking that the Bill be read a second time.

Thank you.

The SPEAKER: Thank you, Dr. Tufton.

Members, the motion before the House is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

AN ACT to Amend the Agricultural Development Corporation Act so as to change the name of the 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: Dr. Tufton, no amendments?

Dr. TUFTON: No.

Clauses 1 and 2 put and agreed to.

The Title and Enacting Clause put and agreed to.

The CHAIRMAN: The question is that 1 do report the Bill as having passed Committee Stage without amendments.

Put to the Committee and agreed to.

RESUMPTION

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

Dr. TUFTON: Mr. Speaker, I kindly ask that the Bill be read a third time.

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

Put to the House and agreed to.

Bil1 entitled:

AN ACT to Amend the Agricultural Development Corporation Act so as to change the name of the Act; and for connected matters."

read a third time and passed.

The SPEAKER: The Bill is passed.

Prime Minister?

The PRIME MINISTER: Mr. Speaker, I want to indicate that I propose to, with the agreement of the House, proceed on Item Number 1 on the Order Paper, which deals with the Report of the Joint Select Committee which was set up to consider and report on a number of Bills, I think the titles of those Bills are familiar to us.

Just to indicate that it will be necessary to move an amendment to the resolution which is before the House, because two of the Bills, as I indicated yesterday, have been redrafted and have been tabled as new Bills, and the original versions have been withdrawn. And therefore, since the Report referred to those two Bills that have since been withdrawn, it will be necessary to amend the resolution.

I am going to ask the cooperation of the House, however, to enable us in the debate on the Report, to also examine those two Bills, which are different only to the extent that they have sought to address the concerns that were raised by the Committee. So that if we can have that discussion, then when we actually get to the Bills, themselves, hopefully we won't have to be delayed at that stage.

And therefore, Mr. Speaker, what I am speaking to now is the Report. We are not examining the Bills clause by clause, but I expect that in the discussion of the Report we will - the discussion will focus around the provisions and any concerns that still exist.

(MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, entered and took his seat.)

Dr. PHILLIPS: Prime Minister, thank you for yielding. I really wonder - well, certainly I didn't know that you were proposing to have the debate focus on all six...

The PRIME MINISTER: Based on the Report from the Joint Select Committee.

Dr. PHILLIPS: I know.

The PRIME MINISTER: We are not going to take this today.

Dr. PHILLIPS: Well, I know that too. But I was hoping that one, given the significance, the weight, the potential controversy of the two being even greater than with the four, whether it might not be better for us to have at least more time, those who want to consider - I certainly haven't looked at the revised - I haven't looked at the revised two, and whether - because those are the ones in particular, well, I don't know if they still are going to require the same special majority as they are now! So in which case, that removes one cause, although I still think it is important as best we can to get general agreement. Well, l wanted to say something today, but I have not looked at those.

The PRIME MINISTER: I am going to use the opportunity to speak to those two new Bills, because they are relevant to the resolution which speaks to the old Bills, and to speak to what changes have been made. I will leave it to the Leader of the House, in consultation with the Leader of Opposition Business, as the debate proceeds, to determine whether we need to traverse to next week. It's something that I would hope that we can avoid, but let's leave that to dialogue.

Just to indicate as well, Mr. Speaker, that I am going to ask the Leader of the House to allow us next week, to deal will two matters on the Order Paper, under Government business. Item 3 which requires the approval of the House for the regulations to govern the Plea Bargaining arrangement, which is considered to be an important part of the toolbox that did help us to make a more ejective effort in tackling crime; and also related to that the regulations regarding the Legal Aid (Excepted Offences) arrangements.

And just to serve advance notice on the House that we hope very shortly to bring an amendment to the Evidence Act. And I am hoping to get that in Parliament - I believe l am on safe ground to say we should be able to jet that in Parliament next week - which will provide for evidence to be taken in Court by remote videolink, rather than requiring the witness to physically be in Court.

And also, an amendment - this one we may not be able to get next week, I believe there is a technical aspect of it that may be late a bit, but as soon as possible - to bring an amendment to the Jury Act, which will remove the requirement for unanimous verdict, except where it involves the offence of capital murder, but to specify a majority in cases not including capital murder, and 1 think what is specified there, it must be a majority of at left nine to three. But the requirement for unanimity we propose should be retained only where it involves capital murder, for which the punishment can be death.

I mentioned yesterday - I just want to repeat them because of the importance we attach to them - the work that is now being done - and it is pretty advanced on the - the short word I call it is the DNA Act - for the Act to bring into statutory provision the use of DNA evidence. And then, as I mentioned yesterday, the Organized Crimes Act, which I think perhaps is likely to be the most powerful of all of these measures.

Mr. Speaker, the history of these Crime Bills has already been stated in this House. It was - they arose out of concerns which have subsequently been heightened, but concerns which existed in the early part of 2008, that something more than the ordinary had to be done, much more than the ordinary had to be done to tackle the growing incidence of violent crime. These were based on submissions/recommendations, put forward by the Security Forces, that they felt that the authority that existed under the law at the moment, or at that time, and at this moment were not sufficient, were not appropriate to the challenges that they face in combating crime.

We had bi-partisan discussions, we reached general consensus. I wouldn't say that we reached consensus on the specific provisions of the legislation. It was arising out of those bi-partisan discussions that Cabinet issued drafting instructions and the Bills were drafted. Once that was done and the draft Bills were presented to Parliament, they elicited considerable interest and very strident opposition from some quarters.

The Committee deliberated, the Committee heard testimony from various organizations and I think individuals who took the trouble to make submissions. The Committee deliberated, and in the course of those deliberations, regrettably, there were significant areas of the proposed legislation where the Committee was not able to reach a consensus, not that it wasn't able to take a decision, but it wasn't able to reach a consensus. And because of that, it referred those areas, those areas that lacked consensus to Parliament, to the House, asking the House to take into account the concerns and the suggestions that were made.

I am going to speak to these provisions, the provisions of the individual pieces of legislation, separate pieces of legislation. But I want to make a general comment. There is a view that we rely too much on legislation to tackle challenges that we have, whether it has to do with crime, whether it has to do with regulating commerce, or whatever. We cannot rely only on legislation. We have a pile of statutes on the books, and it is really the extent to which we are vigilant and steadfast in the application and the enforcement of the provisions of those statutes that the statutes have meaning. And I think we, as a country, can't be proud of the fact that there are so many provisions of law that are treated generally with impunity and disregard. If truth be told, there are some provisions of law that we need to get rid of, because they are no longer relevant, culturally, or even in terms of conduct of people. So I acknowledge that that is an area that we are going to have to take a serious look at.

But it cannot be denied, Mr. Speaker, that provisions of statute which were enacted ten years ago, twenty years ago, forty years ago, fifty years ago, were enacted to deal with a situation that existed at that time. And I don't believe that the legislators at that time could have foreseen some of the challenges and

some of the difficulties that we have had to confront today. And therefore, we have a duty to look to see where we need to change those legal powers to ensure that those legal powers are appropriate to the challenges that have to be confronted today.

(MR. GEORGE ANTHONY HYLTON, (PNP), St. Andrew, Western, entered and took his seat.)

Now, we are into an era - and I would say that this perhaps really has come about since the events of 9/11 - where because the world, and particularly those countries that are more susceptible to that kind of international terrorism, found itself confronting a new threat for which not just their existing laws were inadequate, but the jurisprudence that went into framing and applying those laws had to be changed. And therefore, you find countries like Canada the United Kingdom, the United States, where certain things that would never have been contemplated before, because they were considered to be unconstitutional, or they were thought to be going against some of the principles of human rights, and fairness, and innocent until proven guilty, and all of these important concepts, they found that they found that in the interest of the State, in the interest of the security of the citizens, they have had to not just cut close to the bone, they have actually had to slice into the bone in order to protect the broader public interest.

And therefore while it was not surprising that these Bills elicited considerable angst on the part of human rights organizations, I do feel that we as legislators have to take perhaps a more pragmatic view recognizing that we are in an era where there is going to be friction between those two concerns. One is upholding human rights while preserving the rights of the citizens, broadly the security of the citizens. And what is going to determine how we resolve that conflict is what sort of balance do we maintain. The question of balance is always relative. It is a question as to whether or not it is more balanced on this side or more balanced on that side and therefore that's the dilemma that we are going to have to contend with.

Let me just give you an idea, Mr. Speaker, of the provisions and where we are. I am going to take the Acts one by one. The Firearms Act where, what the Bill seeks to do is to provide for a minimum sentence, on conviction of a firearm offence, a minimum sentence of 15 years. Now what the law now says is that if you are convicted of a firearm offence you can be sentenced to a maximum of life, but no minimum. Now what we are proposing is to provide in law that the minimum sentence for a firearm offence shall be 15 years. The intention of that is to send a very strong signal to people that having an illegal firearm, using a firearm to commit a crime is a severe offence that is going to attract severe punishment. The conviction of people who will then know that, look, it is 15 years before I can hope to be released – the Judge may still give me 25 years, the Judge may give me life imprisonment but the least that I can get is 15 years, is going to send a strong and powerful signal.

The concerns that have been expressed are that what we are doing is interfering with the Judge's discretion because the Judge should be free to determine in each case what were the particular circumstances that may justify a more lenient punishment.

But you know, Mr. Speaker, in a sense Parliament does circumscribe the Judge's

discretion. We impose maximum sentences. We say that for a particular offence the maximum punishment is five (5) years imprisonment. We are setting those parameters. A Judge may feel that in this particular case I really ought to send this man to prison for 10 years but Parliament has said maximum of five. I remember there was a case where a Judge lamented upon sentencing somebody convicted that he really felt that the person deserves a much stiffer penalty but this was what was limited. This is the limit that was provided by law. I make the additional point that if there is an offence that Parliament in its wisdom feels should attract a maximum penalty of life imprisonment, then what Parliament is saying that, that offence is a very serious offence if Parliament is prepared to allow a Judge to sentence somebody to life imprisonment for it; and when in those circumstances we see judges exercise their discretion, there are sentencing guidelines. But there have been a number of cases that I have seen where somebody convicted of illegal possession of a firearm, and I have seen in one particular case that I looked at from last year he gets a sentence of five years imprisonment. I don't know if on parole - I mean I don't know how soon he is able to apply for parole if he gets a five-year sentence. But we have to make up our mind.

The 1680 murders that were committed last year, I think some 79% of them, don't hold me to the figure, but a huge percentage was command with illegal firearms. We have to send clear signal that we are going to get tough. We know we have to catch you first before we can give you the minimum of 15 years and we have to improve on that as well. But we want to make sure that when we catch you and you are sent to the place where you are to spend at least 15 years we don't want to buck you up on the road couple years time. We want to make sure that you are there. (Applause) And therefore when you have people wanted of serious offences but who get light sentences, in a sense that is in conflict with the intent of the legislature.

The Committee was unable to reach consensus on this so the committee referred it to Parliament. The Opposition did not support the proposal. The Opposition shared the view of some of the organizations that felt that we were interfering with the Judge's discretion. I think it was even suggested that it was undermining the principle of separation of powers. Again, none of these things can be seen in absolute. The powers are separated but the power of one is, in fact determined to a great extent by the power given to that one by the other. And we feel, Mr. Speaker, that this is a time that we have to get tough. If in time to come we were to find that the mischief that we are seeking to tackle no longer requires these tough, hard signal-sending measures then some Parliament the future will no doubt want to review the matter, but we are urging the Parliament to take this matter seriously.

THE OFFENCES AGAINST THE PERSON

The second Bill, Mr. Speaker, involves the same issues, that is the Offences against the Person Act. And similarly what we sought to do was to provide minimum sentences for those offenses involving shooting with intent and the offence of wounding with a firearm and to say now, look, we are going to try and see if we can do everything possible to make

the relationship between you and an illegal firearm as unfriendly as possible and as hazardous as possible.

PAROLE ACT

The Parole Act, Mr. Speaker, we propose to put restrictions on parole for offences that involve the use of illegal firearms, shooting with intent and wounding with a firearm. Now you can be eligible for parole after seven (7) years. We want to increase that to 10. So what we are saying we want to give you 15 years minimum imprisonment but having got the 15 years you would be eligible for parole after 10, not 7. And therefore what we are saying is we mustn't see you for 10 years. That's basically what we are saying. (Applause)

THE BAIL ACT

The fourth Bill, Mr. Speaker, has to do with an amendment to the Bail Act. This one involves a significant change in the approach to bail. We have long operated under the principle that everybody is entitled to bail. You have a right to bail and only if particular circumstances are presented should you be denied bail. And, you know, I remember when l just came into this House, many years ago, '72, I remember there was a private members motion that was moved almost are every year by Mr. Mel Brown then the Member of Parliament for South West St. Elizabeth. He was a champion of this right to bail, that everybody has an entitlement and he wanted laws to protect that and you had to demonstrate why this person shouldn't get bail. Well, that may very well have been appropriate to that time. Our experience suggests that we have to look at that again. The police force has complained about their frustration when they are arresting persons who are on bail, committing the same offence for which they were placed before the court and put on bail. There are some cases of bail that I wonder myself what could have been the circumstances.

I remember we had discussions with the DPP and some other people and there are some administrative problems. The Judges have complained, for example, that a case comes up before them, the person is in custody, the case comes up time and time and time again, the prosecution is not ready, the investigation is not complete or the policeman who is supposed to testify doesn't turn up at court. And what the Judge says is that, look, I cannot keep remanding the person in custody when the prosecution is dragging its feet, not delivering. In fairness to the man if you can't come to Court with the proper evidence, then I am going to have to at some point say to the man, well, you are on bail. So there are some administrative challenges that have to be dealt it. But at the same time, we're going to have to categorize, and that is what we are seeking to do in the proposed amendment to the Bail Act. What we are saying is that for certain types of offenses, not for all, for certain types of offences, particularly those involving the use of the gun, violent offences, we want to shift the onus now from the prosecution to convince the court that the person should not be bailed. We want to shift that now to the person who has been charged to say now you satisfy the court that it is safe to allow you to go on bail.

It does another important thing. At the moment if a Judge grants bail to an accused person that's the end of the matter. We are seeking through this Bill to make a provision that if the Judge grants bail the prosecution

can appeal that decision. A notice has to be served and we are saying that the appeal against the decision to grant bail led by the prosecutor must be heard within 72 hours. There is an amendment that we are proposing to this because it was suggested in the Joint Select Committee that it may be too tight to say 72 hours, 72 hours or such longer period as the court orders. But to now make it possible for the prosecutor to say now I am appealing the Judge's decision. I want to go to another Judge to point out why it is dangerous for this person to be allowed on bail.

REMAND/CUSTODY/60 DAYS ETC.

There is, Mr. Speaker, the two other measures. These are the ones that were redrafted and these are the ones that have been suggested, involve some very serious constitutional issues. We were seeking to have them passed under section 50 of the Constitution, which is that section to the extent that it involves an intrusion on fundamental rights, have to be approved by a special Act of Parliament requiring a two-thirds majority in each House.

We took into account - well, let me just indicate what those Bills were seeking to do, and they arose out of the bi-partisan discussion. The police have said, that very often when they are seeking to deal with the effects, the manifestation of criminal gangs - particularly where it involves gang feuds - and they blanket an area, they are not able to detain persons for more than a limited period - I think for three days or something like that.
And they said, very often, there are persons who are involved in the violence who they need to have out of the area so that at least they can restore some normality to the area.

In addition to that very often, the gathering of the evidence that they need to charge persons is hampered by the presence in the area of persons who, based on their intelligence, will not allow persons to give evidence. And therefore, what they wanted was a longer period of detention during which they can stabilize an area, they can do the further investigations that would give them the evidence that they need, convictable quality, conviction-quality evidence. And also that the longer period will allow them as well, to do the investigations that they need to do into the very persons who they are holding.

What was proposed was sixty (60) days, and that was like an alarm bell. And many persons objected to it and they led an argument, a powerful argument that the question as to whether or not somebody should be remanded in custody had to be a judicial decision, not an executive administrative decision. And a strong argument was made that, hold the person, yes, but if you want to hold the person for any extended period of time the Judge, the Court must be involved. We took note of that. And therefore, we have re-crafted the Bill. And just to indicate the changes that have been incorporated in the new Bill.

First of all, remember that these provisions relate only to specified offences. We are talking about the offences that are set out in the Second Schedule to the Bail Act. There are two categories of offences that we are focussing on. One is those offences that involve violence, particularly violence involving the use of the gun but it involved murder and things like that.

And then there is a second category of offenses involving drugs, where these

provisions would only apply to repeat offenders, not first time offenders. In the case of violence, it applies to all offenders, whether you are first time or repeat. And what we are proposing, Mr. Speaker is that the person would be arrested. He could be held or detained - can be held without charge for up to sixty (60) days but important provisos.

Dr. PHILLIPS: Without charge or without bail?

The PRIME MINISTER: Without bail, without bail. The new Bill would...without charge, yes, without charge. The new Bill would require that that person must be taken before a Judge not later than seven (7) days after he is held, where the Judge can review the matter to determine whether he should be released. And thereafter, if he is not released, he must be taken back before the court at intervals of fourteen (14) days.

So, it will be a maximum of sixty (60) days. Within the first seven (7) days, he has to be taken before the Court for the matter to be reviewed by a Judge. And thereafter, he has to be taken back before the court, not later than fourteen (14) days each time. And if at the end of the sixty (60) days, if the court has not ordered his release, and if he is not charged, he has to be released. If during the sixty-day period he is charged, well he moves into a whole new category. He is now somebody who is charged and the question of his bail is considered as a separate matter.

I believe that this addresses, maybe not to the extent that everybody would have wanted, but it does address the concern that there needs to be some judicial intervention in determining whether somebody should be deprived of their liberty for a period as long as sixty (60) days, by ensuring that the court is required to review the matter.

Remember that this Bill is one of the two... the other one I will deal with - the last one I will deal with right after - one of the two that would be in effect for a period of one year. We are providing a **sunset clause** for the Bill, so that these provisions would disappear automatically at the end of one year unless Parliament decides that they want to extend it further.

CONSTABULARY FORCE ACT
CURFEWS & CORDONS

And then the very last one, Mr. Speaker, is the provision we are seeking to make in the Constabulary Force Act. Now, remember, when the Suppression of Crime Act was repealed, some of the provisions of the Suppression of Crime Act were considered to be necessary, given the challenges we are facing in dealing with crime. And therefore, some provisions of the Suppression of Crime Act were grafted into the Constabulary Force Act. And they were put in sections - I think it is 50(a) right down, I thinks to 50(h) or something. This seeks to amend the provisions of 50(b) and 50(f): Let me explain quickly what these mean.

This is the law that provides for the imposition of curfews and cordons. And it allows the Commissioner of Police to throw a cordon, and with the approval of the Minister, to impose a curfew on a defined area. Within that defined area, they have the power to arrest and detain persons - subject to limits - to arrest and detain persons within the area defined by the curfew or the cordon. What this seeks to do is to allow them to arrest persons who are

not within that curfew or cordoned area, but who are involved in whatever is taking place in committing crimes within that curfew or condoned area. We are dealing with a very agile and very mobile set of criminals these days.

And then it goes further. It extends from 24 to 72 hours, the period for which a person can be detained on the warrant of a Justice of the Peace before that person must either be released, or be taken to court. Again, the police have indicated that these are measures that they feel are necessary to enable them to deal effectively with the kind of, particularly urban criminal violence, gang warfare. And we see it happen so often. And sometimes we hear there is an attack in a certain community, a house was shot up, three people were killed. And you can almost identify the community that is now on the look-out because they know that there is a reprisal that is to come. They are not sure if it is going to come tonight or tomorrow night. And in these situations, what the police are saying is that they need these extended instruments of authority to enable them to effectively treat with these situations.

As in the case, Mr. Speaker, of the legislation regarding the sixty-day period of detention without charge, this too is a provision that would have a sunset clause. It would go out of existence at end of one year unless Parliament extends it by resolution. So, what we are seeing here is a situation where we are providing an extraordinary response to an extraordinary situation. And we are saying, because it is extraordinary it is not going to be permanent; and it is Parliament that must determine whether at the end of one year, or sooner, if Parliament so decides, whether it should be renewed, whether it should be allowed to just run its course, or whether it should be truncated even before the one-year period.

Mr. Speaker, I would never even suggest that these are measures that automatically invite unanimity. They don't because they involve considerations that are not hard black and white, but we feel that they are a necessary response to a problem that has to be dealt it. We are going to face some of these same issues, very same issues when we get to the Organized Crimes Act, because that one now is going beyond where any of these initiatives have gone so far. And yet that one, I believe, is perhaps going to be the most useful because that is going to enable us to tackle, in a far more formidable way, the culture of criminal gangs that have become so much a feature of the network of crime in Jamaica. It is one that will require a great deal of study.

I have taken the trouble, Mr. Speaker, to seek the assistance of some of our bi-lateral partners who have had the same experience, who have had to confront similar problems, who have introduced legislation, and who have operationalized those legal powers to help us in structuring our legislation, to put their own experience at our disposal. And I am pleased that they have responded as positively as they have. I am talking about something that is to come. The focus of the House today, really, is on what is before us, and it is something that I invite the House in the circumstances, in the context of what we are now having to deal it, I invite the House to give its support and to enable us to notch up our ability to tackle this monster of crime that I think is a matter of concern to all of us.

(Applause)

The SPEAKER: Dr. Phillips.

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

I would like to start, in a sense, where the Prime Minister has ended. He mentioned in the last segment of his remarks that he wouldn't expect ready unanimity on these matters, maybe referring both to the House and to the general society. But despite that, I think that I would urge that, especially given the diversity of views expressed not only by the Parliamentary representatives on the Committee, but by all the various social groupings, the civic associations that presented before the Committee, that every effort should be made, even at this stage in the deliberations, to try to achieve as much consensus as is possible. Because quite frankly, without there being broad and informed support, then we run the risk of undertaking measures which could be useful but without support, might come to be deemed as repressive or oppressive, and even more. We run the risk of not taking account of reasonable suggestions, and ending up being the agents, unwittingly maybe, being the agents of repressive measures.

There is no doubt, there is no doubt that there is great public concern, and upset and properly so, about the extent of crime, about the nature of the crimes, the brutality and viciousness that we are seeing. And I think, events over the past weeks and months just passed have showed us...

(*Sotto voce* comments by Members)

Dr. PHILLIPS: Don't be too defensive; you don't know what I am going to say. Events over the recent weeks and months have highlighted the extent to which we as a society have for a long time, opened ourselves up to a risk, a risk now that includes the possibility of State capture; and it has been a problem that has been growing over many many decades.

We don't need to, at this point go from the vantage point of the interest of into all the - with the full extent of the causes, but just to remark that the very first State of Emergency in independent Jamaica was 1966/67 in Western Kingston, confined then, and in effect we have had subsequently the 1976 – a part from the hurricane induced states of Emergency and others, and we now have one 43 years after, 44 years after where essentially, the same type of problem has grown to such an extent that what it highlights, I think, most of all is that collectively we have not addressed the problem. So I agree with the proposition made that certainly we need to be able to do something seriously, do something that is demonstrably effective in dealing with this problem.

Now, controversy is likely to arise, in fact, controversy is certain to arise. Part of the problem that we have, is that, I think that those who approach the whole question of what laws are appropriate, often approach it from divergent and contrasting philosophical foundations almost in terms of the philosophy of law. You have people who start from the position of the absolute guarantee of individual rights, and that therefore, they seek to ensure that anything that is done does not trespass unduly on these rights which represent for them, the starting point of any consideration of justice. That tends to be the kind of framework in which most of our lawyers have been schooled. But there is an alternative view point which emphasizes not so much the individual as the starting point -

although the individual must always be important, society itself is also comprised of multiple individuals - but which start from the vantage point of the interest of society as a whole. And as I have said elsewhere, on occasion, that quite frankly there ought to be no real conflict between the positions because ultimately if there is no State, then all rights are negated. If the State cannot survive then there is no authority, no central authority to secure the enforcement of rights.

Our present problem correctly defines the enormity of the threat of firearms 80% of murders in Jamaica are committed by the use of the firearm, illegal firearms for the most part. It represents a problem. But the firearm in and of itself is not the only problem. The Prime Minister says there is other legislation that is going to be presented. As I have said on other occasions too, I think we as a State are perhaps in a unique position, if not unique, we are among a group of States where you regularly see the emergence of, and the activity of what I would call criminal militia who operate in certain communities with impunity and who terrorize communities and who effectively prevent the State from policing those communities. They are not restricted to any one geographical location. In too many parts of the country we have situations where the security forces can only go in great numbers and heavily armed. And if they are not able to amass the numbers or the armament then communities are left to themselves at will usually under the dominance of these criminal militias generated by, and associated with the centres of organized transnational crime.

One question which arises from all of this is whether what we are doing here, in these Bills:

(1) adequately addresses the problem that we have. What is the likelihood of success?

(2) in relation to these Bills, is there any record drawn from the other jurisdictions that may have tried this or something similar that speaks to their effectiveness?

(3) what else may be done or what else needs to be done, if we are to adequately confront the problem that is before us.

Let me say, first of all, and this is why I think we should be careful about, we should be careful to allow a consensus to emerge, we can't wait until everyone agrees, but again I want to urge that we be open to suggestion and small amendment where it will arise.

The view has come to spread in the society that these six (6) Crime Bills over the last year, year and half that this is the panacea, this is the silver bullet that if you pass this all things will go away, it is not true. That was a view that if you go as far back to the Suppression of Crime Act, Gun Court Act, there was the belief that well that was the magic bullet that would offer the solution. There is no panacea, there is no immediate solution. A problem developing over 40/50 years is not going to disappear in a twinkling. What we need to do is to muster the resources and the energy of all the law-abiding and well-thinking devise effective measures and proceed in lock-step, in lock-step.

(*Sotto voce* comments by Mr. Holness)

Dr. PHILLIPS: Not denying that these steps will help. But I want to rid you or anybody else of the idea that these six (6) represent a panacea, they don't.

(Applause)

Now, and but starts have been made before; don't suggest that no starts have been made before either.

(*Sotto voce* comments by Members)

Dr. PHILLIPS: Precisely, and it was left to another administration to remove the suppression - because the unforeseen at the time and unintended consequences proved to be worse than the remedy that was offered. So let's make certain that we don't do it again.

(Applause)

Now just to give an example of why we need to be careful, and I am not by any means, don't get me wrong, I am disgusted because I think many of you assume by what l am saying that I am opposed. I am not voicing opposition to the need for legislation or even to some of the measures contained therein. I am urging sincerely, that as we approach this, even in Committee here as we need to go into, let's be open rather than be seizing the moment to be just tough as was the case in 70 whenever when the Suppression of Crime Act was brought that we allow the immediacies of political opinion to overwhelm our need for care and the exercise of good sense.

A MEMBER: And the objectives.

Dr. PHILLIPS: Now, take the bail provisions, in the grant of bail refusal provision in relation to the grant of bail in specified circumstances. And here the Prime Minister spoke about 60 days without charge, it is not without charge, it is really 60 days after the charge; but for bail suspended in effect for 60 days. In fact without charge would probably be subject to constitutional challenge anyway, without charge, although it does happen unfortunately in reality too often. But it has been tried in Trinidad as the Prime Minister mentioned, and in fact, it is being done in Trinidad. But the fact is that even over the period and there are obviously other possible explanations. But it has not resulted in a diminution of violent crime in Trinidad. In fact, over the period when they have had that provision in their legislation, they have seen an increase in the levels of violent crime.

Interestingly and admittedly, it has not reached the levels of our situation for which they are thankful and for which we are thankful. But they are seeking a reduction as are we.

Now, I would think myself and others in the debate will develop some of these points. There is the question of mandatory sentences which was raised in Committee. I myself think that there is good justification for the society and the Parliament indicating that there is a particularly serious crime and that the view of the Parliament can be legitimately be expressed in legislation. I have held that view for some time and sometimes I have been in the minority, sometimes I have been in the majority in relation to that particular view.

And I myself think that in the circumstances where firearms constitute eighty per cent (80%) of murders, that to sit by and do nothing would in fact make us almost complicit in the continued spread of this kind of rampage of criminal violence through the country.

The question that arises in that is, is the 15 years sufficient? And, are there issues that may be raised in Committee? There are some who are of the view that in fact the mandatory minimum may be subject to judicial challenge, despite rulings of the Privy Council and others. That is a matter for the lawyers to debate. But I believe myself that the society

must take a position and the Parliament must take a position about the seriousness of the offences.

At the same time, however, we have to so craft the law that egregious injustice or in fact injustice is minimized. So, you take the situation of the report as was reported in the Press of an elderly gentleman who was found with one round of high-powered weaponry. According to reports he was coerced by those who were criminals. In a condition of strict liability, he would be - it would be just a matter that he would have to serve the mandatory minimum. Now, the question - we need to try to insert, or find, or ensure that there are provisions that would not permit such a - assuming what was said was true and assuming the evidence - that there would be such an egregious miscarriage that this coerced individual, meaning that somebody forced him, saying, we are going to burn down your house and kill your family if you don't carry this thing over there to those people. As we know, criminals find little children, big people, elderly people to move weaponry and guns. That's why we have found pistols in schools, primary schools.

So, even as we define it, what I want to be assured of is that we are satisfied, we are satisfied that there is an adequate opportunity and that for...and the right of appeal exists and that there is discretion that exists, if it even means circumscribing the discretion to a particular sub set of cases that can ensure that the most egregious risk that we can envisage would not become eventualities.

I am concerned, too, even in relation to the - the one which has the Schedule 11, to amend the Bail Act, the Act to Amend the Bail Act.

And, again, for myself I accept first of all, the proposition that the - and I'm talking about the Act to Amend the Bail Act, not the one for the interim provision in relation to bail - that, yes, there are certain serious crimes and it is true that even now even without amendment Judges have the appropriate discretion.

But it is also true that there are instances, and probably too many instances, where that discretion has been exercised in a way that has created difficulties in so far as we have had many people, repeat offending while on bail, and even some of these persons have been persons who have multiple convictions already. And so the discretion obviously needs some kind of tightening. And this, I believe, goes a significant way towards at least placing the emphasis on the persons accused of those crimes listed in the Second Schedule to have to demonstrate cause why they should be entitled to bail. It's not desirable, but it may be necessary in the circumstance.

But again, are there things that we can do that separate this - that alter the categories that are even in the Schedule in a way that ensures that what is targeted is the specific kind of problem that we need and what is - and that we leave out of that net all who can properly be left out in the circumstance? Give an example. Section 7(b), when you look on the Second Schedule, paragraph 7 speaks of cultivation, selling, dealing in or transporting ganja. There is a distinction to be made here.
Is it desirable between the person who is obviously commercially involved and the person who has a plant growing in their yard, especially given what steps and recommendations that have even been made in relation to private use by a Committee of this House?

So, is the Government prepared to even look at the Schedule and distinguish in the Schedule between this individual user who may accidentally or so, have one stalk of the weed in their house as gist the person who is growing 30 acres in the Black River morass?

Government MEMBER: In Clarendon.

Dr. PHILLIPS: Or Clarendon.

(Inaudible comments by Government Members)

Dr. PHILLIPS: Eh, you want your parish to be included?

Government MEMBER: Yes.

Dr. PHILLIPS: I will include it. But those are the kinds of things I believe we need to be prepared to look at.

(Inaudible comments)

Dr. PHILLIPS: No, that one is not the one with a sunset clause. There are two. The Act to Amend the Bail Act is a permanent condition until the Parliament decides. The sunset clause is in relation to this...

(Inaudible comments)

Dr. PHILLIPS: No, there are two Bills relating to the Bail Act that are here. One is called an Act to Amend the Bail Act. That is just to change the burden of proof, if you will, in relation to persons who are charged with specified offences so that they have to make the case of why they should be given bail.

The other one really basically provides that after being charged you are not entitled to bail for up to 60 days. There have been some provisions put in this. And I think this is going to warrant, as I had indicated to the Prime Minister when he was opening, more careful consideration.

In a sense there are the two issues here. One of the issues to be discussed, for example - and there is judicial review. We need to know a little bit about the extent of it. But, for example, let's read them together, the provisions for extending the powers of arrest and detention.

You can have the situation where there is curfew/cordon. You are detained for 72 hours. You don't need to be charged. Then at a point you can be charged, but all the evidence might not be there, or even a sufficient case might not have been made but you can be held in the first instance for 14 days and there is that.

But how do we ensure that it just doesn't become a device that is exercised not only systematically but arbitrarily and repressively by some members of the security forces? And a security force where, admittedly, I can admit it and you should, that we do have a problem of corrupt behaviour. That's why we introduced the whole anti-corruption effort.

How do we ensure that we are just not going to have people, who, because of their poverty, their lack of representation, how are we going to ensure? Is this by having not only the judicial? It doesn't seem to me to be beyond us to find means. Is it to ensure that it is not merely the magistrate, but that we are allowing certain other opportunities of appeal or oversight at any rate? That we can ensure that there is adequate civilian or other oversight for some of these, even in addition to the judicial because there is a major judicial backlog. There is the weight of cases. There is all of this.

What I am urging, as I said, is that some...as we go into committee, some practical search be made for some solutions that will not allow what may be a desirable objective to become distorted by the practical realities of our society.

So, I certainly believe, as I said, that the issue of firearms and the consequential amendment to Offences against the Person, the Parole Act, I believe, commends itself, the amendments to the Parole Act...

(The Speaker gavels)

A MEMBER: Two minutes.

Dr. PHILLIPS: Five minutes, five minutes.

(The Member's time for speaking having expired, a motion was moved for the suspension of Standing Orders to allow the Member a further five (5) minutes to complete his presentation) Motion put to the House and agreed to.

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, final point I'll make. As I said, the Bills are no panacea. Bills by themselves are not going to solve this problem that we have. We need a lot of other things. And we are going to need the commitment even as we go forward and find the solutions. We are going to need the commitment that the other necessary things will be put in place otherwise we are going to be here, or maybe others will be here, and everyone will bring their AKs or their M16s and put it in the chamber while we undertake the debate.

But there is other legislation to come. And we would urge the earliest possible opportunity to discuss the terms and the analysis and the thinking. And I think at some point we need a debate that really just looks into our analysis of the nature of the problem and how it can be solved. So that we can walk together not only in this Chamber but in the society about how we are going forward.

Other legislation to come. There is the justice reform that is needed so that the court system can move and move quickly to address this issue of the backlog and as is well as the adage has it, *justice delayed is justice denied*. And because of it, too many people feel the need to take justice in their own hands. And that also adds to our murder statistics and otherwise.

But we haven't seen, quite frankly, sufficient speed in that.

The Police reform is necessary. Again, that is delayed. The anti-corruption effort in the force that's part of that, but to date as I understand it, even the persons recruited to head the anti-corruption effort have no idea whether their contracts and the effort is going to be extended. That needs to be made clear also. And the resources that are going to be needed for building up intelligence collection, *et cetera*, all of this is necessary and it is going to be a politely important that there is trust, trust, that has to be built.

Jamaica is among the - as far as the levels of general trust is concerned, we are on the low side in the world. People don't trust collectively those of us in the House, people don't trust their security forces and this leads to the general sense that every man for himself - lack of respect that is at the heart of this general distrust and absence of social capital.

And it is because of that, that again I end where l began. Every effort should be made companion with this, how we treat each other in this House, how we are prepared to be open to debate, how we are prepared to accommodate the views of others, to build that trust that is going to be so essential if we are to go forward.

(Applause by Opposition Members) I think there is much in this that is commendable or that is advisable, let me put it

that way, in the difficult circumstances in which we find ourselves. But we need to approach with care and we need to be open so that we can rescue out of this what is an essence kernel that is worthwhile, that is worthwhile and which essentially I support, we can find the measures to go forward. I believe those issues concentrate mostly, although not entirely, on those two, and in particularity one in relation to the denial of bail for 60 days. But beyond that, I think that these measures are measures that can be given support, even if it is critical support.

Thank you, Mr. Speaker.

(Applause by both sides)

The SPEAKER: Thank you, Dr. Phillips. I think Mr. Witter had indicated.

Mr. WITTER: Thank you Mr. Speaker. I rise to give support to this Bill as we seek to tackle the monster of crime that has been plaguing our country for so many years. But I do have one concern as it relates to the matter of illegal possession of firearm.

I have seen cases where the police charge persons for illegal possession of firearm, persons who are legal owners of firearm, in these cases they would have used their firearms unlawfully, but they are charged for illegal possession of firearms. I have seen those cases, I have heard of cases like those before and as such I think while we contemplate this Bill, I think we should categorize, seek to categorize the issue of illegal possession of a firearm and unlawful use of a firearm.

(Applause by Government Members)

And I just want to make this observation as we seek to go to Committee, so we look at this.

I know that we are concerned about the rights of our citizens, but I do believe that the criminals have taken away our rights. When you travel around Jamaica you will see everybody frightened, living in burglar bars and, therefore, as we seek to debate this Bill I want us to take that into consideration.

So, Mr. Speaker, I do support the Bill but I ask that while we go to Committee, we look at the whole matter of the illegal possession of firearm and the unlawful use of a firearm.

Thank you.

(Applause by both sides)

The SPEAKER: Thanks, Mr. Witter.

Mr. HOLNESS: Mr. Speaker, we will suspend further debate until next week. (No microphone)

The SPEAKER: Microphone.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, l was saying that we will suspend the debate, this sitting . . .

The SPEAKER: Very well.

Mr. HOLNESS: ...and complete the debate next week.

Mr. Speaker, it is not proposed to do any further business today. I therefore move that the House do adjourn until Tuesday the 8th of June when we will resume.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Tuesday the 8th of June at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House was adjourned at approximately 4:24 p.m.

TUESDAY, June 8, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.25 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

OTHER MEMBERS

MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann North Western.

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

MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.25 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, we would just like to welcome all the persons sitting in the Gallery.

Just to remind all of you, please, just check on your cellphone to make sure it is either off or vibrate so you do not disturb the sitting of the House. But welcome this afternoon and do enjoy the sitting. .

(HON. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security, entered and took his seat.)

STATEMENTS BY MINISTERS

Mr. HOLNESS: Mr. Speaker, the Minister of Mining and Energy has a Statement.

The SPEAKER: Minister Robertson.

JAMALCO'S SALE/OCG

Mr. ROBERTSON: Thank you, Mr. Speaker.

The Contractor General has announced his intention to carry out an investigation into the proposed sale of the government's 45% equity in J**amalco**.

(HON. ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning, Development and Defence, entered and took his seat.)

(HON. ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister entered and took his seat.)

(HON. MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment entered and took his seat.)

(DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North, entered and took his seat.)

The Government will cooperate fully with the Contractor General in the conduct of his investigations. In fact, the Contractor General first became aware of the matter in April 2009 when, on the instructions of the Prime Minister as acknowledged by him in a letter dated April 29, 2009, the then Permanent Secretary in the Ministry of Energy and Mining and the chairman of **Batco**, met with the Contractor General to discuss issues related to the Hong Fan proposal. Hong Fan initially sought to purchase alumina but from the very outset indicated its interest in acquiring the government's shares in **Jamalco**.

There are two important considerations that have guided the proposed transaction. Firstly, the government's 45% ownership in **Jamalco** through Clarendon Alumina Production had become a costly burden which the Jamaican taxpayers could no longer bear. The problems began in 2000 when CAP was unable to meet its share of operational cost and proceeded to borrow US$125 Million initially from Glencore, as an advance which was repaid by a US$125 Million loan secured from the international capital markets. US$55 Million of this amount was diverted to help the Government to finance its budget.

In 2002, a further US$65 Million was borrowed from Glencore to meet CAP's share of plant expansion cost. In 2006 a further US$200 Million was secured from the international capital markets, US$69 Million of which was used to repay the balance on the US$125 Million loan, US$126 Million to settle further debts that CAP had accrued US$5 Million toward working capital.

The loans from Glencore were repayable through a 10-year alumina supply contract, with more than a half of the supply at a fixed price and the remainder pegged to the equivalent of 12¼ % of the price of alumina on the London Metal Exchange.

Sharp increases in the price of oil and caustic soda led to a situation where the cost of production far exceeded the price we were receiving under these arrangements.

(MR. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern, entered and took his seat.)

The huge drop in alumina prices caused by the recession without a commensurate fall in oil prices further aggravated the dilemma. At the end of 2008 we were losing over US$130 on every ton of alumina produced, incurring losses on CAP's operations at an average rate of US$10 Million per month.

As the debts piled up and CAP was unable to meet its payments, the Government was required to make good on the payments. In fact, in October 2008 Alcoa issued to CAP a formal notice of default. The seriousness of this cannot be overlooked as it would have impacted the US$200 Million globally traded bonds with grave implications for all Government of Jamaica sovereign bonds. The Government had to step in. Between 2007 and 2010 the Government through the Ministry of Finance and the PetroCaribe Fund, has had to pump approximately US$250 Million to meet CAP's obligations to **Jamalco**. CAP's current indebtedness stands

at just under US$400 Million. Under the IMF Agreement the Government could not continue to finance these losses. They had to be cauterized. The Government had to divest itself of its shares in **Jamalco**.

(HON. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works, entered and took his seat.)

The second issue relates to the selection of Hong Fan as the preferred bidder. Divesting our shares in **Jamalco** involves much more than simply selling an asset. There are strategic considerations that have to be weighed carefully to determine what is in the best long-term interest of Jamaica's alumina industry. China, with its fast-growing economy, is the largest market for alumina. In addition, the selection of a buyer for our shares had to take into account the need to maintain and strengthen the partnership with Alcoa which owns 55% of the shares of **Jamalco**.

(HON. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment, entered and took his seat.)

Hong Fan had expressed an interest in acquiring our **Jamalco** Shares in 2008. The Government spent considerable time conducting due diligence on the company.

The company founded in 1992, controls or has significant investment in a number of aluminum plants in China. It has supply contracts with Chalco, China's largest aluminum company, and is the exclusive agent for all of Chalco's aluminum products in the US market.

Hong Fan's interest was maintained through 2009 when the industry fell to its lowest point several plants around the world were being shut down and hardly any investor was prepared to take on new ventures. Its offer includes not only a substantial price commensurate with independent valuation, but the assumption by Hong Fan of the costly supply contracts which are responsible for a substantial part of the accumulated losses and some of which run until 2013. Its offer is also better than that submitted by one of the major global players in the alumina industry.

(DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, entered and took his seat.)

Hong Fan has the support of the China Development Bank, the world's largest development bank. During the Prime Minister's visit to China in February, he met with both **Chalco** and the China Development Bank to confirm their support of the deal. In April, representatives from **Chalco** and the China Development Bank visited Jamaica for further discussions and toured the plant jointly with senior officials from Hong Fan and Alcoa.

The agreement which was approved by Cabinet, has not yet been consummated, as under the joint venture agreement between CAP and Alcoa, has the right of first refusal and has until the end of June to exercise that option.

Yesterday Mr. Speaker, I attended a meeting in New York for joint follow-up discussions with both Hong Fan and Alcoa.

As I have already stated, Mr. Speaker, all the relevant government entities will cooperate fully with the Contractor General in his investigations.

Thank you.

(Applause)

The SPEAKER: Thank you, Minister Robertson.

The SPEAKER: Mr. Peart.

Mr. M. PEART: Mr. Speaker, could the Minister state what were the procedures in advertising the assets for disposal.

(*Sotto voce* comment by Mr. Charles.)

The SPEAKER: Mr. Robertson.

Mr. ROBERTSON. Mr. Speaker, Hong Fan's interest was put to Cabinet. It was - the plant was not advertised. I have already stated clearly that the market and the conditionalities that existed here would not have allowed for that, Mr. Speaker.

The SPEAKER: So the answer, it was not advertised.

Yes, Mr. Peart.

Mr. M. PEART: If the asset was not advertised, Mr. Speaker, in what way were two entities approached, what procedure was followed? Because in the Minister's statement it clearly states that they had Hongfan and one other bidder. How did these bidders come to be...

The SPEAKER: They made offers.

Mr. D. PEART: No, no! We don't want you to answer.

Mr. ROBERTSON: Mr. Speaker, I indicated that Hong Fan had shown an interest from 2008 in acquiring the **Jamalco** shares. Their first approach I believe, that was before I was the Minister, was for the purchase of alumina. In the other position I believe the other interested party is a party that had interest in the supply contracts.

The SPEAKER: Mr. Paulwell then Mr. Bunting.

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

Mr. Speaker, one of the issues has to do with the jurisdiction of the Contractor General's Office and I would just like to ask the Minister, having regard to questions being raised about the jurisdiction of the OCG on this matter, whether or not the Government is now unequivocal in relation to that jurisdiction that the Contractor General has over this issue.

Mr. ROBERTSON: Mr. Speaker, in the case of the Contractor General's interest on this transaction and his investigation, I have indicated that all government entities will be supportive and answering. I cannot answer the first question in terms of the government's position or policy at this time.

Mr. PAULWELL: Mr. Speaker, in light of that - and the Minister seem to be clearly indicating that the Government is subjecting itself to the OCG'S jurisdiction in relation to this sale - could I therefore enquire whether or not the transaction, as is being pursued, is now being halted. I know the Minister mentioned that there is a right of refusal and that that timeline expires the end of June. In light of the investigation taking place, will those proceedings - will that contract be halted until the Contractor General has completed his findings?

Mr. WARMINGTON: Not at all.

(MR. DERRICK CHARLES SMITH, CD, (JLP), St. Andrew, North Western, entered and took his seat.)

(HON. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment, entered and took his seat.)

Mr. ROBERTSON: Mr. Speaker, the Government has entered into a legally binding contract and we will not be halting the contract. We welcome, and as we have already stated, we will be cooperating fully

with the Contractor General. As the Member from East Kingston would be fully aware, we are not in a position to halt. We have entered into a contract. And it is a very good contract in the interest of the country.

Mr. PAULWELL: Mr. Speaker, I just want to be absolutely clear, because it is the nature of the OCG's office to conduct extensive investigation, many of which go on for a number of months. The Minister is saying that even though he is subjecting the Government to the jurisdiction of the OCG, they will not await the findings of the OCG to conclude these arrangements that the OCG his issues with.

I just want to make it clear that that is the position of the Government.

The SPEAKER: Well you just repeated what he said.

Mr. PAULWELL: Because then, on what basis are you subjecting the Government to the jurisdiction of the OCG?

The SPEAKER: The OCG can always investigate. Mr. Bunting.

Mr. BUNTING: Thank you, Mr. Speaker. Through you, Mr. Speaker, I would like to ask the Minister three (3) questions. The first, is a company called Port Reliant Limited now or in the past playing a role in this transaction?

Mr. ROBERTSON: The Government has not entered into any contract with a company by the name of Port Reliant Limited.

Port Reliant Limited is the exclusive agent to Hongfan, the company that the Government has entered into a contract with.

Mr. BUNTING: In correspondence between the Contractor General and your ministry, I believe Minister, the mention was made of a commission, or fee, or service charge of some type that was being paid to this company Port Reliant Limited and that Hongfan - sorry...

(*Sotto voce* comments by the Prime Minister)

Mr. BUNTING: Or that was being earned?

(*Sotto voce* comments by the Prime Minister)

Mr. BUNTING: Alright, let me rephrase the question, Mr. Speaker.

Is there any agent or other party to whom a commission or a fee of any type is being paid to, in this transaction whether being paid out of the fee, whether implicitly or explicitly?

Mr. ROBERTSON: The answer, Mr. Speaker, to that question is, no.

Mr. BUNTING: Finally, Mr. Speaker, would the Minister say which company performed the independent valuation of the asset on behalf of the Government?

Mr. ROBERTSON: Mr. Speaker, from memory I believe that it was Price Waterhouse. But I will bring a copy of that for the Member.

ANNOUNCEMENTS

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

- **Ministry Paper No. 52/10**
  Cabinet Agenda Issues for May 25, 2010
- Nutrition Products Limited
  Annual Report for the year 2005/2006

And for information Documentation regarding:-

- Formal notice of commencement of Special Statutory Investigation – Proposal to Divest the Government of Jamaica's Forty-

five per cent (45%) Stake in **Jamalco**.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. MAIR: Mr. speaker, I beg to give notice that at the next meeting of the House I will move following motion:-

Whereas in a landmark decision, the Supreme Court in April 2008, upheld by the Court of Appeal in February 2009, ruled that the then Member of Parliament for West Portland who by his positive act of renewing, as an adult, his United States of America passport was in contravention of Section 40 subsection (2) of the Constitution;

And Whereas as a consequence of the same ruling, it was held that the said Member was disqualified to be elected to the House of Representatives and hence his nomination for the general elections held on the 3rd of September 2007, was declared null and void and of no legal effect;

And Whereas the Member of Parliament for South Central St. Catherine has publicly declared that she was born in the United States of America and holds the United States of America passport;

And Whereas this Member has publicly acknowledged in August 2009 that she still held a United States of America passport;

Be it Resolved that this Honourable House invite the Member of Parliament for South Central St. Catherine to renounce immediately her position as a Member of this Honourable House in accordance with the principle of law upheld by the ruling of the Court of Appeal. (Applause)

Mr. Speaker, I crave the indulgence of the Leader of House Business that we take this motion next week.

The SPEAKER: House Leader, Notice of Motions Given Orally.

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

Whereas subsection (1)(g)(i) of Section 41 of the Constitution of Jamaica requires a Member of this Honourable House of Representatives to vacate his seat, if any firm in which he is a partner or a company of which he is a director or a manager becomes a party to any contract with the Government of Jamaica, for or on account of the public service, or if he becomes a partner in a firm or a director of a manager of any Company which is a party to any such contract;

And Whereas the Member of Parliament for Manchester Central is a Director of Proven Management Limited which may from time to time deal in securities issued or guaranteed by, or provide financial services pursuant to contracts with the Government of Jamaica and other public sector entities;

And Whereas the Member has disclosed the nature of such contract and interest of the company of which he is 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 suspension of Standing Orders to enable me to take the motion.

Mr. HOLNESS: Mr. Speaker, I beg to give notice that at the next meeting of the House, I will move to - introduce and have read motion on behalf of the Minister of Finance - I will move to introduce and have read first a Bill entitled; "AN ACT to amend the Tourist (Duty Free) Shopping Act so as to change the name of the Act and of the licenses, permits and shops governed thereby, and to establish a duty free shopping system for arriving passengers and for connected matters".

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Mr. Speaker, five (5) questions are due for answer. We have three (3) questions ready for answers, Mr. Speaker.

The Minister of Finance has three questions for answer on the answer paper. Unfortunately, Mr. Speaker, the Minister of Finance will not be here today. However, he has sent question No. 3 in the name of the Member from Central Kingston.

I have consulted the Member and he has agreed that tabling of the question will suffice. And should further questions arise the Member will bring them in the usual way.

The SPEAKER: How do you hope to proceed?

Mr. HOLNESS: Question No. 3.

The SPEAKER: Very well.

Mr. HOLNESS: We will table that.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, the arrangements made that the House Leader has indicated are satisfactory. I have not received an answer to Question 3.

The SPEAKER: Very well. You got the answer Reverend Thwaites?

Mr. HOLNESS: The answers are with the Clerk, they will be sent to you, soon.

The SPEAKER: So that is No. 3. Yes, House Leader.

Mr. HOLNESS: We have Question No. 11, and I believe that question, Mr. Speaker, is standing in the name of the Prime Minister. But the Minister of State in the Office of the Prime Minister responsible for Local Government will provide the answers asked.

The SPEAKER: Mr. Fagan, is he here, he is not here as yet?

The SPEAKER: Mr. Fagan is not here as yet.

The SPEAKER: Mr. Kellier.

Mr. KELLIER: The answers could be tabled, Mr. Speaker.

The SPEAKER: Very well.

Mr. HOLNESS: We will gladly do so, Mr. Speaker. We will consider the answers tabled.

The SPEAKER: Very well.

Mr. HOLNESS: And question No. 1, standing in the name of the Member for Central Kingston, asked of the Prime Minister, that is ready for answer, Mr. Speaker.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Which number is that, may it please you?

The SPEAKER: I…

Rev. THWAITES: Will the Prime Minister kindly answer Question No. 1 asked of him by me?

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, the answer to the questions are as follows:-

Question 1: Since this Government took office, will the Prime Minister please itemize the use of private attorneys to represent the State?

Answer (a): The matter of Daisy Coke, Mike Fennell, Edwin Jones, Pauline Findlay *vs* Orette Bruce Golding and the Attorney General. In that matter the firm of Livingston, Alexander & Levy and Mr. Richard Small were engaged because germane to the matter before the Court was the appointment as Solicitor General, of a member of the same department. It would not have been appropriate therefore, for the State Attorneys of that department to act in the matter. The fees paid $3.7 Million.

Answer (b): Portia Simpson Miller *vs* Orette Bruce Golding and the Attorney General. The firm of Livingston, Alexander & Levy and Mr. Richard Small were retained for the same reasons stated above. Fees paid were $3.4 Million.

Answer (c): Legal Officers Staff Association (LOSA) *vs*. the Attorney General and the Ministry of the Public Service.

The firm of Livingston, Alexander & Levy was retained as it would have been inappropriate for lawyers of the Attorney General's Department, the majority of whom are members of LOSA, to appear in a matter in which they would be in obvious conflict of interest. The fees paid were $4.2 Million.

Answer (d): Arbitration between Island Woods Development Limited and the Ministry of Education re extension to Morant Bay High School.

The Firm of Livingston, Alexander & Levy was retained because the Solicitor General was at the time engaged in two other arbitration matters. And it was considered that the requisite expertise would be best obtained from the Private Bar. No fees have yet been paid, but are projected to be $2.5 million.

Answer (e): Honourable Shirley Tyndall, Patrick Hylton, Omar Davies and Jamaica Redevelopment Foundation *vs* Honourable Justice Boyd Carey, Charles Ross and Warrick Bogle.

Mr. Paul Beswick of

Ballantyne, Beswick & Company along with Dr. the Honourable Lloyd Barnett and Dr Adolph Edwards have been retained because the Solicitor General is preoccupied with a number of matters of national importance and the Deputy Solicitor General is already appearing in the matter on behalf of FINSAC. No fees have yet been paid, the protected cost are yet to be finalized.

Answer (f): Matters relating to the Extradition Treaty between Jamaica and the United States and an application to the Supreme Court for declaratory order.

Dr. Lloyd Barnett and Dr. Adolph Edwards were retained to represent the Attorney General in the matters. The precise fees have not yet been determined as the application was withdrawn.

Question 2: Will the Prime Minister please name the firms/ individuals and the reasons for them to be employed other than the State Attorneys in each instance as well as the fees incurred and projected?

Answer: Please see answer to Question 1.

Question 3: Will the Prime Minister please set out the principles which are applied in respect of the use of private counsel by the Government?

Answer: Private counsel is retained where:-

(1) State Attorneys with the requisite skills and experience are not available having regard to the circumstances of their engagement in other matters and the need for expedition in the particular matter and;

(2) A conflict of interest involving State Attorneys may arise.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, we intend to continue the Sectoral Debate today. At Public Business, therefore, we will have the Member from St. Ann North-Western making his presentation. We will then, Mr. Speaker, take items Number Three and Four - the Prime Minister will take those items being the Plea Negotiation Agreements and the Legal Aid Resolutions and then we will continue debate on the Crime Bills. But before we start with the Member from St. Ann North-Western, I would like, Mr. Speaker, now to move for suspension of the Standing Orders to enable me to take the motion for exemption of which I gave notice earlier.

THE SPEAKER: Members, the question before this House is for the suspension of Standing Orders to allow the Minister to take the motion for exemption, notice of which he gave earlier.

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, I now move that the motion be approved.

The SPEAKER: Members, the motion is...

The SPEAKER: Dr. Guy.

Dr. GUY: Thank you, Mr. Speaker. I think there was an established tradition, certainly within the last couple of years that any motion of this order would have been referred to the Ethics Committee. What is the present situation?

The SPEAKER: That is what the motion is intended to do.

Mr. HOLNESS: The motion said that, Member.

The SPEAKER: Oh, it did.

A MEMBER: Yes.

The SPEAKER: So the motion is before the House.

The motion is put to the House and agreed to.

The SPEAKER: The motion referred to the Ethics Committee. Very well. House Leader.

Mr. HOLNESS: Mr. Speaker, we will now have the Member from St. Ann North-Western.

The SPEAKER: Mr. Lawrence.

(Applause)

BUDGET (SECTORAL) DEBATES

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

Mr. Speaker, Honourable Prime Minister, Bruce Golding, Leader of the Opposition, Most Honourable Portia Simpson Miller, Members of the Cabinet, State Ministers, Government Members, Honourable Members of Shadow Cabinet, Parliamentary Opposition MPs and the blessed people of Jamaica, good afternoon.

Mr. Speaker, I rise to make my third presentation to this Honourable and distinguished House on behalf of the 40,618 men, women and children residing in the eight (8) communities, the 105 districts of North-West St. Ann... (Applause) …for whom I am eternally grateful for their unselfish support over the past year...

(Interruptions)

...which even in the most arduous circumstances, Mr. Speaker, never wanes. Mr. Speaker, I'm humbled by their trust. I express my deepest appreciation for the support that my wife, Alecia, and our two sons, Othneil and Jordan... (Applause) ...have given me the past year. Truly, Mr. Speaker, the personal sacrifices they have made and their understanding of my need to represent and serve the people of the constituency have been remarkable.

Mr. Speaker, how could I have executed my work with diligence without my Councillors and Caretakers who have experienced with me long days and sleepless nights, Mr. Speaker, addressing the people's needs at every step of the way? (Applause) So, I pay homage, Mr. Speaker, today to MR. WINSTON LAWRENCE who is also in the Gallery, Councillor for the Sturge Town Division and also my uncle; MR. SYDNEY STEWART, Councillor for the Bamboo Division... (Applause) ...MR. GEOFFREY WAUGH, Councillor for the Dry Harbour Division... (Applause) ...MR. IVAN ANDERSON, although he is on the other side, Mr. Speaker, Mayor and Councillor for the Brown's Town Division... (Applause) ...and my own Councillor/Caretaker, MR. TREVOR

DOBSON of the Brown's Town division. (Applause)

Mr. Speaker, I must pay homage to members of my management team and members of my political family who are here in the Gallery this afternoon. Even in the most arduous circumstances, Mr. Speaker, they are always with me. And I also want to acknowledge my father who is in the Gallery this afternoon, Mr. Speaker...

(Applause) (Mr. Lawrence Snr, acknowledges the introduction)

…a man who has received meritorious award of this country and therefore, Mr. Speaker, I'm really honoured and I really want to use the opportunity, Mr. Speaker, to tell Daddy, I love you very much. (Applause)

MEMBERS: Oh! Oh!

Mr. LAWRENCE: Mr. Speaker, I'm cognizant of the fact that I am young. However, it works to my advantage as I have a vision for my constituency that St. Ann North-West will be a constituency whereby citizens are safe and secure, have equal access to social services, foster continuous development of partnership with all relevant stakeholders within a stable and diverse economic base that offers employment and business opportunities to all, encourages active public involvement in the decision-making process as it relates to community development.

Mr. BUCHANAN: That's why Lucius is there.

Government MEMBERS: Lushus! Lushus!

Mr. LAWRENCE: Mr. Speaker, this vision serves to align the communities of North-West St. Ann with the Vision 2030 National Development Plan, hence we are playing our part in making Jamaica the place of choice to live, raise families and do business. With God's blessing, Mr. Speaker, and should good health prevail, I will be here the year 2020... (Applause) ...to see that the...

(Interruptions)

Mr. Speaker, year 2030, Mr. Speaker, I will be here to see that vision realized and I can only pray that my colleagues will be around to share in the realization as well.

Opposition MEMBER: You come in as visitor.

Mr. LAWRENCE: Mr. Speaker, every morning in Africa a gazelle wakes up. It knows it must outrun the fastest lion or it will be killed. Every morning in Africa a lion wakes up. It knows that it must run faster than the slowest gazelle or it will starve. It does not matter, Mr. Speaker, whether you are a gazelle or you are a lion. When the morning comes you better start running.

Mr. Speaker, we are living in times of great opportunities, but hard challenges, for never has there been a greater need to plan for when the sun comes up. I am proud, Mr. Speaker, to be a part of this team to ride, not just the wave of challenges, but the sunshine of opportunities that twinkle from a striking distance.

Mr. Speaker, we are all aware we are fallen short of the glory of God and let who is without sin cast the first stone. Today, Mr. Speaker, I am unequivocally and boldly declaring that our Prime Minister, Bruce Golding and his team are the most capable to take this country forward in these economically challenging times. (Applause) Mr. Speaker, as...

The SPEAKER: Mr. Lawrence, remember, you are not to call the names of the Members.

Mr. LAWRENCE: Thank you. As agents of reform and change, as representatives of the people we serve, our journeys are not to be envied, Mr. Speaker. Each day before I set out I say a silent prayer in my heart to grant me, this Administration, those in Opposition, the will and wisdom to bring positive and effective change into the lives of the Jamaican people.

Government MEMBER: Hear, hear!

Mr. LAWRENCE: As a young parliamentarian I recognize that in order to make a significant change, Mr. Speaker, we must reconsider the politics that we practice to bring a revolution in our political philosophy.

What is the reality of our philosophy as it relates to politics. Is our philosophy relevant to the ubiquitous changes happening all around? I promise that even with lofty ideals we will never stand at the footstool of development if we continue to harbour the tentacles of obfuscated philosophies.

Mr. Speaker, last year I made a solemn promise not to be daunted by the lurking problems that abound in my constituency but to saddle up for the rough life ahead to lead North-West St. Ann onto the green fields of opportunity. But in order to grasp these opportunities, Mr. Speaker, we as a nation state must be prepared to make monumental and revolutionary changes in our lives and in the way we think.

Mr. Speaker, I share in the vision of a country supercharged with Jamaicans empowered to achieve their fullest potential; has an economy that is prosperous, is safe and secure and provides a natural, healthy environment for its citizens to live in. Mr. Speaker, I stand in this honourable chamber this afternoon as a son of this great nation, I pledge to work until I gasp my last breath, Mr. Speaker, for this country into achieving and tapping into diamond mines of possibilities.

CDF

Mr. Speaker, I now turn to the Constituency Development Fund. As a humble servant of the people of North-West St. Ann, Mr. Speaker, I proudly and without reservations, salute the Constituency Development Fund. This has proven to be the oil in the machinery that serves to bring direction to the misguided, reality to the disillusioned and to bring hope to the dispossessed. Some, Mr. Speaker, have labelled this golden initiative as a pork barrel and that it serves only to perpetuate the raw, ugly side of representational politics. But, Mr. Speaker, I would be naive to stand in this House and clothe myself in hypocrisy by ignoring the ugly underbelly of unrighteous deeds perpetrated in representational politics in our recent history.

I am not afraid, Mr. Speaker, to point out that we have suffered and continue to suffer at these deeds. And despite that, Mr. Speaker, it cannot be discounted that this faithful programme instituted by this Prime Minister in this country has touched the heart and soul of people's lives. As for North-West St. Ann, Mr. Speaker, the evidence abounds and the records are there for public scrutiny. This Member of Parliament has been putting his back to the wall and grinding his shoulders, working even in the dead of the night, Mr. Speaker, to ensure that the people's business is never left in the cold.

Mr. Speaker, I want those who prick at this programme to take a front seat ride on the journey with me to the desperation and

poverty existing in our communities and the role the CDF has been playing in transforming their lives.

Mr. Speaker, we are living in a time when values are down-shifting and the economy is broken. This has ultimately led to a lot of social issues affecting community life in North-West St. Ann, issues requiring the whole community to work together to address them. But, Mr. Speaker, there is an advantage and a powerful synergy, Mr. Speaker, that develops when the community work together to create its vision for the future and being that vision to reality. After all, Mr. Speaker, it takes an orchestra to play a symphony. To this end, Mr. Speaker, this Member of Parliament has been working together in partnership with the citizens of the eight (8) communities I serve. And, Mr. Speaker, I must take this moment to thank the staff of the Social Development Commission for the role they play in my constituency in linking the community development plans and the constituency development plans to the CDF. (Applause)

Mr. Speaker, the statistics for this presentation was also provided by the staff of the SDC. Truly, Mr. Speaker, they have helped to keep this Member of Parliament's ears on the ground and in tune with the needs of the community in North-West St. Ann. So, Mr. Speaker, none can accuse me of partisan politics in addressing the community's needs. And it is the Constituency Development Fund that has allowed me to implement projects that serve to intercede on their behalf

HEALTH CARE

Mr. Speaker, I now turn to health care.

Mr. Speaker, when this Administration came to power, the Prime Minister made free health care accessible to Jamaican people and since then it has become apparent in my constituency just how much our people were in need of medical attention but could not afford it. And the constituency of North-West St. Ann, Mr. Speaker, thanks this Administration for the initiative. The influx of needy patients, Mr. Speaker, has placed a strain on the health facilities in my constituency and so it became evident that improving the health facility had to be placed on my list of priorities. Mr. Speaker, it was through consultations held with the Brown's Town Community Development Committee that brought my attention to the lack of accommodation and amenities that existed in the Brown's Town Health Center for women requiring pre and post-natal care, Mr. Speaker. The community saw it as a major concern that women were being made to cotch on ledges and under trees or stand for long hours as they sought medical guidance and care in nuturing the future generation of our country.

So Mr. Speaker, I did not hesitate to respond to their need, $3.5 Million, Mr. Speaker, from the Constituency Development Fund to fund the construction of the Lesma Johnson Maternity Wing at the Brown's Town Health Centre. The Parish Council under the auspices of the Department of Local Government and Reform was the agency responsible for implementing this project. Mr. Speaker, it is important to note that this health centre has approximately 250 visitors weekly and serves not only the residents of Brown's Town, but persons from the surrounding communities including some from North East and my very good colleague here from South West St. Ann.

Mr. Speaker, I didn't stop there, because as I attended community meetings after community meetings, Mr. Speaker, it became apparent that the other health facilities were also in need of assistance, and so I procured equipment and furniture from Friends of Canada for all three health centres in the constituency, and the St. Ann's Bay Hospital also received some.

(Applause by Government Members)

Mr. Speaker, through partnership with North Eastern Regional Health Authority, we were able to clear the shipment.

Mr. Speaker, as we speak, $5 Billion has been commissioned from the National Health Fund to continue refurbishing and upgrading the Brown's Town and Bamboo Health Centres. The Runaway Bay Health Centre, Mr. Speaker, has been temporarily relocated to a more convenient structure and with the assistance of the Constituency Development Fund, Mr. Speaker, North Eastern Regional Health Authority, non-Governmental Organizations and the Private Sector, we are hoping, Mr. Speaker, to start in this financial year, construction on a Type I Health Facility for which land has already been secured.

Mr. Speaker, I move to improving roads and improving lives.

Mr. Speaker, the report card only gets better as far as road improvement is concerned. Even in the face of sharp reduction in this year's allocation of the CDF, Mr. Speaker, several roads were rehabilitated in the past year, while others are still in the process of, being completed or nearing completion.

Mr. Speaker, through extensive consultation with several community-based organizations, we were able to establish a priority list of roads to be fixed. We could not repair all, Mr. Speaker, but we earmarked $6 Million from the CDF for the rehabilitation of these roads and nearly all we set out to repair have been completed or nearly completed.

Mr. Speaker, the communities that have benefitted from this Road Rehabilitation Project thus far, include Orange Hill, Bellfield, Farm Town, Content and Chester; Mr. Speaker, sections of Mount Edgecombe, Woods Town, Bethel Town and Farm Town.

Mr. Speaker, people in these communities can go about their business, because, Mr. Speaker, one time, with all respect to the former administration, Mr. Speaker, they made some improvement on the Highways, Mr. Speaker, but the byways were in a deplorable condition. And, Mr. Speaker, I am happy for the Constituency Development Fund, that we can address these issues.

(Applause by Government Members)

ROADS/FARM ROADS

Mr. Speaker, not only that, we were able to address some of the farm roads in our constituency. Cockpit to Orange Hill, Lewis to Summer Hill, Thicketts to Discovery Bay.

Mr. Speaker, work is also in progress at Philadelphia and Knapdale. Mr. Speaker, we are hoping to address this financial year include Home Castle to Retirement. And, Mr. Speaker, between Home Castle and Retirement there are two other districts, Keith and Lawrence Park.

Mr. Speaker, Mount Pleasant to Mount Olivet, Lillyfield to Bamboo, Orange Hill to the Buxton communities and the main roads leading from Runaway Bay to Brown's Town, Brown's Town to Bamboo, Brown's Town to

Stewart Town, Mr. Speaker, l am confident that through continued partnership with the Ministry of Transport and Works, Mr. Speaker, these road issues will be addressed in short time.

(Applause by Government Members)

WATER

Mr. Speaker, water. I do not know a singly Member of Parliament in this Honourable House who is not challenged by this stressing issue of providing and improving adequate water supplies for the people we serve. However, Mr. Speaker, I am not daunted. Mr. Speaker, through the CDF we have allocated $2.3 Million to a little district known as Mount Ararat, which from inception, Mr. Speaker, didn't know what it was to have potable water.

Mr. Speaker, we are awaiting other funds from the Ministry Water and Housing to commence work to supply almost 500 households, Mr. Speaker, with potable water.

Mr. Speaker, we are far advanced in dialogue with the Queenhythe Water Supply, which has an existing well. And Mr. Speaker, way back, we got assistance from the previous administration, Mr. Speaker. We got assistance from the USA, and Mr. Speaker, they dug the well and left it there. The people in that community still do not know what it is to have piped water.

But, Mr. Speaker, thank God almighty for this administration.

(Applause by Government Members)

And also the CDF, Mr. Speaker. Mr. Speaker, the success of this project, Mr. Speaker, will benefit almost 4,000 people in the districts of Brown Piece, Queenhythe, Bottom Common, Adna Grass and Content.

Mr. Speaker, the rehabilitation of the existing well and water supply system in Thicketts, another district, Mr. Speaker, which have been going through tremendous challenge regarding the fact of this special commodity. And, Mr. Speaker, we are working hard to ensure that 1,000 residents in that community have water.

Mr. Speaker, sleepless nights continue to haunt me, Mr. Speaker, for my people in Bamboo. I have listened to the programmes over and over and, Mr. Speaker, most of the residents of Bamboo are calling regarding the fact of water.

Mr. Speaker, until now, one of the main communities of my constituency has never seen what it is to have piped water.

Government MEMBER: Oh!

Mr. LAWRENCE: And therefore, Mr. Speaker, I was told, I was told, Mr. Speaker, that the well at Green Park, technical persons went there detecting promising supplies, but nevertheless, Mr. Speaker, I am still calling on the noble Minister to ensure that these 8,000 lives be touched by this precious commodity.

Mr. Speaker, we are working both at the Parish Council level and the constituency level to give the district of Mines, for the first time, access to potable water for some 800 residents.

(Applause by Government Members)

Mr. Speaker, the National Water Commission technical team, as we speak, Mr. Speaker is in the district of Benin, Beverly and Mount Edgecombe to commence work in providing water for the residents. Mr. Speaker, through the CDF again, Mr. Speaker, we were able to give $3 Million towards this project.

(*Sotto voce* comment by Member)

Mr. Speaker, we still don't reach 20 yet.

BAUXITE

Mr. Speaker, creating a destiny with a bold vision. Mr. Speaker, recently, some unwelcome news came to our doorsteps when Noranda Bauxite announced that the positions of over 160 workers would be made redundant due to organizational changes, outsourcing to third party contractors, in certain areas of its mining operations.

And, Mr. Speaker, their decision was driven by a need to continue a cost reduction programme to reposition the facility to make it more productive and cost efficient with the ultimate goal of improving international competitiveness for its long-term survival.

Mr. Speaker, I have worked closely with the company and must commend the management team for the manner in which they conducted their downsizing exercise.

As Member of Parliament Mr. Speaker, I am thankful that the company has agreed to rehire 27 positions and employees whose services have been terminated, Mr. Speaker, who will have the opportunity to become a part of the alternative contractor mining operations going forward.

Prior to being dismissed, Mr. Speaker, persons had been exposed to alternative employment opportunities including assistance with financial investment agencies, writing business plans, Mr. Speaker, sourcing areas of small business enterprise, skills training and certification opportunities from HEART and Brown's Town Community College, and presentation from the Rural Agricultural Development Authority, - the Jamaica Greenhouse Growers Association, the Small Business Association and also from the St. Ann Chamber of Commerce. (Applause)

Mr. Speaker, I believe, Mr. Speaker, this will better able to equip them for entrepreneurism and offer job opportunities.

Mr. Speaker, I think that's a leaf to be picked out from the Noranda Bauxite. The fact that they did not leave their staff members all alone, they tried their very best to see what they could do during their redundancy exercise, and I think a lot of companies should follow them and ensure that they can pass that on in empowering the people who are leaving their company.

IT/COMMUNICATION SKILLS

Mr. Speaker, the Ministry of Youth, Sports and Culture has a programme to develop Information Technology and Communication-based facilities throughout Jamaica. Having lobbied the Minister, Mr. Speaker, for Youth, Sports and Culture, I am pleased, Mr. Speaker, to announce that in Brown's Town, home to two (2) tertiary institutions, four (4) high schools and four (4) primary institutions, a satellite youth information centre will be constructed at the Addison Park Complex. This development, Mr. Speaker, will serve to empower 15,000 youth annually in the constituency.

Mr. Speaker, we have also refurbished the Dumbarton and Beverly Community Centres and these centres are now equipped with computers to allow access to information for students within these communities. The refurbishing exercise, Mr. Speaker, is a pilot programme we wish to replicate across the entire constituency.

Mr. Speaker, we have also put in place a sporting programme and a sports coordinator to engage our youths in the various

communities, so that they can identify their true potential and talent and also to ensure that unity is the order of the day, Mr. Speaker. We have seen where it has been making significant impact at home and at play. The police and parents have been commending this initiative, Mr. Speaker, and I promise to continue such a programme for the betterment of our youths.

Government MEMBER: Hear, hear!

HUMAN & SOCIAL DEVELOPMENT

Mr. LAWRENCE: Mr. Speaker, I now turn to human and social development.

In this regard, Mr. Speaker, North West St. Ann is a perpetually shining beacon and a model for others to follow. Mr. Speaker, this constituency is the flag bearer for rural constituencies in education and has consistently hoisted the flag high in education.

The Vision 2030 National Development Plan, Mr. Speaker, espouses that education and training are universally agreed to be the linchpins of the development process and the level of education and training of a society is one key indicator the United Nations Human Development Report.

Mr. Speaker, notwithstanding budgetary constraints, we expended $1Million, Mr. Speaker, from the Constituency Development Fund for several educational initiatives implemented by the Social Development Commission.

Mr. Speaker, we have been rolling out our plans to improve the quality of early childhood education in the constituency, to deliberately synergize it with the national imperatives of making revolutionary changes to early teaching and learning experiences.

Mr. Speaker, we cannot ignore that we are still turning out functionally illiterates from the high schools, who are highly regarded as 'unattached' and 'unemployable'. And we in North West St. Ann, Mr. Speaker, have been playing our part sincerely to bring improvements to early childhood programmes in the constituency. Most of our early childhood institutions, Mr. Speaker, are now registered and fully compliant with the Early Childhood Commission.

Mr. Speaker, under 2004 Education Transformation Programme, it was noted that North West St. Ann is in need of two additional high schools, Mr. Speaker, one (1) in Discovery Bay and the other in Bamboo. We are hoping, Mr. Speaker - and I want to put my colleague and Minister to the task that we are hoping that ground will break at those locations in this financial year, as we must address the problem of over-crowding and placement issues in our schools.

On another note, Mr. Speaker, almost $800,000, Mr. Speaker, was budgeted and spent on the Philadelphia Resource Centre, an initiative geared at improving the quality of people's lives.

Mr. Speaker, the Social Development Commission is on a drive to facilitate the registration of unregistered youths across the country. And I think all of us as Members of Parliament should be a part of this.

To this end, Mr. Speaker, I am committing $300,000, Mr. Speaker, in ensuring that the youths of my constituency benefit from this initiative, thus ensuring that they are empowered to participate in educational processes and grasp all other opportunities. I think all of us as Members of Parliament should a part of this. (Applause)

TAXIS

Mr. Speaker, on another note. I wish to make an observation that is evident in my constituency which transcends across the terrains of this country. This situation involves taxi operators, Mr. Speaker, and the important service that they offer to the general public.

I put it to you, Mr. Speaker, should it not be that when a taxi operator applies for a road licence, Mr. Speaker, that he be given the opportunity to operate until his application is complete. Mr. Speaker, this tight bureaucratic procedure is creating a hindrance in the progress of the licence being pursued, as well as it is an element of discouragement for prospective operators who would have applied for a road licence. It is my opinion, Mr. Speaker, that this may be contributing to the increasing levels of illegal operators, and we must also consider that from their application income is generated.

Mr. Speaker, it pains my heart when personnel from the Transport Authority confiscate a vehicle that has already been processed. I believe the humanitarianism should be extended to this category of applicants who are able to show receipts and other fitting documents.

FIRE DEPARTMENT

Mr. Speaker, I turn quickly to the Brown's Town Fire Department. Mr. Speaker, for years the committed hardworking men and women of Brown's Town Fire Department had to endure unbearable living conditions that no public servant as hardworking as they are should be subjected to.

(Applause)

Mr. Speaker, not only were our public servants exposed to the conditions, they had the monumental task of carrying out their duties without adequate resources. The fire hydrants and trucks were nonfunctional. Mr. Speaker, we went back into the resources, Mr. Speaker and spent just shy of $1 Million to effect improvements to the Fire Station's dormitory building and, Mr. Speaker, we spent another $500,000, Mr. Speaker, on general renovations. And through proper representation, Mr. Speaker, they also received two fire trucks and most fire hydrants are being repaired.

(Applause)

Mr. Speaker, a man who born - Mr. Speaker, a man who lives in the community and moreso the constituency and I remember the agony that the Brown's Town firefighters had to go through. I remember, Mr. Speaker, when residents called for the firefighters they had to come all the way from St. Ann's Bay and Falmouth and Mr. Speaker I went to the Minister and I pleaded with him and today, Mr Speaker, I've seen a difference at that Fire Department and I want to tell you thanks, Minister, for your support.

(Applause)

HOUSING

Mr. Speaker, housing. Housing is a huge challenge for this people's representative, Mr. Speaker, but this Government has demonstrated that it is serious about providing affordable housing solutions to the people. Mr. Prime Minister, your recent announcement of a reduction in interest rates as well as an increase in the loan ceiling which were among a raft of measures, is commendable and the people have sent me here this afternoon to tell you a big thank you because we know that you care. (Applause)

Mr. Speaker, I proudly announce that the people of Runaway Bay will soon experience major developments as approximately 3,000 housing solutions will be brought on stream between this financial year and the next financial year. Mr. Speaker, I'm very much passionate about this, born and raised in the community. When I offered myself to representational politics, Mr. Speaker, this is something that I wanted. I want to see the lives of our people in my constituency which I was raised with....

A MEMBER: Transformed.

Mr. LAWRENCE: Transformed.

(Applause)

And today, Mr. Speaker, when this becomes a reality, Mr. Speaker, I will now see my own reasoning of representational politics because this is what I've offered myself for, to make a significant difference in the lives of our people.

(Applause)

Mr. Speaker, this will impact significantly on the lives of the constituents of North West St. Ann. Mr. Speaker, I know that the residents of Mount Edgecombe and Bell-Aire have been faced with serious challenges of water, light and roads stemming from the OPERATION Pride Programme. Mr. Speaker, it was a total mess, total mess, Mr. Speaker. No infrastructure was in place. However we have been able to provide light so far, Mr. Speaker, under this administration and within this financial year, Mr. Speaker, residents should see some improvements in their roads and water supply.

(At approximately 3:29 p.m. the Speaker indicated that the Member's time for speaking had expired and a motion was moved by the Leader of the House for an extension to allow him to complete his presentation.)

Motion put to the House and agreed to.

The SPEAKER: Mr. Lawrence.

Mr. LAWRENCE: Thank you, Mr. Speaker and thanks to my colleagues.

AGRICULTURE

Mr. Speaker, I turn to agriculture. This country heard recently that the agricultural sector is the bright spark of the Jamaican economy and no doubt, Mr. Speaker, farmers in North West St. Ann have been instrumental in achieving this feat. There has been a 70 per cent increase in yields for all types of cash crops in the constituency.

Mr. Speaker, I'm heartily proud of our farmers. The farmers that I serve, Mr. Speaker, are close to my heart and that's why we have spent nearly $1 Million, Mr. Speaker, to provide agricultural assistance under our economic enablement initiative. We are continuing in earnest to register farmers in collaboration with the Rural Agricultural Development Authority.

We continue to work in partnership, Mr. Speaker, with the Brown's Town Community College and the Jamaica Agricultural Society to implement a dynamic training programme for farmers throughout the constituency. Based on continued dialogue, Mr. Speaker, with the farming communities in the constituency, storage has become an issue. I am calling on the Minister of Agriculture and Fisheries to partner with me in establishing proper storage facility that is safe and secure.

Mr. Speaker, $5 Billion, Mr. Speaker, through the Ministry has been allocated to repair our fishing beaches and I want to commend them, Mr. Speaker, because I understand within a

matter of weeks that work should commence.

(Applause)

CRIME & VIOLENCE

Mr. Speaker, I want to touch quickly on crime and violence. At this time Jamaica's greatest challenge is to find a way to deal effectively with the present wave of crime and violence. Mr. Speaker, the Minister of National

Security reminded us recently that it is going to require a national alliance of the law-abiding citizens to restore law and order in Jamaica. This goes beyond partisan interests and it was good, Mr. Speaker, to see the Minister and the Leader of the Opposition addressing the same audience to promote a united front against crime. Mr. Speaker, each of us has a role to play in providing the security forces with the support they need to get the job done. And as Member of Parliament, Mr. Speaker, I have had discussions with the officers in charge of the four (4) police stations in the constituency of North West St. Ann. Out of these discussions, Mr. Speaker, I have taken the decision to provide regular support in assisting the police to stay mobile so that they can respond to calls in a timely manner. I have asked the Commissioner of Police, Mr. Speaker, to commission three cars and the response has been favourable.

Mr. Speaker, I will also continue to provide assistance to improve the physical environment in which our policemen and women have to work. Mr. Speaker, I'm calling on the citizens in general and the private sector in particular to join me in this initiative; and we must protect our farmers against praedial larceny, our business against intimidation and extortion and make our families feel safe and secure in their homes.

(Applause)

Mr. Speaker, I speak passionately about this as in recent times I myself have been a victim of crime.

A MEMBER: Twice.

Mr. LAWRENCE: As a businessman in the parish of St. Ann, Mr. Speaker, for the past 13 years my place of business at separate locations, Mr. Speaker were robbed twice within the last month, and Mr. Speaker I want to use this medium to make a recommendation to this Honourable House. I have seen the work worth, dedication, commitment and purpose of the Island Special Constabulary Force in my constituency and throughout the wider society and I strongly believe, Mr. Speaker, that their service to this country is invaluable; and the I suggest to this House that the country can further benefit from this organization in a more positive and profound way in the fight against crime, if their mandate was to be given more serious consideration and expansion to the wider order of the Jamaica Constabulary Force.

(Applause)

Mr. Speaker, with their presence and dedication, we can effectively tackle criminal elements in a more dedicated and purpose-driven way.

Mr. Speaker, I also know that there is a drive to increase District constables but I want to impress that this should be effected expeditiously as this will encourage greater flexibility within the execution of the operations of the Jamaica Constabulary Force.

A MEMBER: True, true!

A MEMBER: Hear, hear!

Mr. LAWRENCE: Mr. Speaker, on

another note. We need to, as a country motivate and increase high levels of productivity in the Jamaica Constabulary Force. I recommend that the police are accorded promotions or awards based on a consistently good track record of performance, prioritizing those with protracted lengths of service, credibility, high moral standards and approval from the citizens.

Mr. Speaker, oftentimes police officers serve tirelessly for many years without a promotion although in the public's and their colleagues' estimation, they are competent and capable to lead. At times, Mr. Speaker, promotions have been perceived to be based on political affiliation. And Mr. Speaker, I have my own opinion, at this point in time, after seeing someone who served at the highest point of the Jamaica Constabulary Force now contesting for a particular seat.

Mr. Speaker, I wish to endorse the new thrust to appoint persons who have excellent management skills, not only on academic competencies but also good interpersonal relationships and most importantly, to motivate subordinates in order for them to realize high productivity. This new shift, Mr. Speaker, will attract a new breed of entrants to the force with a non-partisan approach.

A MEMBER: Hear, hear!

Mr. LAWRENCE: To this end, Mr. Speaker, I wish to personally congratulate the newly appointed Commissioner in whom I have every confidence, Mr. Speaker, will perform an excellent job in this capacity.

Mr. Speaker, in a time that this country is going through, Mr. Speaker, I want to conclude, Mr. Speaker, my presentation. I saw a little prayer, Mr. Speaker, adapted from Anita Corrine Donahue, and Mr. Speaker, it goes like this.

> "A day shall come when we will be the forefathers, so let us in this House ask Him to grant us as leaders urgency to seek His will and ways and a dedication to build new bridges for the young. Oh heavenly Father, give us each keen insight so the bridges and lessons we lay out shall withstand the tests of time".

Mr. E. SMITH: Say it again, say it one more time. (Applause)

Mr. LAWRENCE: God, thank you for our country and the freedoms we have.

MEMBERS: Hear, hear. True!

Mr. LAWRENCE: Thank you for the huge strides we've made.

One MEMBER: Yes.

Mr. LAWRENCE: Thank you for those who have gallantly contributed their lifework in order to help mankind.

Mr. E. SMITH: True!

Mr. LAWRENCE: Thank you for our Christian forefathers, for the sacrifices they made to provide us with what we have today. When I look around, I see we have so much. Help us to be responsible in preserving the values and strengths our country began with.

Mr. E. SMITH: True, true!

Mr. LAWRENCE: In the midst of our nation's struggles, crippling hurts and confusion, I lift us as leaders to you in prayer for your guidance and help. Grant us a godly pulse-beat aligned to your will and direction. Give us Christian leadership, revive us spiritually, may we regain the standards we have so carelessly thrown away and once again become a nation under God.

A MEMBER: True, true!

(Applause)

Mr. LAWRENCE: Cleanse our sins and heal our land, I pray. Deliver us from drugs, guns and violence.

Mr. E SMITH: True, true!

(Applause)

Mr. LAWRENCE: Help our people who love you to step forth and speak out for what is right. Help our schools, our teachers, our children to keep setting new goals, dreaming new dreams and aiming high. Wrap your arms around our dear country's young people and dry their tears. Lead them towards a future that is good and true. Help us to go forth as a nation to be an example to the world by your love and grace. Most of all Lord, may I do my best to help. May the love, kindness and dedication begin with me in Jesus' name.

MEMBERS: Amen!

(Applause)

Mr. LAWRENCE: Mr. Speaker, the journey to the Promised Land may seem to be etched far into the distant future for the people I humbly serve and being a Member of Parliament is perhaps one of the toughest assignments that I have ever undertaken.

A MEMBER: Anybody can undertake that.

Mr. LAWRENCE: It has tested every mettle in my body and soul but, Mr. Speaker, when the rhythm and the heartbeats of the people reverberate around me...

A MEMBER: Talk, talk!

(Heckling)

Mr. LAWRENCE: I feel a sense of renewed energy...

Government MEMBER: Talk!

(Applause)

Mr. LAWRENCE: I feel a sense of renewed energy and vigour, a kind of tonic that keeps me kicking.

Government MEMBER: All right talk!

(Applause)

Mr. LAWRENCE: Mr. Speaker, I remain with the people and will continue to be their ears and eyes, as they seek long term improvement and upliftment in their lives. We are perfectly placed to grasp the opportunities that abound, to take the country to the Promised Land.

Government MEMBER: Hear hear!

Mr. LAWRENCE: Mr. Speaker, some feel that the boat has passed, I am confident that the boat is on its way to us.

Government MEMBERS: Yes, true!

Mr. LAWRENCE: May God Almighty bless this great Parliament.

A MEMBER: Yes!

Mr. LAWRENCE: May the God of Shadrach, Meshach and Abednego bless this great nation. Thank you very much.

(Applause)

(Inaudible comments/laughter)

Mr. HOLNESS: Mr. Speaker.

The SPEAKER: House Leader. (Gavels) Okay, thank you, Mr. Lawrence. House Leader.

Mr. HOLNESS: Mr. Speaker, the Prime Minister will now take Items Number 3 and 4 on the Order Paper.

CRIMINAL JUSTICE

The PRIME MINISTER: Mr. Speaker ...

The SPEAKER: Yes, Prime Minister.

The PRIME MINISTER: ... the House is being asked to affirm the Criminal Justice (Plea Negotiations and Agreements) Regulations under Resolution which appear at

Item 3 of the Order Paper. I'm going to speak to both Item 3 and 4 because they are similar in purpose, only different because they relate to different statutes.

I think sides of the House, Mr. Speaker, must accept - must share - the blame for the fact that the Criminal Justice (Plea Negotiations and Agreements) Act was approved by Parliament in November of 2005, and yet the provisions, important as they are - and I will speak to that importance shortly - the importance of those provisions have not been - the provisions themselves have not been functionalised, because the regulations were never put in place.

From November 2005, there was an interregnum before the change of administration and a further interregnum. I think both sides must accept the responsibility for that oversight. Looking at the Regulations myself I don't see anything in them that was so challenging, that it has taken us essentially four and a half years to have them brought to the House.

They represent, Mr. Speaker, an important component in the multipronged approach that must be taken to address the problem, a problem that as I have recently indicated, has become endemic, the problem of crime in Jamaica. It is going to assist in dealing with that problem in two ways.

Firstly, to the extent that it facilitates a negotiated plea which can be presented to the Court and perhaps accepted by the Court, then it will circumvent the lengthy delays, the many hours of Court time in arriving at an ultimate verdict, if the accused person himself is prepared to say now, 'let's put this matter in a form in which the Court can dispose of it quickly'.

But secondly, and perhaps from one perspective even more importantly, it provides a facility, well known in the United States, not so well known in Commonwealth jurisprudence, it provides a facility whereby a negotiated plea may assist in securing evidence that would facilitate the prosecution, or perhaps greater offences involving greater offenders. And therefore in negotiating a plea bargain, the accused person, first of all, has to be prepared to plead guilty. And in the negotiations a number of things can arise.

Firstly, a submission can then be made to the Court, and it would have to be made by the prosecution, that a plea bargain which is recommended by the prosecution should then elicit a lesser penalty. And the actual - the substantive Act provides that where a plea bargain is accepted by the Court, the maximum penalty is reduced by a third. And if the maximum penalty is life imprisonment, then the applicable maximum in such an instance is 15 years. It his worked in many jurisdictions where through those negotiations, the prosecution is able to secure evidence, convictable evidence, that enables, as I said, even greater offences to be successfully prosecuted.

In this scheme of arrangements, Mr. Speaker, the Director of Public Prosecutions is placed as the central actor, because the decision to enter into plea negotiations is the DPP. No plea negotiation can be imposed on the DPP, the DPP has to be satisfied that it is in order and it is advisable to do so. The DPP has the authority, not provided by this provision as the authority in any case, but an authority that the DPP may be inclined to use more frequently or more willingly in these circumstances.

The DPP has the authority to discontinue any proceedings; the DPP can withdraw a case before the Court; the DPP can arrange for the person to be called to answer a lesser charge. This flexibility gives the DPP room in plea negotiation to say now, 'I have some tools as well that I can bring to the table, that if an accused person is prepared to cooperate, is prepared to plead guilty, the DPP has this flexibility in terms of making it a deal, a bargain that can be presented to the Court. And therefore in these circumstances, in these cases, a great deal of authority is placed on the DPP, even greater than the DPP now has.

There is a stipulation, Mr. Speaker, in the substantive Act, and it is reflected in the Regulations as well, that plea negotiations must be conducted through an attorney-at-law. Accused persons are free to defend themselves in Court, but Parliament thought that in negotiating a plea in the plea bargaining process, because what the accused person is being encouraged to do, or negotiated to do, is to in essence, forego his right to trial and to submit a plea of guilty. Parliament felt that the complications and the implications of that are such that they don't want to allow someone unlearned in law to be negotiating on their behalf and therefore the insistence is that it has to be done thorough an attorney-at-law.

And the provision in the Legal Aid Regulation, which is at Item 4 - Legal Aid (Excepted Offences) (Amendment) Regulation - is to ensure that where an accused person is not able to afford the services of an attorney, that provisions are made for them to access legal aid. Remember we had amended the Legal Aid provisions to restrict legal aid to certain types of offences and there are certain excepted offences to which legal aid would not apply. What we are saying is that where, even if it's an excepted offence in relation to which a person would not normally have access to legal aid, where in such instances it involves a plea bargain, that legal aid would be available to the person.

There's another important provision which I hadn't been taking much notice of but it is very important and that is, in conducting a plea negotiation, the DPP is obliged to notify the victim of the particular crime if there's a victim, and to allow the victim to be heard, to allow the victim to have some say as to whether or not the support, or endorse any negotiation that would result in a lesser punishment being applied to that accused. Not that the victim's words must be accepted by the DPP, but at least to allow the victim, or in the case of a victim who is deceased, the dependents of the victim, to be heard.

It should be borne in mind as well, Mr. Speaker, that the Judge, in the case of the High Court, or the RM, in the case of the Magistrate's Court, neither is obliged to accept a negotiated plea. So the DPP may present the case, may outline the virtue of the Court accepting that plea, the ultimate decision rests with the Judge. Mind you as I indicated before, the DPP can discontinue, can ask the Court to consider a lesser offense. So the DPP does have in essence, some powerful influence in the determination, but it is within the province of the Court to determine whether it will accept a plea. And as I indicated before, the penalties where it is accepted would be two-thirds in the case of fixed term maximum sentences, but 15 years where the maximum sentence is life imprisonment.

As I indicated, Mr. Speaker, I won't need to speak in relation to Item 4 because they're

all tied, they're companion measures. It is one of, as I said before, one of the important tools that is being used to improve the effort being made to tackle the problem of crime. The six (6) Bills which we are currently considering in the Report of the Joint Select Committee, and to which we will return today, are another part of that process.

I want to indicate, Mr. Speaker, as well, because it's a matter of public interest, that on Friday, when the other Chamber meets, the Minister of Justice will be tabling the Protected Disclosure Act, which is the name which has been given to what we call the whistle blower legislation, another important part of the effort aimed at increasing our capacity, improving our ability to tackle the problem of crime.

I doubt if these two measures that the House is being asked to approve - standing at Item 3 and Item 4 - I doubt if these are controversial. It's a process that started during the previous administration. I've expressed great regret that it has taken us so long to provide the wheels on which such an important statute will be able to travel.

I invite the House, Mr. Speaker, to affirm the regulations as presented.

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Thank you, Mr. Speaker. As the Prime Minister has said, this is not a controversial matter. It is regrettable that it has taken so long for what seems to be fairly straightforward regulations to be tabled, as we have seen the example in other jurisdictions where this has been a very powerful tool against organized crime and criminal gangs, something which is very topical.

The question which I would appreciate if the Prime Minister could expand on though, is how will this ability to negotiate with the accused, which we are giving to the DPP, how will it be constrained, or in fact frustrated by the other pieces of legislation which we are going to discuss shortly, which is basically the mandatory minimum sentencing? How does the - if someone was, for example, arrested and charged with one of the specified firearm offences that we are going to treat within the Report later, would the DPP still have the ability to negotiate below that mandatory minimum sentence, or would this supersede the authority given to her to negotiate the reduced sentence under the Plea Bargaining Legislation and Regulations? I would appreciate getting some clarity on that, Prime Minister.

The PRIME MINISTER: What I am being advised is that where - if the House so decides - where minimum mandatory sentences exist, there can be no plea bargaining below that minimum. So that in relation to the proposals that are before the House, there is no bargaining that could take it below that. But bear in mind that those minimum sentences that are proposed are not necessarily what the Judge may impose, and therefore, there would be some latitude above that, but not below the minimum.

Mr. Speaker, I am grateful for the expression of support from the Opposition Spokesman. I invite the House to affirm the regulation. Do we take 3 and 4 together or do I have to take them separately?

The SPEAKER: Well, let's do them each, separately.

Sorry - yes - no, but Mr. Fitz Jackson...

Mr. JACKSON: I am aware, Mr. Speaker, the mover of the motion has spoken. But based on the response that the Prime

Minister gave, P.M., I am a bit struck, because my understanding is that one of the major advantages in the Plea Bargain Legislation is to enable the prosecution to use the plea bargaining to get to the root of many of the crimes. And if you have that - if it is limited by those minimum sentences, it would, to a great extent strangle the ability of the prosecution to achieve that goal.

The PRIME MINISTER: Let us take a case where somebody is found - somebody is charged with shooting with intent, the maximum penalty for which is life imprisonment. What we are saying is that the minimum penalty should be fifteen years. In a case like that, a Judge may be minded to send the person to prison for life.

In the case of a plea bargain, where the maximum penalty would be fifteen years, it would be in line with the minimum, and therefore, that could be negotiated.

The point that I was making earlier, based on the advice I am being given by the Solicitor General, is that you can't negotiate below the minimum because that would be the minimum that Parliament has set. But above the minimum, instead of getting life you can get fifteen years, essentially, through a plea bargain.

I have seen some sentences that are up and down. I have seen some sentences, for example, of life imprisonment, of thirty (30) years imprisonment. As I pointed out in Parliament last week, I have seen some sentences for firearm offences, serious firearm offences of five (5) years. And it is that sort of wide fluctuation in discretion that has caused some concern which has informed the provision in the Bill that is before Parliament for minimum mandatory sentences. There is some room, but there is no room below the minimum that Parliament would set if Parliament endorses and accepts the legislation.

The SPEAKER: Members, the motion before the House is for the affirmation of Item Number 3 on the Order Paper, The Criminal Justice (Plea Negotiations and. Elements) Act.

Put to the House and agreed to.

The second matter before you, Members, is on the Order Paper, Number 4, the Legal Aid Act, the Legal Aid (Excepted Offences) (Amendment) Regulations, 2010, Resolution.

Put to the House and agreed to.

The SPEAKER: Both 3 and 4 affirmed.

House Leader.

Mr. HOLNESS: Mr. Speaker, we will now continue debate on the Crime Bills, and the Leader of the Opposition will make her presentation.

The SPEAKER: Very well.

(Opposition Members applaud)

Leader of the Opposition.

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

As I rise to make my contribution to the debate on the Bills which are before this Honourable House, I am very conscious that events of the last two weeks are foremost in the minds of most Jamaicans. Many of our people, Mr. Speaker, remain traumatized by the violence they witnessed and the loss of so many lives, including civilians and members of the security forces.

I want to place on record my condolences to the families of those who lost their lives in Tivoli, Denham Town, Kirkland Heights and St. Catherine. And I wish to salute members of the security forces who bravely fought to take our country back from criminals. (Applause)

Mr. Speaker, some of them paid the ultimate price in the service of their country, and we owe them and their families a debt of gratitude.

The reality, Mr. Speaker, that criminal elements could have overrun our country, was a frightening prospect for law-abiding Jamaicans. We, like most, want the security forces to find the criminals wherever they are, root them out and let the law take its course.

Mr. WARMINGTON: Hear! Hear!

Mrs. SIMPSON MILLER: We want this to be done with the least bloodshed and the maximum protection of decent law-abiding citizens... (Applause)

Opposition MEMBERS: Hear! Hear! (Applause)

Mrs. SIMPSON MILLER: ...whether, Mr. Speaker, they live in mansions Uptown, in vulnerable circumstances in the inner-cities, or in rural Jamaica. It is therefore not surprising that with the present state of mind of the Jamaican people, the calls have become louder for the Crime Bills to be debated, and debated quickly.

Mr. Speaker, we understand the frustration and the impatience, but it would be a dereliction of our duty if we do not take the time and the care to ensure that each Bill is framed in such a way as to achieve the desired objectives of reducing and indeed eliminating crime. (Applause)

So, Mr. Speaker, we have to examine seriously the impact of the six (6) Anti-Crime Bills on the rights of all Jamaicans, especially the poor. What is more, Mr. Speaker is that for too long the poor have been denied those rights that these new measures propose to take away. In essence, their situations may only get worse.

My concern, Mr. Speaker, is that the Prime Minister is rushing the passing of these Anti-Crime Bills in an effort to appear tough, in keeping with a promise to certain sectors of the society over the last two weeks.

Mr. BUCHANAN: That's right!

(*Sotto voce* comments from Government Members)

(Opposition Members applaud)

Mr. WARMINGTON: Don't go there!

Mrs. SIMPSON MILLER: Mr. Speaker, a band-aid is not sufficient to heal a gaping wound that is gushing blood, and that is what we are facing now. (Applause)

What it needs, Mr. Speaker is a drastic surgery and good aftercare to fix the wound. We really need a holistic anti-crime strategy that makes the people partners rather than the enemies of the police and the State. (Applause) For lasting peace, the police need to be seen as protectors rather than as oppressors.

Mr. Speaker, there have been various attempts in the past to address crime and violence. Many were met with strong, even forceful political opposition. This Opposition will not oppose for the sake of opposing, because the interest, care and protection of the Jamaican people are our primary objective. (Applause)

Mr. Speaker, the Opposition is committed to any measure to reduce or eliminate crime. That is why we participated in the Vale Royal talks. While we agreed in principle on some of the issues raised, we pointed out certain possible pitfalls in moving the process forward. Nothing was done to address these concerns, Mr. Speaker.

For a long time the Government tried to convince the public that the Bills had been

stalled because we resisted their passage. The Government knew that this was not the case, and in the spirit of true bi-partisanship in the fight against crime, must tell the truth, Mr. Speaker, must tell the truth about this process.

Mr. Speaker, the facts are indisputable. The Bills were submitted to a Joint Select Committee for its consideration and report to Parliament. Several individuals and stakeholder groups made presentations to the committee. They pointed out certain issues which they felt affected the rights of the Jamaican people, which are presently guaranteed under the Constitution. The Opposition Members, Mr. Speaker, of the Joint Select Committee, proceeded to make certain suggestions as to how those issues might be resolved. Yet the Government persisted in advancing the view that the Opposition was proving to be an obstacle to the passage of the Bills. We will put forward those suggestions once again in this debate and the debate to follow on the two remaining Bills.

I believe, Mr. Speaker, that the most challenging of the four (4) Bills that are now being considered by this House, is the one entitled AN ACT further to Amend the Firearms Act.

That Bill proposes fifteen (15) years as the minimum sentence that may be imposed on a person who has been found guilty of certain firearm offences that are specified. The Courts, and in particular, Mr. Speaker, the Privy Council, do not favour the legislature stipulating mandatory sentences. They base their disagreement on the principle that sentencing should be left to the discretion of the judiciary.

They believe that the stipulation of a mandatory sentence encroaches on the province of the judiciary and amounts to a departure from the principle, Mr. Speaker, of separation, separation of powers of the functions and functions of the legislature and the judiciary. This is a principle that underlies, Mr. Speaker, the basic provisions of the Constitution.

It is true that the offences that are specified in the Bill are serious in the extreme. We all agree that the society must speak and move with one voice and in the same direction in an effort to curtail and eventually stem the importation and trans-shipment of illegal weapons. (Applause)

Mr. Speaker, almost every Jamaican has been or know someone who has been a victim of gun violence. The fear of gun violence has paralyzed our nation. We are afraid to leave our homes and business places. Many of us have become prisoners in our homes locked up behind burglar bars. (Applause) The more affluent among us are increasing their security and those who are not so lucky oftentimes suffer at the hands of the murderers, rapists, drug dealers, who have no mercy and are no respecter of persons. Not even our children and senior citizens have been spared.

In addition, Mr. Speaker, the image of our beloved Jamaica has been battered and our brand severely devalued in recent weeks because of certain connections with drug and gun trade. But, Mr. Speaker, despite all of this and despite our anxiety to stamp out crime we have to ensure that decent and law-abiding citizens do not become the victims of the very laws that are meant to safeguard their rights. (Applause)

The laws we pass in this Parliament must promote justice for every single Jamaican, for Miss Mary in Brown's Hall, Mass Tom in Bartons, for Maas Aubrey from Queensbury in St. Elizabeth, for Mr. Smith from Norbrook or even a Member of this Honourable House.

Mr. MONTAGUE: 'Farmer Joe'.

Mrs. SIMPSON MILLER: Yes, my cousin. Take, for example, the illegal possession of a firearm. There are many circumstances, Mr. Speaker, in which an individual could be slapped with this charge. Clearly, a court should not be prevented from taking into account all circumstances relating to how the firearm came into possession of the person and the background of the individual. I give an example. Any Member from this side or that side with children could be going to the airport and should hand in the firearm at the police station and forget, and the son or daughter that took that person to the airport drove off with the father or mother forgetting that that was in the . . .

Mrs. NEITA-HEADLEY: Glove compartment.

Mrs. SIMPSON MILLER: Yes.

. . . and locked away, the police should stop that vehicle, and that innocent child, not being aware that the father had the weapon in the vehicle or mother, and stopped by the police, searched and found, what would happen, Mr. Speaker?

Mr. CHARLES: Explanation.

Mr. BUCHANAN: Keep quiet, mandatory, keep quiet!

Mrs. SIMPSON MILLER: Mr. Speaker, the age of the individual, issues of illness and infirmity and a first-time offender are some of the issues that should be taken into consideration when sentencing an individual.

Mr. PICKERSGILL: Hear, hear!

Mrs. SIMPSON MILLER: I am sure we would all agree that it would not be wise or fair to pass a law imposing a mandatory 15-year sentence without examining all the circumstances of each case.

Mr. PICKERSGILL: Hear, hear!

Mrs. SIMPSON MILLER: Mr. Speaker, a suggestion was made in the Joint Select Committee that convicted persons could apply to the Governor-General for a pardon where appropriate circumstances apply. But, Mr. Speaker, we must be careful that the legislature is not indirectly transferring sentencing powers from the judiciary to the Governor-General who is in fact a part of the Executive. We believe that in the case of illegal possession of firearm, without more the Chief Justice should be invited to institute guidelines to the Judges as to the sort of matters they may take into account when considering the important matter of sentencing.

Mr. PICKERSGILL: Hear, hear!

Mrs. SIMPSON MILLER: Let me repeat. This must depend on the circumstances and case before them. Those guidelines, Mr. Speaker, may be reviewed and changed from time to time. If we pass a law, Mr. Speaker, which includes a mandatory sentence we would effectively tie the hands of our Judges even to the extent, Mr. Speaker, that the Court of Appeal would have no power to reverse any sentence where the interest of justice requires it. Mr. Speaker, with guidelines that all Judges are obliged to follow, the Court of Appeal would be in a position to decide whether a judge had exercised his or her discretion properly. In this House, any law we pass, Mr. Speaker, must minimize the likelihood of

injustice for any Jamaican man or woman, rich or poor, black or white.

Mr. PICKERSGILL: Hear, hear! (Applause)

Mrs. SIMPSON MILLER: Mr. Speaker, the Bill entitled The Amendment to the Offences Against the Person Act also proposes a minimum sentence of 15 years for a person convicted of certain serious offenses with the use of a firearm. The concerns we have regarding mandatory sentencing under the Firearms Act also applies in this case.

Mr. Speaker, in regard to AN ACT to Amend the Bail Act, the tradition of our legal system is that the burden of proof is placed on the prosecution. We are, however, aware that there are instances in which the law has moved away from the traditional course and has shifted the burden to the accused.

Mr. Speaker, the socio-economic circumstances of many who find themselves before the courts do not always lend themselves to these persons being able to afford the legal representation necessary to show cause or reasons why they should be granted bail. And so it is also proposed that the prosecution shall have a right to the appeal if the accused man is granted bail. Again this is a move away from the traditional course of action, Mr. Speaker, in our system in which the prosecution does not have a right of appeal in criminal cases.

The Opposition would wish to make one suggestion, Mr. Speaker, that if the prosecution has any information in its possession which may assist the accused in the application for bail they should be obliged to disclose that information to the Court. Further, Mr. Speaker, if bail has been denied and information comes in the possession of the prosecution which could assist a court in reversing that decision, then the prosecution should be obliged, Mr. Speaker, (to make) it known to the court.

Mr. Speaker, regarding the Amendment of the Parole Act, this Bill proposes that any person who has been sentenced to life imprisonment or to a term of 15 years or more will not be eligible for parole before serving at least 10 years, moving from seven (7) years.

The suggestion, Mr. Speaker, made with respect to possession of a firearm and guidelines being put in place by the Chief Justice could apply also in this instance with the Parole Board or the relevant agency laying down certain principles. At all times we must use the passage of laws to protect decent people while forcing the criminals to pay for their crimes.

Mr. PICKERSGILL: Hear, hear! (Applause)

Mrs. SIMPSON MILLER: Mr. Speaker, one comment on the 60 days imposition in the other Bail Act Amendment that is to be debated later. We note that it is being proposed that this Bill is to be passed without a constitutional amendment and the required time limits imposed by the Constitution, when there is to be in effect an amendment, Mr. Speaker, to any provision of the Fundamental Rights and Freedoms Charter. The Government has now moved away go its previous intention to make use of section 50 of the Constitution by way of a Special Act of Parliament. The Opposition had advised, Mr. Speaker, the Government of the hurdles that would have to be crossed in such an initiative. It is to be noted that exception has already been taken by the stakeholders to the route that is now being proposed. Mr. Speaker, we

are suggesting that the Government engage in extensive discussions with those interested parties - all interested parties, certainly on the way forward.

It has been suggested that the Opposition is being hypocritical in insisting that these matters, Mr. Speaker, should not be rushed and that they should follow the proper procedures and channels in this Parliament. Mr. Speaker, it can hardly make sense passing legislation which we know is going to be challenged in the Courts. It is far better to arrive at a consensus as to the way forward in the knowledge that what is being done can stand the test of time. (Applause)

Mr. Speaker, are legislative measures sufficient to light crime? Everything must be done, Mr. Speaker, to reduce or even eliminate crime. But let us not forget that over the years various governments have passed legislation and instituted measures to reduce crime, yet crime and violence continue to plague the society. The Gun Court Act of 1974 was an attempt to contain panic over a crime rate of about 200 murders per year. There was no provision for bail, sentencing was mandatory and parole was granted, if at all, under rigid conditions. The Gun Court continues to exist. But last year, Mr. Speaker, the murder rate was 1,680, the highest recorded in our history. The Suppression of Crime Act was passed at the same time as the Gun Court Act. The police could seize, search or detain at will, thus reinforcing a type of policing that disregarded citizens' rights. The crime rate, Mr. Speaker, almost quadrupled by the time the Act was repealed in 1993.

In 2008, the murder rate was 1,618, and only 515 were cleared up, Mr. Speaker. The number of shootings increased to 1,528, and only 545 were cleared up. Mr. Speaker, in terms of the conviction and admission to Correctional facilities, the numbers are dismal; twenty-two (22) were admitted for shooting with intent and only 30 for murder. I believe, Mr. Speaker that this tells the story most vividly of what really needs to be done. We need to get the guns off the street.

(Applause)

A MEMBER: And the gun men.

Mrs. SIMPSON MILLER: Mr. Speaker, in any year, the average confiscation of guns is about 500 to 600 with a concerted effort; and the resources over the last two weeks in West Kingston, the security forces have recovered some 70 firearms. This figure could have been more if the criminals were not forewarned of the impending incursion.

(Applause/*Sotto voce* comments)

Mr. CHARLES: Rose Town and Maxfield Avenue too.

Mrs. SIMPSON MILLER: One of the new anti-crime Bills, Mr. Speaker, restricting bai1... restricting....

Mr. BUCHANAN: Why are you upset about the gun-find. Why are you upset about the gun-find?

Mr. WARMINGTON: They don't search your house yet?

The SPEAKER: Mr. Warmington, please... Continue, Leader of the Opposition.

Mr. WARMINGTON: He said they were warned. I am asking by whom?

(*Sotto voce* comments by Opposition Member)

The SPEAKER: No, no, stop the interruption, please.

Opposition MEMBER: You don't know who warn them?

The SPEAKER: Yes.

Mrs. SIMPSON MILLER: Thank you very much, Mr. Speaker.

One of the new anti-crime Bills restricting bail for 60 days is already enacted in Trinidad. Since the law has been enforced, Trinidad's crime rate has doubled, Mr. Speaker. The question is, will it be any different here? Jamaican laws already provide the police with a legal framework for operations. The difference in the proposed anti-crime laws is the removal of discretion of the judges and Parole Board and presumption of guilt, rather that innocence of suspects.

Mr. Speaker, these new laws would erode liberties and undermine the basic tenets of law that many before us sacrificed their lives to win.

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: Most seriously, Mr. Speaker, the proposed crime Bills increase the power of the police force. I am uncomfortable with the passage of any law that may cause Jamaica to resemble a police state where checks on some police behaviour are absent. Mr. Speaker, passing pieces of legislation to fight crime will not by themselves, prevent or reduce crime.

(*Sotto voce* comment)

They are important, but I want to make the point, Mr. Speaker, that other things will have to accompany.

(Applause)

And I am talking about serious intervention. Paper cannot solve crime, it is people and every Jamaican united in this fight in the fact, and join the State for it to happen.

Government MEMBER: When did you find that out?

Mrs. SIMPSON MILLER: Mr. Speaker Government has a responsibility to build the support institutions to prevent and reduce crime. In moving forward, Mr. Speaker, the Justice Reform Agenda which went through wide consultation, must be implemented.

(Applause)

We must strengthen checks on the behaviour of some members of the security forces, such as access to attorneys, discretion of Judges and independent investigative bodies with the integrity and resources to be credible.

Mr. Speaker, we must immediately provide the police with the resources to implement the existing Police Constabulary Force Act which allows them to arrest and detain, while building alliances with the law abiding citizens.

A MEMBER: Hear, hear!

(Applause)

The SPEAKER: (Gavels) House Leader, the Leader of the Opposition's time for speaking has expired.

Mr. HOLNESS: Mr. Speaker, I move for the suspension of Standing Orders to allow the Leader of Opposition sufficient time to complete her presentation.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the Leader of the Opposition sufficient time to complete her presentation.

Put to the House and agreed to.

The SPEAKER: Leader of the Opposition.

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

So, while we are bringing legislation, we need to ensure that the security forces be provided with the tools so that they can do the job.

Opposition MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: We must institute measures to improve their investigative capacity. We must set out a national plan for addressing crime, implementing previous recommendations, Mr. Speaker, such as the re-integrating of garrison communities into the rest of the society, recovering guns and ammunition already in Jamaica and preventing guns and ammunition from entering our country. (Applause)

Mr. Speaker, setting up systems by which young people gain skills and/or, an income - what I would term *Risky Mission For Our Youth At Risk* - building trust between the wider society and the police, enabling the police to access the information needed to solve crime, putting offenders before the court in a timely manner, differentiating crimes, getting rid of the sledge hammer approach. And, Mr. Speaker, reducing over-crowding, and improving the conditions in our lockups.

Mr. Speaker, the Opposition will always support legislation and policies which seek to improve the quality of life of our people. That is why we will continue to make meaningful recommendations to the Government that will lead to the development of our people and our country. That is why we continue to be critical of those actions, Mr. Speaker, which are opportunistic and partisan. We must reject policies and actions which put politics ahead of the people and are knee-jerk reactions to current problems. That way we will err.

(Applause)

I have already proposed, in my contribution to the 2010 Budget Debate, that...

(*Sotto voce* comment by Mr. D. Smith)

Mr. PICKERSGILL: You remember what you said when you were Minister, bout you lock up PNP people, you remember?

Mr. D. SMITH: ...like one.

Mr. PICKERSGILL: No wonder you lose the job...

(*Sotto voce* comments by Government Members)

The SPEAKER: Please, stop the interruptions. Continue, Leader of the Opposition.

Mr. CHARLES: You lose more than the job.

Mrs. SIMPSON MILLER: Mr. Speaker, I note that it is a feature of that side when I am speaking, to continue to interrupt.

(Cross talk)

MEMBERS: No, no, no!

Mr. STERN: From that side.

The SPEAKER: (Gavels) Members, please, cut the interruption. Continue...

(*Sotto voce* comments by Members)

Mr. KELLIER: Six time now, six now!

Mrs. SIMPSON MILLER: Mr. Speaker, I have already proposed, in my contribution to the 2010 Budget Debate, that discrete time should be set aside by this Parliament to consistently discuss and review the issue of crime.

(Applause)

Opposition MEMBER: Hear, hear! That's right.

Mrs. SIMPSON MILLER: And I am happy to see that *the Gleaner* has joined in that call. I again call on the Government to ensure that this matter is not treated as a popularity contest, but rather, as a matter that is given the priority it deserves to ensure the safety of the Jamaican people, as well as our visitors.

As I said to the PSOJ in 2006, Mr. Speaker, you must overthrow the states within states, the garrison states because it is there

that some oppressors of the poor find room to operate.

Opposition MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: I also said then, that the dons might operate through garrisons, but they reside alongside the rich and powerful in our verdant hills. I said that then...

Miss HANNA: They don't live in the inner city.

Mrs. SIMPSON MILLER: ...because they don't live in the inner cities. And the majority of the people in the inner cities are decent, peaceful people. They are poor and trying to fight it, but they are held hostage, and they are more afraid, than us inside here...

Mrs. HAY-WEBSTER: True.

Mrs. SIMPSON MILLER: ...and we need to recognize this. And, Mr. Speaker, recent events have confirmed this as the security forces have sought alleged drug dons and gun dealers in both Downtown and now, in Uptown communities.

(Applause)

If we are to truly tackle crime, we must be prepared to find the criminals wherever they are.

MEMBERS: Yes!

Mrs. SIMPSON MILLER: If they are in the inner city, find them. If they are in the boardrooms, find them; and equally, in the Parliament.

(Applause)

Mr. Speaker, the fight against crime should not be selective. It must be applied with an even hand, and it must be consistent and sustained. We mustn't fool ourselves and pretend that crime is limited to the inner cities and similar neighborhoods. Let us find the will, and let us make the chips fall where they will.

Mr. BUCHANAN: You hear that Gregory?

Mrs. SIMPSON MILLER: In Sunday's edition of *the Gleaner* of June 6, one columnist wrote, and I quote - the name was Robert Buddan.

> *"We must break the nexus, not just between State and criminals, whether they are geographically or non-geographically based, but between business and criminals as well, and between business, criminals and the State."*

He went on to say:

> *"There is something called narco-capitalism. It is where business, like construction, real estate, law, banking, auto sales and many others are inter-woven with, or from criminal enterprises. Otherwise, our communities Downtown, Uptown, and Midtown, will be tainted. Our Uptown children will go to the same schools, and will sit in the same churches with criminals."*

Let us judge what Mr. Buddan said in that article.

Mr. Speaker, change is difficult, but if we are going to change Jamaica, we cannot only tackle crime in a piecemeal way. We cannot take away the rights of some while others are protected. It is about all of us...

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: ...politicians, business community, the church, the media and civil society; all of us finding the will to stand up for what is right and what is just, not what is convenient and expedient.

(Applause)

Mr. Speaker, in attempting to find solutions to the spiralling crime wave, we must ensure that the measures we take do not result in some citizens feeling that the State is their enemy. Our actions should not cause some to resent the security forces, thereby widen the divide between them and the communities, and the people they are sworn to protect. This will not help. It will not fix Jamaica.

Mr. Speaker, I believe that together, we can fix the torn fabric of our society, piece by piece, and stitch by stitch. But if the threads are weak and the stitching are untidy, or as we would say, chacka, chacka, the fabric will not hold together and things will just fall apart. Our laws must be made of strong thread and must serve the best interests of all our people.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Bunting...

Mr. BUNTING: Mr. Speaker, I seek permission to speak from a seat other than my own.

The SPEAKER: Permission granted.

(*Sotto voce* comments by Mr. Warmington)

The SPEAKER: Mr. Warmington, you are not in charge over there, you know.

Mr. BUNTING: Mr. Speaker, as I rise to make my contribution to the debate on the Anti-Crime Bills Report, I would like to acknowledge the contributions made by the public officers some of whom are present, to these Bills. But I would especially like to recognize DR. CAROLYN GOMES and **Jamaicans or Justice** (Applause) team who has done a tremendous amount of work on these Bills. And, Mr. Speaker, while persons like or bodies like **Jamaicans for Justice** often feel like thorns in our side, they play a critical role in standing up for the rights of the Jamaican people. (Applause)

Mrs. SIMPSON MILLER: That is right.

Mr. BUNTING: Mr. Speaker, the Opposition, since 2007 we have been cooperating in bi-partisan policy development in the area of national security. But, Mr. Speaker, one of the requirements in this area - and, I am sorry that the Prime Minister has stepped out, but one of the requirements in the area of cooperation is trust. (Applause)

Mr. Speaker, I am disappointed to say that at a time when the entire country should be engaged in searching for solutions to the crime problem, at a time when we as a responsible Opposition scheduled a Crime Forum in Montego Bay, at the Civic Centre, so that we could engage the public, not a party forum - as the Opposition Spokesman on National Security, I invited a number of persons - and I am disappointed this afternoon to learn that the Mayor has now said we cannot hold that consultation there because we are a political party.

Mr. KELLIER: Shame! That is a disgrace!

Mr. BUNTING: Now, Mr. Speaker that is what I call petty partisanship. That is petty partisanship.

(Applause)

(*Sotto voce* comments by Members)

Mr. MONTAGUE: A Point of Order, Mr. Speaker.

Mr. BUNTING: What is the Point of Order?

The SPEAKER: Let us hear the Point of Order.

(*Sotto voce* comments by Members)

Mr. MONTAGUE: Mr. Speaker, the Member from Central Manchester is misleading this Honourable House. There is a policy at the St. James Parish Council...

Mr. KELLIER: Nonsense...

(*Sotto voce* comments by Members)

The SPEAKER: Could you allow him to finish, let us hear the Point of Order. I need to hear the Point of Order.

(*Sotto voce* comments by Members)

Mr. MONTAGUE: I want to be heard in silence.

Mr. PICKERSGILL: Sit down, bring the document.

The SPEAKER: Mr. Kellier, I want to hear the Point of Order.

(*Sotto voce* comments by Members)

Mr. MONTAGUE: Mr. Speaker, I notice that every time I get up to speak that side gets anxious.

Mr. PICKERSGILL: Yes, man.

Mr. MONTAGUE: Mr. Speaker, there is a policy at the St. James Parish Council.

Mr. KELLIER: Since when?

Mr. MONTAGUE: That policy was in place before 2003, before 2003.

Opposition MEMBER: Under your Government.

Mr. MONTAGUE: That side, that simply says the Civic Centre should not be rented out to any political party. And that was after it was repaired. The Member - there are two Members here from St. James on this side and they have never been allowed to have a meeting. And they know and if the Member from South St. James would attend the meetings he is invited to, he would have known and he would have guided the Member from Central Manchester.

Opposition MEMBER: You are misleading the House.

Mr. MONTAGUE: And, Mr. Speaker, furthermore, Mr. Speaker...

Opposition MEMBER: You are misleading the House.

The SPEAKER: (Gavels) No, no please! It is a Point of Order, if the Member is alleging that the Member is misleading the House. (Cross talk)

The SPEAKER: Could we hear the Member in silence, please.

Mr. MONTAGUE: Furthermore Mr. Speaker, the Member from Central Manchester had words with me as well as the Member from Eastern Westmoreland awhile ago. I sent them a note telling them of the situation and also telling them and giving them the Mayor's phone number because the Mayor agreed to assist them in locating another location to have their meeting.

Therefore, Mr. Speaker...

(*Sotto voce* comments by Members)

Mr. BUNTING: Mr. Speaker, not on my time.

Mr. MONTAGUE: Mr. Speaker, they are abusing the privilege of this Honourable House.

(*Sotto voce* comments by Members)

The SPEAKER: Mr. Bunting, the position is, if the Member is correct that in fact there is...

A MEMBER: If?

The SPEAKER: Obviously 'if'.

Mr. PICKERSGILLL: Where is the document, where is the proof?

The SPEAKER: If the position is correct that the Chamber cannot be used by a Member from a political party, let us say…

Mr. BUNTING: No government person could use it, no Parish Council could use it...

The SPEAKER: For non-Council matters.

Mr. PICKERSGILL: What? Never said that.

The SPEAKER: Well, that is what he basically said, that is what he's saying.

Mr. KELLIER: Mr. Speaker, for the Member to substantiate what he just said, it cannot go to the House on the basis of hearsay; he must present a document that substantiates that argument. If he does not present a document to the House that substantiates that argument, the Point of Order cannot stand. He is coming here with hearsay and it cannot work.

(*Sotto voce* comments by Members)

The SPEAKER: Very well, what we will ask the Member to do...

(*Sotto voce* comments by Members)

The SPEAKER: It is not a problem. Okay Members, (Gavels) it is not a problem. What we will do, we will ask the Member to get the information to St. James Parish Council if that is a policy of the Council and bring here. Okay very well.

Mr. MONTAGUE: But Mr. Speaker, in the meantime Sir, in the meantime the Member...

(*Sotto voce* comments by Members)

Opposition MEMBERS: Sit down, sit down!

Mr. MONTAGUE: I am on a Point of Order.

The SPEAKER: No, no, one second. One of the Members will have to apologize at an appropriate time. One of the Members will have to apologize at an appropriate time.

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

Mr. SPEAKER: In other words - continue, Mr. Bunting.

Mr. BUNTING: Mr. Speaker, it is interesting - shut your mouth nuh...

(*Sotto voce* comments by Mr. Warmington)

The SPEAKER: Mr. Warmington, please allow the Member to continue. Mr. Warmington, please. Please, you are not on your feet, Mr. Warmington.

Mr. BUCHANAN: How much you give the little boy?

(*Sotto voce* comments by Members)

The SPEAKER: Continue, Mr. Bunting.

Mr. BUNTING: Thank you Mr. Speaker. Mr. Speaker, the Member from West St. Mary has suggested that it is a party function and I specifically said it was, as the Opposition Spokesman on National Security, the Opposition has a constitutional place, position in this government and in our system of governance. And what is interesting, Mr. Speaker is that one of the very important invitees is the Mayor of Montego Bay himself. The Mayor of Montego Bay. Now I hardly think if it was a party election the Jamaica Labour Party Mayor of Montego Bay would have been invited. So I rest my case there.

But I just say, Mr. Speaker, if the Government would like cooperation then they cannot at the same time be petty. (Applause)

Mr. Speaker, we share the concern of our citizens to have crime and violence tackled in a meaningful way so we can all enjoy a safe and secure society. However, Mr. Speaker, as a responsible Opposition, we have a duty to carefully review and dissect any Bills to reveal

weaknesses and to anticipate the outcomes of this proposed legislation. We cannot be a mere rubberstamp for the Executive.
(Applause)

Mr. Speaker, the Opposition intends that any legislation passed will really contribute to fighting crime, dismantling criminal organizations and rooting out criminality wherever it exists. However, at the same time, we must secure the fundamental rights of law abiding citizens. (Applause)

Mr. Speaker, in my 2009 Sectoral Debate presentation I stated that effective crime reduction will only be sustained if it is based on the trust, confidence and legitimacy of the police force. Political administrations must avoid knee-jerk reactions to periodic upsurges. (Applause)

Mr. Speaker, the last time that these Bills were rushed to the House it was a period of upsurge in crime. We didn't hear anything for over a year, and then suddenly they were introduced and had to be debated immediately, again as a sort of public relations exercise to reactions do not reinforce the old image address the upsurge in crime. (Applause)

Mr. Speaker, the risk is that in the long run these knee-jerk...

Mr. WARMINGTON: Say it again. You de pon Skengdon payroll, you know.

The SPEAKER: Mr. Warmington.

Mr. KELLIER: Mr. Speaker, Mr. Speaker...

Mr. WARMINGTON: I withdraw, I withdraw!

Mr. PICKERSGILL: He must be censured.

Opposition MEMBER: He is out of order, rude! Ask him to remove himself. He is rude?

Mr. KELLIER: That is not good enough for him.

The SPEAKER: Mr. Warmington, but if you interrupt this House one more time this evening, I have to send you out. (Applause)

Opposition MEMBER: No, send him out now.

The SPEAKER: No, Mr. Warmington, we have had enough, we have had enough, please.

Continue Mr. Bunting.

Mr. BUNTING: Mr. Speaker, we have to ensure that these knee-jerk reactions do not reinforce the old image of the police as a para-military force of occupation with scant regard for the rights of the majority. There is an argument, Mr. Speaker, that as a society we must be prepared to trade our values for our security, or our security for our values. We reject that trade off. As the Member from Central Kingston said to me last night, we can be strong anti-crime and also strong pro-human rights.
(Applause)

Mr. Speaker, crime control efforts must be disciplined by the rule of law, due process and respect for individual rights and human dignity. The approach is central to our party's democratic values and we will continue to stand for these values.

Now, Mr. Speaker, to turn specifically to the Anti-Crime Bills, the six (6) Bills could be divided into three groups seeking to achieve three different objectives. The first objective is **mandatory minimum sentencing**. And this involves the amendments to the Firearms Act, the Offences Against the Person Act and the Parole Act.

The intention, Mr. Speaker, as I understand it, is to send a clear signal of the

serious nature of these offences and the consequences of being convicted for committing these offences. This is quite understandable. Only, I believe it was last year, Mr. Speaker, we had a case of a reputed gang leader from the Cockburn Pen gang.

A MEMBER: From the what?

Mr BUNTING: How you pronounce it, ‘Coburn’ Pen or, 'Cockburn' Pen?

One MEMBER: Cockburn.

Other MEMBER: Any one.

Mr. BUNTING: This person was - this gang rather - was allegedly responsible for 60 murders, or over 60 murders. The man was arrested and charged for illegal possession of two, what turned out to be stolen firearms. He pleaded guilty and ended up with a suspended sentence. Many persons, not just in the public but officers in the police force, were perplexed at the seeming slap-on-the-wrist treatment of this dangerous criminal. So, we can understand why the thrust for minimum sentencing.

On the other hand, criticism of these Bills has been centred on the removal of judicial discretion, the fact that they dictate the same minimum sentences for a broad range of offences and that they generally restrict Judge's freedom to evaluate cases on their own individual merit.

Another criticism was that it blurs the line separating responsibilities of the legislature from those of the judiciary. And, Mr. Speaker, earlier this afternoon, l raised another important consideration when we were dealing with the plea bargaining regulations, and that is, how the passage of these Bills will affect the operation of plea bargaining.

In instances in which a person suspected of being affiliated with a criminal organization or in which a person is considered able to assist in obtaining evidence against such an organization a minimum 15-year sentence reduces the room that law enforcement would have to negotiate the cooperation of witnesses. In fact, we were recently introduced, or the term, ‘cooperating witness' was recently introduced into the popular lexicon.

We are asking the Government to consider whether the same objective of these Bills could not be achieved through sentencing guidelines where the Judge would be administratively obliged to observe the guidelines or alternatively, state that in a particular case they deviated from the sentencing guidelines because it would be manifestly unjust, oppressive or inappropriate to do so. Mr. Speaker, I believe these sentencing guidelines are more appropriate and a more elegant way to address this problem. But if they are not acceptable to the Government, then perhaps they could look at having some higher court or tribunal be able to review those cases where again, it would be manifestly unjust, oppressive or inappropriate to apply the mandatory minimum.

Mr. Speaker, I want to now turn to the Bill involving the extension of the powers of arrest and detention under the Constabulary Force Act.

Again, the concerns that we had in the Joint Select Committee, concerns raised by various interest groups, is that the amendments run counter to the principles of the presumption of innocence. Perhaps equally important, it encourages net fishing for criminals rather than spear fishing. Rather than going precisely targeted to the persons of interest, you sweep up a whole heap of young men on the corner and you take them in for

processing. That is the approach of the Suppression of Crime Act. That is an approach that has shown that it has failed historically.

Mr. Speaker, we can understand how in certain specified situations this might be helpful to the police force. And some people say that in any event it only marginally extends the existing powers under the Constabulary Force Act and that there is a sunset provision, which means it would expire after a year if not extended by Parliament. But as we have seen in the past, once these measures are put on the books, they tend to be routinely extended.

Mr. Speaker, I want to now turn to the two Bills that involve restrictions on the granting of bail. In many ways, these are the ones that would be most subject to abuse because here is where you could restrict someone's freedom for 60 days solely on the basis of allegations, solely on the basis of allegations.

(Inaudible comments)

Because that's the basis on which the person is charged. That's the basis on which the person is charged. There is no conviction. This is not like mandatory sentencing where at least you would have had a conviction. This is on the basis of allegations.

A few weeks ago, Mr. Speaker, we had a debate on the Independent Commission of Investigations Act. The Prime Minister catalogued the history of abuses by members, errant members of the security forces. With that fresh in our mind, do we want to give such powers to the same police force, who - albeit we are trying to clean it up, but we know that there is a way to go - do we want to give these powers which are so easily abused, which are subject to all kinds of, sort of personal prejudices? I believe this is very dangerous, Mr. Speaker. The amendments run counter to long-established principles of presumption of innocence, *habeas corpus*. It too encourages this net fishing *versus* spear fishing approaches. It reduces judicial discretion and it places the burden of proof on the detainee to establish the need for being granted bail.

Now, there are two Bills here, Mr. Speaker. One, again, has a sunset provision. But the other makes permanent changes to our approach to granting bail to accused persons. I think that we really have to be very careful. Some amendments have been made, or some adjustments to the original Bill which involve for certain specified offences persons not having a right to bail for 60 days. But what the effect of those amendments - and I know we will go into the details of the amendments in Committee. But the effect of those amendments, all it says is that the persons can be brought before the Court within seven (7) days and at 14-day intervals to determine if they have been properly charged. So to see if their offences fall within the schedule or if they are, in the case where they are second offenders, if it is indeed correct that they are second offenders. But it doesn't deal with cases where their continued detention would be unjust or inappropriate.

Mr. Speaker, the Opposition supports the objective of giving necessary legislative backing to the fight against crime and violence. However, we believe that these Bills don't like us very far down that road. And, indeed, the passage of these Bills in their present form could contribute to the long-term alienation of our inner-city youth and communities from the police and the wider law enforcement community. (Applause)

Opposition MEMBERS: Hear, hear!

Mr. BUNTING: Mr. Speaker, a legislation is only a tool. And its effectiveness can be limited by the determination or the sincerity of the administration that is implementing the legislation. I was relieved to hear this afternoon the Minister of Mining say that the Government has now decided to cooperate fully with the Contractor General for the divestment...

(Inaudible comments by Mr. Robertson)

Mr. BUNTING: You didn't say it but there was a letter...

Mr. ROBERTSON: Then you can quote ...(Inaudible)

Mr. BUNTING: No, no, no!

The SPEAKER: Please.

Mr. BUNTING: But you said the Government is now going to fully cooperate.

Mr. MONTAGUE: You have a habit of judging people.

Mr. BUNTING: Did you not say the Government will fully cooperate with the Contractor General?

A MEMBER: Not fully, not fully.

Mr. BUNTING: You will only cooperate.

Mr. ROBERTSON: Can't hear you.

Mr. BUNTING: Mr. Speaker, the Contractor General circulated reams of correspondence which up to this morning suggested that the Government... In fact it had an opinion from the Attorney General or the Solicitor General's Department saying that the Contractor General did not have jurisdiction over this matter.

Mr. ROBERTSON: Two different things.

Mr. BUNTING: Now, that's a powerful Act we have, the Contractor General's Act. We have a zealous individual in the role of Contractor General. But yet we had up to this morning, the Government apparently resisting...

Mr. ROBERTSON: Apparently?

Mr. BUNTING: ...his legitimate efforts to investigate this divestment.

(Interruptions) (Inaudible)

Doesn't a letter from the Permanent Secretary represent the Government? Does a letter from the Solicitor General's Department have the authority of the Government?

The SPEAKER: Mr. Bunting, Mr. Bunting, ignore the interruptions.

Opposition MEMBER: Conflicting.

(Interruptions)

Mr. BUNTING: Mr. Speaker, it left a lot for us to speculate about. Mr. Speaker, we hope that the Government will consider our recommendations and that we can arrive at some compromise legislation. In fact, it would be best if some of these pieces we might exclude altogether. We hope that we can arrive at legislation, Mr. Speaker, which better balances the need to empower law enforcement with protecting individual rights and freedoms. We hope we will arrive at legislation which avoids taking Jamaica close to becoming a police state in which poor, mostly black young men are disproportionately affected by the exercise of these new powers of the State. We hope that we can arrive at amended legislation which takes the fight to criminals but avoids making the police into the enemy of the public.

(Applause)

And finally Mr. Speaker, I remind the Government of those, perhaps more important pieces of legislation, those necessary to establish a new police management authority, a recommendation of the Opposition which the Government accepted 18 months ago. That

process is still moving at a glacial pace.

Mr. PICKERSGILL: Like that, glacial.

Mr. BUNTING: Glacial pace through the system, even though its implementation is much more fundamental and strategically important to the fight against crime.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Thank you, Mr. Bunting. Dr. Tufton.

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

Mr. Speaker, having gone through the last three or four (4) weeks and the declaration and implementation of a State of Emergency and all the activities that followed since that time, Mr. Speaker, both covered by local and international media I think it's fair to say, Mr. Speaker, that all of us, no matter which stakeholder group we represent, are hostage to a system that from our perspective, is highly imperfect. And I think too, Mr. Speaker, that there have been manifestations of that system or the imperfections of that system over the past number of weeks, which should make us as leaders, as legislators who are charged with the responsibility of creating a society that enhances the wellbeing of its citizens, should make us frightened, should call us to action, requiring a response. The question, Mr. Speaker - which is why we are engaged in this debate - is the nature of that response and how will that response ensure that we live true to our mandate, which is to protective rights and interest of our citizens.

These Bills, Mr. Speaker, represent a response to a situation which has evolved over time and has evolved in a way that has made all of us victims. And I know that, not often do we in this Honourable House, in debating or speaking to issues relating to crime and violence speak to the fact that even as policy-makers, even as politicians, as Members of Parliament, we have become victims also.

There was a time if you study, Mr. Speaker, the history of Jamaica post-Independence, when the historians would conclude, and in some instances correctly so, that it is the politicians that have created the circumstances, the breeding ground for the emergence of geographic locations that are characterized as garrisons by providing economic empowerment to individuals who emerge as controllers of a system or a process and in exchange giving support to the political personalities who have facilitated that economic power base.

That may have been true once upon a time, but I daresay, Mr. Speaker, that today, as politicians, as policymakers we are now faced with a process and we should admit and accept it, where those persons who have emerged and have controlled the informal system and have compromised to a large extent the legitimacy of this state by replacing the State with their own system of justice, have now become more powerful...

A MEMBER: Yes.

Dr. TUFTON: …than the politicians and the policymakers. That represents, Mr. Speaker - and 1 think in debating this Bill, we should accept it, we should admit to it. Not many of us are willing to, but it is a fact it represents - should represent Mr. Speaker, a serious threat to the democracy and the role of the State as we should want it to be. We are at a point, at a crossroads where all of us are potential victims, all of us are being held hostage to this process, maybe we help to create it, but the truth is we no longer have

control over it. And that process, that system requires a response if the State is to regain its legitimacy and the citizenry can be assured of their rights which they should all be entitled to no matter where they reside. This is not the case now.

We have seen, Mr. Speaker, as a country, the decline of our society in all spheres based on the impact of crime and violence in our country. Study after study has shown that the situation is getting progressively worse. If you visit the World Bank website and look at studies that rank the crime rate index over the last 30/35 years, it shows how violent crime has evolved within the Jamaican society, and each year it gets worse rather than better no matter what the response.

If you look in the area of business, Mr. Speaker, the Business Victimization Survey, done a few years ago, again by the World Bank, 400 businesses interviewed, well over 65% saying that they have been affected on at last one occasion, in many instances more, by incidents of crime and violence, whether it is fraud, robbery or other serious crimes.

Not only has the incidents increased in numbers, Mr. Speaker, but in terms of the nature of the offence, the extent of the deviant behaviour it has gotten progressively worse. The use of technology, not used only by law-abiding citizens to make life better, but by deviants in our society in practising their particular illicit trade. The question therefore, Mr. Speaker, is how does the State respond to this very clear and present danger?

Now it has to be done in a manner, Mr. Speaker, and I think we are all in agreement, 1 don't think we need to debate the fact that it has to be done in a way that ensures that the rights of all individuals are protected, are preserved. It has to be done in a way to allow all stakeholders to have a voice, because we live in a democracy, whether it is the human rights stakeholder groups or it is the constabulary charged with the responsibility of enforcing the laws. That is understandable. But what should also be understandable, Mr. Speaker is that, the response has to be developed based on the context in which we exist today.

And so my brief contribution, Mr. Speaker, begins with the Jamaican Constitution and I refer here to Section 20, which speaks to the provisions to secure the protection of law in our country.

This section of the Jamaica Constitution, Mr. Speaker, speaks to the need to provide for our citizenry, suspected of deviant behavior, a fair hearing, within reasonable time, by an independent and fair legal court, and that is acceptable and that is something we should seek to promote and to support. But I would like to draw attention, Mr. Speaker, to the issue of reasonable time, because the debate that has taken place so far is centered around the rights of individuals as it relates to the time that is allowed for incarceration, for trial and for punishment to a large extent. These Bills, Mr. Speaker, provide the State with added power to restrict the rights of individuals, depending on an assessment of whether or not these individuals are a threat to community and to society.

And the Jamaica Constitution, while supporting the rights of our citizenry to a fair hearing and a fair trial, allows, allows for some flexibility as it relates to the reasonableness of time that is allowed to

protect the rights of the citizenry generally, in carrying out the enforcement of the laws of the land.

(The Speaker left the Chair at approximately 5:20 p.m. The Deputy Speaker presides.)

And I think that's an important area to focus on, Madam Speaker.

The fact is, Madam Speaker that these Bills, these amendments seek to adjust the time period in order to allow for the State's actions to respond to the context in which we find ourselves today as a country in responding to these violent crimes that have emerged.

Madam Speaker, the question is, what is reasonable, what is reasonable time in order to allow for the State to carry out its duties to determine whether someone is a threat to society?

When one is detained without charge, is 24-hours sufficient to determine whether or not a charge should be laid? As it stands now the law is suggesting, yes. The amendment is suggesting, Madam Speaker, that 72-hours is more appropriate. And I think one of the things that we need to examine in determining whether or not the adjustment should be made from 24 to 72, is the nature of the crimes that we are currently confronting today when compared to crimes that we have had to confront five, ten, fifteen years ago.

Madam Speaker, the fact of the matter is that we are dealing with a threat to all of us, all of us as I said earlier, all of us are victims, that is no longer local in nature, does not anymore depend or cannot anymore defend on eye witnesses, it is a transnational threat, a deviant activity that takes place, Madam Speaker, in London or in Birmingham or somewhere in North America, can immediately, immediately make victims of related or associated individuals, law-abiding in some cases, who are positioned at that point in time in Jamaica. And there are many examples of that. I know of a case, Madam Speaker, where two Jamaican women, acting as drug mules were caught - well one of the two caught in London at London Heathrow and the authorities there question the individual, who provided information on the other deviant, who was at the time on her way out of the airport. That information led to the arrest of the second individual. Information within a short period of time, Madam Speaker, went back to Jamaica in a particular community to the drug lord of the information that was given by the person who was caught first, and within a relatively short period of time, Madam Speaker, it led to the murder of that individual's boyfriend and child.

Crime committed and attempts to solve that challenge all the way in the UK but affecting people in a local community here in Jamaica. And so because of the nature of the deviant behaviour that we have today, because of its use of technology which allows communication to take place in relatively short time, Madam Speaker, the response that has to be generated in dealing with that requires sufficient time in order to secure the victim or to take action against the aggressor. Twenty-four hours is not enough. If you look at the issue of eyewitnesses, for example, Madam Speaker, eyewitnesses are today a rare commodity, again, became they are afraid of victimization; and so the justice system, the enforcers of the law have to now depend to a large extent on forensic evidence, DNA, ballistics, they have to depend on supporting

information from agencies that they collaborate with, located in jursidictions well beyond their borders.

There is a time period, Madam Speaker, that is necessary in order to gather that information in order to make a charge. And so when the argument is advanced that given the transnational nature of crime and violence in our country today, we may have a suspicion or the security forces that this person is involved but they require some time to support that suspicion. Given the context of where we are and the nature of the crime, Madam Speaker, I think it is justifiable to allow for that additional time.

Now, I note before actually charging that individual it's 24 to 72 hours. Madam Speaker, I note the concern raised that the security forces are going to be more empowered to determine who is to be charged or not to be charged, they will have more time and that time may lead to an abuse of their powers and I want to respond to that because I don't necessarily accept that. It is true that the security forces will be more empowered. The question is whether or not that extended period is necessary in order for them to carry out their duties depending on what is the current context of the transnational nature of crime.

However, what my colleagues to my opposite have failed to mention, Madam Speaker, that in terms of the Constabulary Force Act the security forces must depend on a judicial process involving a Justice of the Peace in making a determination as to whether or not the reasons advanced for someone to be held for a period not exceeding 72 hours whether or not that individual can in fact be held. It is very clearly stated here.

Section 6 of the amendment to 50F of the Constabulary Force Act - section 5,

> "that where a Justice of the Peace makes an order pursuant to subsection (3) in respect of any person so arrested or detained, the person shall be taken to the station lock-up without delay".

Section 6,

> "where a Justice of the Peace is not satisfied that the arrest or detention of any person is reasonably required in the interest of justice he shall order that person be released forthwith".

The point is, Madam Speaker, that there is a process. Now the question is whether or not this Honourable House is challenging the judgment and the ability of someone appointed as a Justice of the Peace to listen to a reason being advanced by the security forces and allowing that reason to make a determination, in their judgment, as to whether or not that person should be detained for up to 72 hours without charge. I put it to this Honourable House again, that given the nature of where we are today, a detention of up to 72 hours, while it is true that it may deprive or would deprive someone, it is likely to deprive someone who is identified but not guilty of their civil liberties for that period of time is perhaps a small price to pay, Madam Speaker, because the alternative could be a deviant not being incarcerated which could lead to a much more severe offence and a threat to society.

And so, Madam Speaker, the same argument could be advanced, I believe for the other bills which speaks to detention for up to 60 days, the same argument, Madam Speaker could be advanced for the need to exercise less discretion, because again there is evidence to

support a use of that discretion within the Courts which has led to more serious crimes being created. I know of a case, for example, where one individual had multiple warrants out for gun charges, having brought to the Courts they were given - that individual was given a suspended sentence and that person eventually went on to commit a very serious gun-related crime. Those cases exist and the question that this House needs to ask itself, in attempting to secure the civil liberties of all of us as citizens of this country, is there a margin of error that we are prepared to allow for in order to ensure that the greater good of the society, given the existing context that we are forced to confront and must respond to is addressed in an attempt to restore our country to one that is not known as a country characterized by serious crimes and deviant behaviour.

My contribution, Madam Speaker, therefore is to take our cue from the Jamaica Constitution. It does allow for flexibility, it does allow for adjustment. It allows us as legislators to determine what is reasonable. And the point that must be made, Madam Speaker, is that what may have been reasonable five or ten years ago is clearly not the case today because all the evidence suggests that we are existing in a society today that is a lot more violent than the society that we existed in some ten, 15 or 20 years ago.

I ask the Members, Madam Speaker, of this Honourable House to factor that in the discussion, in the discourse, in the debate as we seek to support these amendments in the support of the fight against crime and violence.

Thank you very much.

(Applause)

Rev. THWAITES: Madam Speaker, 1 think it's appropriate and I consider it an honour to follow the contribution of the Member for South St. Elizabeth and I wish to take his challenge in respect of the balancing of rights and responsibilities in our Constitution and to acknowledge that the society is in fact caught on the horns of dilemma where it is absolutely necessary for us to take required measures, legitimate measures to suppress crime while at the same time preserving the rights of every individual under law.

There is, with great respect to the Member for South West St. Elizabeth, an element of his argument that I do not think he has taken into account. No one is suggesting that there may not be the necessity at certain times for an elapse of time to pass while certain investigations take place, but there is a central principle of law. In Latin it is *Nemo index in causa sua*, nobody must be a judge in their own cause. And in effect that is what these pieces of legislation do for the police force and places them in an invidious position.

The central argument that I wish to raise in support of my - or in explanation in my inability to support these proposed Bills is in fact that what they do is to place a responsibility and an onus on the police force which ought not properly to reside with them but ought to reside with the judiciary and which have historically done so without mischief and in fact to our great advantage. To allege that the judiciary is somehow soft on sentencing or soft on bail is to quite ignore their existing and longstanding practice.

Madam Speaker, you will know, and 1 take a Jeffersonian point of view, the liberty of the subject is the first principle of the law and

the inherent rights that have been won for the individual from **Magna Carta** through to the American Bill of Rights, through to the French Revolution before that, through to Chapter Three of our Constitution - and whenever, Madam Speaker, we do get around to the Charter of Rights to make it law - is not a grant of the State to the individual, it is an inherent right that inures to our dignity, our creation as a human person in the image and likeness of God. And when we invoke, as these proposed pieces of legislation do, that the State has a right to abrogate such rights, such liberties so wrought by the blood of our forefathers then it must be done extremely cautiously with great limitations and only in circumstances where the efficiency of the measures can be assured.

And I would like to appeal to the same spirit of reasonableness with which the previous Member spoke and l would plead the support of other colleagues who, like your good self Madam Speaker, have experience in the Criminal Justice system, to know that some of these measures are not likely to be effective at all and are a needless sacrifice, another further act that place us in the hostage of that imperfect system that the Member spoke about. (Applause)

There are so many instances of this that one could adduce.

Madam Speaker, it is an affront to the dignity and impartiality of our judiciary to hamper them with mandatory sentences. We have been this way before to our disgrace and to our disuse. A mistake was made in previous times. How many of us, Madam Speaker, cut our eye teeth, cut our eye teeth in the legal profession when the penalty, the mandatory minimum penalty for possession of ganja was 18 months and all of the other instances of more serious crimes when it was such?

And our superior Courts have been helpful over the time in ensuring and guiding s not to be soft on crime but rather to do those things that are the appropriate surcease of crime and criminal conditions rather than thinking that this kind of minimum sentencing will somehow have an effect, have the required effect upon the criminal subculture.

Rev. THWAITES: Anyone who understands, who has an inkling of the reasons for crime in the society, would be more easily persuaded. In fact, those of us who have the experience of the Gun Court in its early stages know that minimum sentences inhibit convictions - inhibit convictions. Judges, and where there are juries, are very very careful and don't want to err on the side of acquittals because they feel constrained by the lack of flexibility, the same virtue of flexibility that the Member spoke so well about, in respect of sentencing.

When it comes to witnesses, the situation is exactly the same, Madam Speaker. The witness who knows that his testimony and all that is connected with the return to that community *et cetera*, is constrained in this way is far less likely to cooperate. And I am obliged to repeat and question again, with all due respected the Honourable Prime Minister, as to the contradiction of spirit between minimum sentences in the ways that are posited by these Bills before us now, and the very enlightened and important regulations of plea bargaining which we have just passed They don't fit, Madam Speaker, they just don't. (Applause)

A MEMBER: What's the suggestion?

Rev. THWAITES: I'm coming to that, I will I will, yes.

The same is true in respect of the limitation of the provisions, or the period before which convicted persons can be considered for parole. The purpose of the custodial system is to provide the circumstances and the regimen for rehabilitation. There is absolutely no reason for, and no premium upon rehabilitation, if in fact the hope of release is not something that you yourself can in any proximate time, you the offender can in approximate time, affect.

And once again, it is a contempt of a different sort upon those persons who preside over the parole system, and who adjudge the progress of all individual, his or her redemption, a most important factor of any civilized society. And if the notion is that somehow, that by circumscribing the single way that these Bills purport to do, that we are going to send some electric current of fear into those who are likely perpetrators of crime, all of our recent and indeed, the history of other nations tell us, that this is unlikely to be true.

May I recommend, Madam Speaker, that some people read again, the Elsa Goevia's Treatise on the Slave Laws of the Eastern Caribbean and the philosophy of law that was behind them. Regretfully, the conditions of the 17th and 18th Century, the thinking is too easily the reflex reaction of those of us who are faced with the intractable problems of crime. What is being proposed is unlikely to work.

Madam Speaker, come with me to the guardroom of any major police station in the country, or do jail delivery in any of the lockups of this country and tell me how many people are held there for periods less than 72 hours before being charged, Madam Speaker. You couldn't count.

The fact of the matter is, I wonder if the Member from St. Elizabeth, fully understands the extent to which the constitutional liberties and the provisions of the law that he speaks of, are honoured in the breach already, and what we are seeking to do is to institutionalize this? (Applause)

This provision which he helpfully quotes about the responsibility of Justices of the Peace, Madam Speaker, when last have you, or 1, or many other people seen that take place and seen it work as it ought where indeed, a Justice of the Peace has the strength and indeed is given the onus to go in and he determines whether or not there is a sufficient cause for detention?

What we are legitimizing here in one of the pieces of legislation that we are being asked to support, is a situation where three days will pass, 72 hours where there'll be period before then and then the possibility of 60 days. And when you go before the Court after the seven (7) days and the 14 days and you're not yet charged, on what basis will any Judge give you bail, even if you discharge, even if you discharge an onus of proof which should never be on you in the first instance?

But in practicality, Madam Speaker, if you go before Judge on any charge such as those serious offences which are set out in the Schedule, ask any attorney and he will tell you, you have to prove your stability for bail. It isn't the right that in the formal sense and the classical sense and maybe in the Bail Act of 2000, it was considered. We are likely to attack a grave mischief in our society by in fact creating a greater mischief if we go this way.

Madam Speaker, I am asked correctly, what it is that one would suggest. If in fact the provisions of the Justice Reform Commission were to be fully engaged, if in fact we would refresh our memories as to the correct recommendations, the affordable recommendations of the Wolfe Commission, of the PERF Commission, of the MacMillan Commission all of those studies on crime, we would be in a much better position to deal with the exigencies of the moment. There are some good things in each one of them.

What we cannot afford to do is to take a shortcut and believe that somehow that these measures are going to have the desired effect. I suggest that they will not. Many of them are open to challenge in Court, many of them as other speakers have pointed out, they're open to challenge in Court. I could spend some time going into the Khoyratty case from New Zealand, on the bail issue. It is highly suggested by the Privy Council, still our final Court, that such attempts to remove from the jurisdiction of the court the question of bail will be struck down. I wonder if the legal officers - I have no knowledge - but I wonder if the legal officers and the Parliamentarians here have fully taken into account, the existing jurisprudence on the very points that are covered in this legislation?

Madam Speaker, what we need to do is to make sure that we have a justice system which can dispense proper, lawful decisions in the shortest possible time. What we need is more Resident Magistrates and better trained Justices of the Peace, before whom persons who are detained, and persons who are charged are brought against whom allegations are made. Not under the net-fishing system that the Member for Central Manchester spoke of, but rather with specific allegation, or a timeframe in which chargeable offences are going to be placed against that person. So that indeed the fight against crime may continue as at the same time and with no contradiction, the liberty of the subject may be preserved. That is the way to go.

Madam Speaker, other speakers notably the Member for South West St. Andrew has raised the question of unattached youths who are the main victims, as well as the perpetrators of crime. Madam Speaker, once again I raised before this Honourable House, that at least as a companion measure to any strictures of personal liberty, there ought to be a system of mandatory national youth service where the training and the re-socialization of our young people takes place, otherwise they are canon product. (Applause)

Madam Speaker, we must be careful in our polity, in our feverish state regarding crime, not to repose trust and more power in the hands of those who do not enjoy the confidence in the people. I have here a recent - the month of May - a survey report done by the most reputable Jamaican pollster, and it is with some sense of shame that I share with the Parliament the results. Because when asked about confidence and the degree of trust reposed in various people, the policemen and policewomen in this random survey earned a 66% level of distrust. Exceeded, Madam Speaker, my shame increases only by people's distrust of politicians which ranked to 90%.

Now, in these circumstances, we do not need to go where we are essaying to go. The existing legal measures, if properly administered, provide the police with the necessary period of time in order to be able to carry out their duty. It was instructed to me

that in introducing these Bills, the Prime Minister said that they were requested by the security forces. In fact I sat in the Select Committee and heard the police indicate that this was of their list. What about the remainder of the society, Madam Speaker? What about others who have equally, the concern for peacefulness and for law abiding behaviour to be observed?

Madam Speaker, at the very least more time is needed for us to refine these measures and their companions. By themselves they're bald and likely to be ineffective.

At worst, they represent a further incursion to the constitutional and indeed the divine rights of all of our people without the proper safeguards. I repeat again, the safeguard is to bring a person against whom you have some charge or some suspicion, bring them before a competent authority. The police who bring them in, or the superintendent of those police cannot be the competent authority. We have a judicial system, we respect it constitutionally and its separation, do not let us do anything in contempt of that, do not let us in any way, erode that separation of powers to which we on all sides, are committed.

May it please you. (Applause)

Mr. MULLINGS: Thank you, Madam Speaker.

Madam Speaker, many times we are called upon to look at issues in this Parliament, hopefully that is passionately as possible with logic, with justice, with fairness. And if there's an **achilles heel**, that **achilles heel** is public opinion, because sometimes we may feel that if public opinion is going one way, we dare not go counter to it. But then if we were to do that, we would suppress thought, diligence and indeed sacrifice all that is required of us as legislators, in order to find ourselves in good favour.

Madam Speaker, many times laws are passed the heat of circumstances; that's the worst time to do it. Because, Madam Speaker, what you find, is that even as these crime Bills are being put forward as the necessary fight against crime, how many of those who are championing this cause have read them and are aware of the perilous pitfalls which are there? (Applause)

Madam Speaker, I must join with the Member from Central Kingston, and the difficulty, Madam Speaker, is this, that the objection could very well be dismissed, because it's coming from the lawyers. I believe that if the lawyers are saying it, the lawyers are the ones who are causing the problem.

But, Madam Speaker, let us look at the history. In time gone by, maybe 34, 36 years ago crime gun crime loom large and legislation was passed to deal with this monster - as we popularly call it - of crime. But have we succeeded? No, we have not. So there we now repeat the same kind of trend, or approach in dealing with crime.

Madam Speaker, how many of us in this country know that someone can be found guilty of illegal possession of a firearm on a mere description of a firearm? How many people know that borne out of mischief sometimes, when someone wants to get rid of an unlikely or undesired paramour, puts forward a case describing a firearm, and resting that description on seeing a policeman having a firearm, therefore buttressing that description? So what do we say? A minimum sentence of fifteen (15) years? Does that not cause grave problems, perilous pitfalls?

Madam Speaker, not many people are aware that if you are the legal holder of a firearm - and the Member from St. Elizabeth last week raised it in a few sentences, but it is a germane and very pertinent enquiry that was put on the table. A person can be the legal holder of a firearm, an allegation of an assault being done with that firearm, and the person, by virtue of judicial reasoning, is held to be in illegal possession of a firearm. So how many, how many persons who are anxious for the rapid passage of these Crime Bills are aware of that pitfall?

(Opposition Members applaud)

You see, Madam Speaker, jurisprudence honed over many years takes account of the separation of powers. A Parliament, in its wisdom, may pass a law to effect a policy. A Judge sees a person before him and can assess on what side or how heavy is the policy in relation to that particular case.

Madam Speaker, you know, being a member of the Bar that many persons are in custody say, for two weeks. And when you complain to the Judge - you have a *habeas corpus* application - the Judge is told by the police officer they are going to hold an I.D. parade, but they can't find the witnesses, and they are taking their own sweet time.

Mr. PICKERSGILL: Sixty days gone!

Mr. MULLINGS: Indeed!

And so, Madam Speaker, let us be criticized, therefore, let us be criticized for holding up the Crime Bills, because that criticism is unfounded. Let us be criticized for seeking to be an obstacle to fighting crime. But that is for the unthinking...

(*Sotto voce* comment from Opposition Member)

I don't care about Opposition or Government here, we are legislators looking at the rights of the people.

(Applause)

Opposition MEMBER: Tell them, Clive, tell them! That's why them soon cite you.

Mr. MULLINGS: And we have to ensure - because you know, Madam Speaker...

(*Sotto voce* comments)

Mr. MULLINGS: ….Madam Speaker, Madam Speaker, we have just put on the Table the regulations for the plea bargaining, and the Member from Central Manchester, who is being rather difficult, but nonetheless has made a very germane point. How can you speak of plea bargaining and there is a minimum? What are you going to bargain with? And so we have to understand - we ought, I believe, Madam Speaker, Members of this House, to just look logically at what we have on the Table. Because you don't on the one hand, in striving at getting at this evil, trip ourselves up.

Madam Speaker, I am fairly certain, I am fairly certain that those looking on in the wider society, civil society, will be rather unhappy with the stance that has been taken by several Members. So be it. But let us not be those who would pass bad law, deem it expedient so to do in the heat of what we face, and then not even have the excuse of saying that history did not indicate what happened before.

(Opposition Members applaud)

So let us - Madam Speaker, Madam Speaker, let us be very careful now.

Mr. MONTAGUE: Let us not rush to do that.

Mr. MULLINGS: This issue of minimum sentencing and what can happen in the circumstances that we have, the issue of having the sixty days - because you know, Madam Speaker - and I know you are aware of it - years ago - I am not sure if they are doing it now - the Judge would normally go on remand. In other words, the Judge would go down to the jail and ask why are you here. And the objective of that was to prevent the police locking up somebody, not carrying them to Court, they had to languish. These are the realties.

I believe that there is some merit but we must go cautiously. Take account of the realities of the separation of powers, look at the DNA Legislation, these are the things we ought to do. Let us not do the same thing over and over and expect - dare I say it - a different result.

Thank you, Madam Speaker.

(Opposition Members applaud)

Dr. GUY: Madam Speaker, I wish to make a small contribution to this current debate. And 1, at the outset, would like to indicate that all well-thinking Jamaicans would like to see the back of criminality and violence in this country. Indeed, Madam Speaker, we need to take back Jamaica from where it is right now.

I am happy I am afforded the privilege to speak after the last two speakers, because I too am of the view that all six (6) Bills that are before us, in some way and in some measure are draconian, and they are trampling on the civil liberties of our citizens and our individuals in this country.

(The Speaker resumes the Chair at 6:02 p.m.)

And I think too, Madam Speaker - or Mr. Speaker, that we need also - as the Member from St. James said - recognize that even though Parliament is supreme, there is separation of power between the Parliament, the Legislature and the Executive.

(*Sotto voce* comment from Opposition Member)

Sorry, the Legislature, the Executive and the Court, thank you.

But I see, Mr. Speaker, if we are intent on passing these Bills we run the risk of breeding a culture of young Jamaicans who feel increasingly oppressed by the State, which would lead to an increase in criminality, so we will be in a process of being unable to break the vicious cycle of crime and violence.

It is my view, Mr. Speaker, that no new significant laws are needed. What we need is more enforcement, and the tools to make the enforcement properly. (Applause)

And as a consequence of that, Mr. Speaker, one of the measures that should be addressed is the beefing up of the police force. I am told, Mr. Speaker, that the quality of the cases that come before the Court, in most cases cannot satisfy the burden and standard of proof, and as a consequence, those who are brought before the Court are released.

I am also told, Mr. Speaker, that when the cases are brought before the Court there are too many gaps, and so the Court has no recourse but to throw them out. Indeed, many might be guilty, but based on what is presented at Court, the situation is that many are thrown out.

You see, Mr. Speaker, the police force needs to do real investigations. They do not need new tools to oppress and to have the

society in a constant state of cowering. And also, at the same time that we are asking the police force to be better equipped, the Courts need to be better equipped and staffed.

The Member from Central Kingston made the point about the Justice Reform Programme that needs to be accelerated. We have an over-burdened system, Mr. Speaker. And there is a bowing perception in our country that there are two types of justice, one for Uptown and one for Downtown. (Applause) When that happens, Mr. Speaker, it shakes the foundation of trust and confidence in an institution that is the judiciary.

In relation to the Bills, Mr. Speaker, I have a few concerns. And one is "AN ACT to Amend the Bail Act" and the other piece, "AN ACT to Make interim provisions in relation to the grant of bail in specified circumstances".

The Member from St. James mentioned the fact that persons who discharge a firearm may be affected by this piece of legislation. And I want to go one bit farther. All licensed firearm holders in this country can be affected by this piece of legislation. Because in circumstances where you discharge your firearm, you may be charged for murder, and you may have a legitimate defence which could lead to an acquittal. But then you are detained for sixty (60) days before you may be eligible for bail.

It is my view, Mr. Speaker, that we need to have the institution of the Courts determine whether an individual needs to be bailed. Because all offenses, all offenders are not created equally, so why do we need to have everybody sitting and languishing for sixty (60) days before they can be eligible for bail. Why is it if you are charged for murder, you have to remain for sixty (60) days before you….

(*Sotto voce* comment from a Member) Murder is one of those.

Further, Mr. Speaker, if we are to look at section in the - that particular Bill, section 3(b), a person is to be brought before the Court for the question of application of section 3(a), for that person to be reviewed by the Court.

You are telling me, Mr. Speaker, that that particular individual is to be brought before the Court eight times before that sixty-day has expired. Already we have a congested legal - judicial system; we are going to be subjecting the Courts to that further burden that they have to be - in determining whether that person should be - the question of application of section 3 to be reviewed by the Court. We are just congesting the system some more, Mr. Speaker.

Mr. Speaker, I have a particular concern about section 3(a)(3) - subsection (3). And I have a view that you may have a person who is detained, not charged, but the potential exists, Mr. Speaker, for that person to be detained for sixty (60) days, and then at the end of it he is brought before the Court or a Justice of the Peace, and he is not charged, but then it is at that point that he is released.

This particular legislation, to my mind, Mr. Speaker, gives the police force the ability to round up and to keep people locked away - whether they are charged or not - for an extended period of time.

(*Sotto voce* comments)

I said it gives the ability.

(*Sotto voce* comments from Mr. E. Smith)

Dr. GUY: Secondly, Mr. Speaker, AN

ACT to further Amend the Firearms Act, this particular minimum sentence, Mr. Speaker, takes away from the Court the discretion. The Court has the ability to determine all the circumstances which resulted in the commission of this particular offense. Why is it therefore that we are telling the Court that there is a minimum of 15 years that, that individual ought to be given? And it brings another question to my mind, Mr. Speaker, and probably it will be addressed later on. Does that mean therefore that the practice that certain Judges have in giving a fine for possession of firearm offences will no longer be allowed? Is it too that in certain cases that where certain gun-related matters are brought before the Resident Magistrate where the fines are less, the period of incarceration is less, is it that there is a loophole being created in that particular piece of legislation? Because all this speaks to, Mr. Speaker, is 15 years and if you look at all the subsections that are to be amended, the 15 years relate to what happens at the Circuit Court. So those are some of the questions I want to ask in relation to that Mr. Speaker.

And finally, Mr. Speaker, this one relates to the Constabulary Force (Amendment) Act.

Mr. MONTAGUE: Good point!

Dr. GUY: I wonder, Mr. Speaker, whether we are creating a police State. Are we telling our people that even though this particular piece of legislation has a sunset clause in it, Mr. Speaker, we know that there are certain elements in the police force who are not above the law, they act in a way that is inimical to the Constabulary Force Act. It is a way of ensuring that some of these rogue policemen have powers to intimidate and also to oppress people in the society. So I have concerns about that as well, Mr. Speaker.

And there is one administrative concern I have and that is as it relates to 50F, section 3, 50F:

> "Unless a Divisional Commander or a member of the Force not below the rank of Assistant Commissioner is"

et cetera et cetera.

With how the police force is structured, Mr. Speaker, and I raised question with the CPC, a Divisional Commander in most cases is a Superintendent of Police and there are some who are Senior Superintendents of Police. Am I to understand from this, therefore, that a Superintendent of Police, who is a Divisional Commander but a Senior Superintendent who is below the rank of Assistant Commissioner who works in an area, will not have the same power as a Superintendent of Police who is a Divisional Commander? Because you have a Superintendent who might be a Divisional Commander, a Senior Superintendent who is not a Divisional Commander, an Assistant Commissioner of Police in charge of an area, this piece of legislation is saying that where the security forces are carrying out any operation in a particular locality in relation to which action is taken under section 50B,

> "No person shall be arrested or detained under the powers given by this part unless a Divisional Commander or a member of the force not below the rank of Assistant Commissioner, is satisfied"

et cetera, et cetera. So to my mind unless that can be clarified, it spells for some administrative disorder where that is concerned, Mr. Speaker.

Mr. Speaker, I just want to say that we

ought to be very, very careful about supporting the entire Bills as they are presented because indeed what we may do is to get short-term gains but in the long term we create a society which is worse off than we are now.

Thank you, Mr. Speaker. (Applause)

The SPEAKER: Thank you, Dr. Guy. Dr. Rhodd.

Dr. RHODD: Mr. Speaker, as I rise to make my contribution to this debate I would like to acknowledge the graciousness and love of God in enabling us to traverse these challenging and perilous times. The Psalmist, Mr. Speaker, in 46 and verses 1 and 2 says:

> "God is our refuge and strength, a very present help in trouble. Therefore we shall not fear, though the earth be removed, and though the mountains be carried into the midst of the sea". (Applause)

I too, Mr. Speaker, have some reservations about these Bills that have been put before us. And the Members on this side have spoken eloquently about many of these reservations. I therefore give qualified support, qualified support to these Bills with a number of reservations as has been expressed by our Opposition Leader, the Opposition spokesman on National Security and all the speakers on this side. As has been said before the Bills are not a panacea. They are not a panacea for combating the monster and cancer which we know crime and violence to be.

But in giving qualified support to the Bills, Mr. Speaker, we need to recognize that we need to send a very serious signal to the criminal underworld that Jamaicans are sick and tired, fed up of what is happening around us, sick and tired of being held hostage by a minority of lawless men and women. And therefore as we debate these Bills we must find some common ground somewhere where we can make the society know and make the criminals, in particular, know that we are very, very uncomfortable, feel strongly about some of their heartless actions, the murdering of children, the disabled, the elderly, in the very savaged forms at times. We need to find some common ground somewhere in this debate in sending that signal to the criminals that we are fed up with the state of affairs.

These Bills, Mr. Speaker, are only a part of the artillery needed to fight organized crime and the criminals. Much more is needed. We need more urgently to provide the police with the resources they require, to acquire the technological tools which will make their jobs more efficient and results-driven.

And over the years, in particular the past three years, I have spoken about the use of electronic monitoring, for example, to track and monitor parolees, persons on bail, rapists, persons who had curfew orders and others. Note, Mr. Speaker, that it costs, if you do a cost-benefit analysis it costs US$26 approximately to keep one prisoner locked up. It cost US$16.

Mr. PICKERSGILL: For how long?

Dr. RHODD: Per day. I am talking about per day, the daily rate and in comparison $10 less, US$10, to implement this technological tool. And we know how clogged up, how overpopulated our prisons are.

Mr. PICKERSGILL: You not talking about the chip?

Dr. RHODD: No, I am not talking about the chip. We also need to equip our police

with something which almost every child in some developing countries have, a laptop computer, that they on the job, when they encounter a suspect, they can easily retrieve data...

Mr. PICKERSGILL: Correct, correct, evidence based, scientific evidence

Dr. RHODD: ...in addressing or trying to determine if this person should be charged. Let us also, Mr. Speaker, expand the training, counselling, the production programmes and the recreational programmes in our prisons. Too many persons who go into prison are coming out worse instead of better and, therefore, we need to do something about our correctional institutions. And I suggest to the Government, as someone who had responsibility at one time for these programmes, the COSPROD Programme should be expanded, where prisoners get an opportunity to work and earn and produce a lot of things which we need if this country, furniture, food, uniforms, for example.

Let us invest some more money to strengthen the training programmes of our investigators and the persons who are assigned the responsibility, or preparing cases for trial. We have heard many stories about how this sect the justice system. Let us create a special team to clear up the backlog of thousands of cues which have clogged the justice system. This team should consist of trained investigators, representatives from the Director of Public Prosecutions' office, which will involve the hiring of more prosecutors and more personnel. The extension of the opening hours of some of our Courts as well as more Night Courts for petty offences; recall if necessary and rehire retired Judges and Magistrates because we have a crisis, we need more personnel.

Strengthen the Legal Aid Department to provide counsel for those who cannot afford the same. We all know that the majority of persons who are in our lock-ups, who are in our prisons have a certain skin hue and from a certain socioeconomic class. We need to ensure that justice, there is some balance in justice; insist that some members of the Private Bar, and I said some members of the Private Bar because there are cases, there are anecdotal stories that persons in the Private Bar from time to time do not attend courts regularly and they ask….

Mr. E. SMITH: Where you get that?

Mr. RHODD: I have lawyers who are my friends, a lot of family members who are lawyers.

Mr. PICKERSGILL: Ernie, you do it?

Mr. JACKSON: Don't answer him.

Dr. RHODD: Some don't attend court regularly enough, some repeatedly ask for postponement of cases and we know the result and tragedy.

Mr. PICKERSGILL: Because they are not properly (provoked).

Dr. RHODD: Sometimes it makes witnesses vulnerable. Witnesses do not come forward, they feel intimidated and sometimes they are even murdered.

Mr. Speaker, the measures which I have proposed will be costly but so has been the incursion in West Kingston over the past couple of weeks.

Mr. PICKERSGILL: Yes!

Dr. RHODD: So therefore we need to make up our mind and find the money to fix the justice system. The price of justice does

not come cheap. This Parliament and Administration must find ways to fix thejustice system. Justice delayed to the extent that it is often denied, and this occurs too often in Jamaica, is a travesty.

And I think it makes a mockery of one of the tenets of our national anthem which says *Justice, truth be ours forever*. We need to deal with this question of justice in a more emphatic, in a more comprehensive way.

Mr. Speaker, I would now like to make a few comments about the Bill in particular. l have listened to, and read several opinions relating to the Bills, more specifically, those relating to the Bail Acts; the amendment to the Bail Act and AN ACT to make interim provisions in relation to the granting of bail in specific circumstances.

I would like to state that I respect the opinions put forward by the many individuals who have raised concerns - some of them are here sitting in the Gallery - concerns about human rights abuses, committed in the past by members of our security forces, as well as the prolonged period spent by individuals in lock-ups, either due to deliberate actions or genuine error by personnel who work in the justice system.

All the arguments put forward, Mr. Speaker, warrant our careful examination and reflection, particularly in a democratic society. Our democratic society, however, has gone mad in certain respect. We seem to be at war, if we are not at war. More murders are being committed here than the deaths that occur in certain war-torn countries, such as Afghanistan and Iraq. We must therefore, strike, Mr. Speaker, a realistic balance. A realistic balance between the human rights of the more than two million citizens who are affected by what is happening, and those of the over 4,000 criminals that these Bills seek to deal with.

The amendment to the Bills must therefore be put into context and must be accompanied by other measures, some of which I have already mentioned and some of which I will speak about shortly. In considering the Bail Act, for example, the Court must take into account the nature of the offence committed and whether the offences in themselves are grave enough to require a custodial sentence on conviction.

And I submit that where there is convincing evidence, not flimsy evidence, not allegations, but convincing cogent evidence, bail should not, as a rule, be granted in serious cases such as murder, manslaughter - except motor vehicle manslaughter - treason, rape, where a weapon is used, burglary, arson, kidnapping, extortion, and all other offences committed with the use of a firearm - illegal possession of a firearm, illegal possession of ammunition, illegal possession of explosives, unlawful possession of cocaine where the evidence is cogent, Mr. Speaker, not flimsy, not allegations but the evidence is cogent, clear, logical.

A MEMBER: True.

Dr. RHODD: Only in exceptional cases, and where the evidence is not cogent, not clear, not logical, and there is no likelihood of any further evidence being adduced for the time being in support of the charges, should the Judge be allowed to exercise his or her discretion in granting bail.

Bail ought not to be granted where an offender has previous convictions, where an

offender, whilst on bail for an indictable or serious offence, commits another indictable or serious offence, to defendants with no fixed address - and we heard about the recent celebrated case...

Mr. HENRY: Forty per cent of the population...

Dr. RHODD: ...or to those who have escaped custody.

Mr. Speaker, however, the discretion of the Court or Judge must be preserved - and I submit, must be preserved - especially in cases where the offences committed would not warrant a custodial sentence. Such can be considered the minimest. For example, where a person with no previous conviction is found with one round of firearm - and we heard about the elderly man recently in Western Kingston - a small quantity of ganja or cocaine, and executors, for example, of a personal representatives of a deceased person who have come into possession of a firearm left by this deceased person - deceased person... and it has not been...

Mr. PICKERSGILL: Not diseased.

Dr. RHODD: ....Deceased.... not diseased person, deceased... and this firearm has not been handed over in a reasonable time, Mr. Speaker, to the authorities. So, we have that discretion in these circumstances. We should have a discretion, the Court, the Judge.

Mr. Speaker, we must recognize that the aim of the Bill, to some extent, is to fetter in some way, the absolute discretion of the Judge, in order to give the police reasonable time and sufficient time to complete their investigations in serious cases. And I have already spoken about the need to strengthen the investigative capacity of the police, and we need to address this.

It must be borne in mind, that with the extremely high rate of murder committed, especially with the use of the gun, extortion, gang-related crimes, the burning down of dwelling houses and business places - and I have suffered in that respect - the freedom of the perpetrators should be restricted over such time as is necessary to allow the police to gather the relevant evidence, and to prevent contamination of potential witnesses.

Too often, Mr. Speaker, we have witnesses being shot and killed in order to pervert the course of justice. Accused persons kept in custody for a reasonable time would offer greater encouragement of witnesses to come forward and their protection enhanced.

So, Mr. Speaker, in closing this presentation...

Mr. PICKERSGILL: Good presentation.

Dr. RHODD: I would like to call for a national debate on the way forward, as we strive to pull ourselves out of the pit into which we have fallen.

A MEMBER: Hear, hear!

(Applause)

Dr. RHODD: The debate, Mr. Speaker, must have as one of its highlights, involvement of the citizens of our communities in our search for solutions. Too often, the solutions are generated top down, instead of bottom up. We must begin to involve the communities in what we call the belly of the society, in crafting the solutions - helping to craft the solutions.

This debate must have as one of its activities, a serious introspection by Parliamentarians and politicians, past and present, in respect to our role in creating the present state of affairs in our country.

A MEMBER: Hear, hear!

Dr. RHODD: Forgiveness and building trust, trust that we have all spoken about eloquently...

A MEMBER: True.

Dr. RHODD: ...forgiveness and building trust with our people should begin with taking responsibility and atonement. We must begin the process of cleaning up the image of the politicians, and we must reposition ourselves to play a significant role in the fight against crime. We are talking about the moral authority which we must regain, Mr. Speaker.

(Applause)

This debate, Mr. Speaker, must discuss the how, the how of de-garrisonization of several of our communities. People speak about - in a very flimsical way...

(*Sotto voce* comment)

…whimsical way, flimsy way, whimsical way.

A MEMBER: But you can use *flimsical* too, both of them.

Dr. RHODD: But, we must understand that there are certain intricacies and certain nuances, and certain challenges, and we must have a serious, honest, soul-searching debate on this matter.

Mr. PICKERSGILL: Yes.

(Applause)

Dr. RHODD: The debate must address the sore question of campaign financing. And if you recognize what has happened recently, Mr. Speaker, the bottom-line of this challenge we have nationally now, the heart of it is campaign financing, in my view. The heart of what... the last accusation of the...

(*Sotto voce* comment by Members)

...my side, the Opposition side, the allegations, the major one in the last administration, the heart of it was about campaign financing. So, the two major accusations of both sides in recent past, the heart of it has been about campaign financing. We must address it. We must address it.

The debate must involve a comprehensive discussion on our main socializing agents; the family, the educational sector, the church, social intervention programmes and the agencies, and there are many of them; CSI, CSJP, Violence Prevention Alliance. We must look at re-building trust between the police and our young people.

We started programmes in the last administration. These programmes of rebuilding trust, getting the police to sit down with the voting people, eyeballing them face-to-face. These programmes need to continue and they must be expanded and strengthened.

In this section of the debate, Mr. Speaker, the teaching, I submit, and the philosophy of our first national hero - the teachings and philosophy of our first national hero, the RIGHT EXCELLENT MARCUS MOSIAH GARVEY, must play a central role. I think, for too long we have it on the backburner. It must come to the forefront and become a central part of how we re-socialize our young people, and our citizens in general.

(Applause)

The debate must explore harnessing, harnessing the huge untapped voluntary resource in this country. Ways must be found to empower civil society to play a greater structured collaborative role in the process of transformation which our citizens are demanding. Too many people are sitting at home; returning residents, people from service clubs, people from churches. If we only have

four thousand so-called criminals, could we believe what could happen if we could find four thousand good Jamaicans to become mentors of these four thousand criminals. We can do it. We can do it. We need to empower and get the partnerships going, Mr. Speaker.

The debate must discuss ways and means of economically, Mr. Speaker, empowering our citizens, not by handouts, not by handouts and patronage. We must find ways of strengthening programmes where the citizens have greater access to land, loans, business mentorship and partnership. I am sure I have nothing against persons who come here and set up businesses, but I see a lot of persons here who are running small businesses which could be run by our own Jamaicans with the proper support. We need to establish programmes to empower our citizens more, economically.

THE RIGHT EXCELLENT MARCUS MOSIAH GARVEY said in 1919:

> "*If we are to rise as a great national force, we must start business enterprises of our own. We must build ship and start trading with ourselves between America, the West lndies and Africa. We must put up factories in all the great manufacturing centres of this country to give employment to the thousands of men and women. We must manufacture boots, clothing and those things that people need not only for our people in America, the West Indies and Africa but the people of China, India, South and Central America and even the white man. He has, for hundreds of years made a market for his goods among Negroes. Therefore, Negroes have the same right to make a market among white people for his manufactured goods."*

This was said by the RIGHT EXCELLENT MARCUS MOSIAH GARVEY almost 100 years ago, in 1919. We need to get our act together, Mr. Speaker - 1919, almost 100 years ago.

(*Sotto voce* comments)

Mr. Speaker, our country is at a crossroads. The Crime Bills are an important step in turning the corner. But we have to do much more. History will judge us harshly if we fail to act appropriately.

A MEMBER: Hear, hear!

Dr. RHODD: We must respond with courage and compassion. We must respond by respecting the human rights of our citizens without ever forgetting that the most important human right is the right to life.

(Applause)

We must respond, acknowledging that while we may not be biological brothers and sisters under God, our Heavenly Father, we are all spiritual brothers and sisters.

(Applause)

Let us therefore, go forward to heal and transform this nation as one family under God; *Up, up you mighty race, you can accomplish what you will...*

(Applause)

…words of our RIGHT EXCELLENT MARCUS MOSIAH GARVEY, our National Hero.

The SPEAKER: Thank you very much, Dr. Rhodd.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today.

(*Sotto voce* comments/Laughter)

Mr. Speaker, we will continue - I am proposing that we suspend the debate until our next sitting which will be tomorrow, when we hope to move to Committee Stage with these Bills.

Mr. Speaker, I now move that the House do adjourn until tomorrow, 9th June, at 2.00 p.m.

The SPEAKER: (Gavels) Members, the motion before House is that this Honourable House do adjourn until Wednesday, June 9th at 2:00 p. m.

Put to the House and agreed to.

The SPEAKER: This Honourable House now stands adjourned.

The House accordingly adjourned at 6:40 p.m. to Wednesday, June 9, 2010 at 2:00 p.m.

TUESDAY, June 9, 2010

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

PEARNEL PATROE CHARLES CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann North Western.

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Mr. Franklyn Witter.

The House resumed its sitting at 2.30 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader?

Mr. HOLNESS: Mr. Speaker, there are two questions due for answer; Questions asked of the Minister of Finance by the Member from Central Kingston. Those questions are not yet ready for answer, Mr. Speaker, and we will have them ready for answer next week Tuesday's sitting.

(HON. LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and works, entered and took his seat.)

The SPEAKER: Next Tuesday? Firm promise.

Yes, Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, there was a matter yesterday of an answer to a question which was tabled but the Minister of Finance wasn't in the House. I would ask permission to be able to ask him follow-up questions at the next sitting. Would that be appropriate?

(HON. LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining and Energy, entered and took his seat.)

The SPEAKER: Remind us which question that was.

Rev. THWAITES: It was the questions regarding the levels of arrears owed to creditors by government and their corporations.

The SPEAKER: Very well. Go ahead Rev. Thwaites.

Rev. THWAITES: No, I am asking if this could be put for next week Tuesday.

The SPEAKER: No, no, you were asking if you could ask some supplementary questions. Oh, you would like to do it next week Tuesday?

Rev. THWAITES: If you will.

The SPEAKER: Very well.

PRESENTATION OF BILLS WITHOUT LEAVE OF to HOUSE FIRST OBTAINED

Mr. SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you. Mr. Speaker.

I beg to move to introduce and have read a first time a Bill shortly entitled "The Tourist (Duty Free Shopping System) (Change of. Name) and (Amendment) Act, 2010-.

Bill shortly entitled:

"The Tourist (Duty Free Shopping System) (Change of Name) and (Amendment) Act, 2010"

read a first time.

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

PUBLIC BUSINESS

The SPEAKER: House Leader?

Mr. HOLNESS: Mr. Speaker, at Public Business we will continue the Sectoral Debate and today we will have two presenters, the Member from St. Catherine North Eastern and the Member from St. Elizabeth South Eastern. After which, Mr. Speaker, we will have the Minister of Finance who will be taking the loan guarantee matter, No. 5 on the Order Paper...

(*Sotto voce* comment by Mr. Shaw)

Mr. HOLNESS: The Minister of Finance will not take that matter.

Then item No. 7 on the Order Paper will be taken, Mr. Speaker, which is a very short matter and then we will continue debate on the Crime Bills.

Mr. KELLIER: Mr. Speaker...

The SPEAKER: Yes, Mr. Kellier.

Mr. KELLIER: ...1 would have thought that the Crime Bills were taking precedence at this time and we would expect that we would pursue that matter with some vigour and energy at this time, rather than putting it at the back-end of the debate.

The SPEAKER: I understand we have two short presentations, so that's why they want to go ahead with those.

(MR. DERRICK CHARLES SMITH, (JLP), St. Andrew, North Western, entered and took his seat.)

Mr. HOLNESS: The Crime Bills will be and are the substantial matters to be dealt with today. However, we have two short presentations and I think we owe a duty of courtesy to the Members to have them heard quickly. We agreed...

(*Sotto voce* comments by some Members)

Mr. HOLNESS: The Sectoral Debate - and we agreed that we would give that courtesy to the Members.

The SPEAKER: Very well. Mr. Mair.

Mr. KELLER: But, Mr. Speaker, sorry to interject. But is it intended to take the Crime Bills through its stages today?

The SPEAKER: I know that a number of speakers are slated to speak.

Mr. KELLER: Just tell us whether or not it is the intention to take those Bills through all their stages - so I would have thought that we would have started with them.

The SPEAKER: House Leader, you...

Mr. HOLNESS: Mr. Speaker, we are glad to see that the Opposition is anxious to have the Bills passed. We will of course...

(*Sotto voce* comments by Opposition Members)

Mr. HOLNESS: Oh, you are not anxious to have them passed.

Mr. KELLER: We want the Bills debated.

Mr. HOLNESS: I correct myself Mr. Speaker. And so, Mr. Speaker, we will have members of the House making presentations on the Bills today.

On this side I am sure that we will have at least three speakers; and from the experience yesterday, each person who spoke, spoke in excess of thirty minutes. And managing the time of the House would require us, Mr. Speaker, to be sure that we give everyone enough time to express themselves on the Bill. So if we get through today, Mr. Speaker, which I don't expect us to get through today to reach to Committee Stage, we will take the Bills to Committee Stage next week.

The SPEAKER: I think the Leader of the House - the Leader of Opposition Business though, House Leader, was just enquiring whether you intend to go through all the stages as a matter of courtesy to the Opposition; if you plan to take some additional speakers but without completing, then they could know how to order their time.

Mr. HOLNESS: I have indicated, Mr. Speaker, that if we on this side have more speakers than the time would allow, we would have to go over into next week.

Mr. KELLER: That's not conclusive, Mr. Speaker.

The SPEAKER: I can't do better than that, Mr. Leader.

Mr. KELLIER: The priorities have been reordered. And so be it. That's the Government's right. But the fact of the matter is, if we choose that we are dealing with the matters as set out...

Government MEMBER: We are in charge.

Mr. KELLIER: …bearing in mind that he knows that there are still three speakers on this side, he has three and half an hour each time, we are going down into hours, Mr. Speaker.

The SPEAKER: I think, Mr. Kellier, that there are two short presentations in the Sectoral Debate and there will be many, many other speakers in the Bills. So that's why I think the House Leader would like to get through with these two short presentations before getting into that. I understand... Yes -

Dr. PHILLIPS: Mr. Speaker, I think the question asked by the House Leader was not - by the Leader of Opposition Business, was not only to deal with whether we would give precedence to this debate on the Crime Bills but to now if it is intended to go to Committee today, given that I think the Opposition has indicated that there would be a serious set of issues and even the timing I don't think that - unless the Government is determined simply to use its numbers to force the thing through, then they would obviously...

Government MEMBER: Oh, no!

Dr. PHILLIPS: ...would need to be a proper opportunity to consider it.

Mr. HOLNESS: Oh no, Peter, oh no.

May I help the Member, Mr. Speaker. Whilst the Government wants to have these Bills passed and passed quickly, we respect the protocols of Parliament. Members want to speak on the Bills and we will give all the Members ample time in which to do so. So just to be clear, Mr. Speaker, we want a full airing of all the issues involved in these very critical pieces of legislation, so we will not close today.

The SPEAKER: That's what they wanted to hear.

Mr. HOLNESS: Just to be clear, we will not close today.

The SPEAKER: I think that's what the Opposition Leader would like to hear.

Dr. PHILLIPS: And you take all that time to say that.

(Cross talk)

The SPEAKER: House Leader. Mr. Kellier, may I make a suggestion. Take a short time and have a discussion with the House Leader, in terms of the protocol, how do we complete. Mr. Mair.

Mr. MAIR: Mr. Speaker, I once again would like to thank the people of North East St. Catherine, for their unequivocal support in sending me to this Honourable House as their representative, of the trust they have put in me as their Member of Parliament. And that support specially shown at the by-election last year, is encouraging for me to continue my work as their representative. (Applause)

I also thank my three (3) Councillors from the Mount Industry, the Troja and the Guys Hill divisions for their support and hard work in the pursuit of improving the living standards of our constituents. Mr. Speaker, I must also thank the continuous and unwavering support I have received from my wife and children, without which I could not serve.

Over, the last year, Mr. Speaker, like all MPs representation has become most stressful basically as a consequence of the financial constraints due to the global financial crisis. There is less money that can be spent to fix roads, water systems *et cetera*, and even less to build roads and water systems. Nevertheless, Mr. Speaker, tomorrow we will be commissioning our greenhouse cluster, comprised of four (4) greenhouses in the district of Top Mountain. This project was financed by the CDF. We have additionally received support for our farmers from the European Union through the economic diversification in the traditional banana producing parishes programs. This project which is worth over $45 Million just started last month and have a duration of approximately 14 months.

The target groups are approximately 100 farmers in and around the districts of Raggsville, Hampshire, Rio Magno, Bonnett,

Middlesex and Springfield both of these projects will be the base from which we will put the farmers of North East St. Catherine first on a new technological drive where increasing the yield of production is at the centre. Two, that it will link the farmers with the markets whether local hotel industry or abroad and hence make the farmers understand that what you need to produce is what the market demands. And third, train the farmers in entrepreneurship and managing small businesses. At the end of the day, what we will achieve is that our small farmers will improve their earnings from agriculture by working efficiently and intelligently.

On the matter of roads, Mr. Speaker, whereas we have built three retaining walls along Goffe Road, one in Bagbay, another one in Bullet Tree, patched most of the Goffe Road between Centre Cut and Glengoffe, Muse Road, Barnett Crawle Berrick Road, Cheesefield, rehabilitated Maryland Road through the initiative of the Citizens Association with the support of JSIF. There is still much more to be done.

It is my expectation that the rehabilitation of the Riversdale/Pear Tree Grove Road will commence in July of this year. This road is a typical example of how government works against itself. Believe it or not, Mr. Speaker, this road, over 10 years ago in 1997 the road from Riversdale to Hampshire was dug up to put in water pipes, a project that was not part of any NWC project, but was nevertheless implemented by the Ministry of Water. To make matters even worse, after the road was dug up the pipes were laid and the opening filled with marl that is it, has in no asphalt or proper establishment of the road. Well, you can imagine what is left of the road after 12 years of rain and motor vehicle traffic.

Mr. Speaker, if the Government then would have just asphalted the area they dug up, the road today would be in a far much better condition. In the interim, I have started making representation to the Ministry of Water and Housing for the implementation of the Chicken Well Project to have water. And, with the representation made with the Ministry of Transport and Works to have the road rehabilitated.

The roads in North East St. Catherine, although we have repaired some are still in deplorable state. The Williamsfield/Pear Tree Grove Road, the Rio Magno/Golden Grove/ Seafield Road the Williamsfield/Glengoffe Road, the Pear Grove/Post Road, all NWA roads are all in a very bad condition due to decades, not years, decades of neglect. Then we have the community of O'Meally which will soon be marooned. Access to O'Meally from Bamboo's Ridge no longer exists as there are two breakaways and the construction of retaining wall is urgent. Access to O'Meally through Morris Hall is difficult as the road is a dirt road which you are hoping it to be built and financed by the European Union, but this programme unfortunately has now been scrapped, it is no longer. So funding to access O'Meally before it is totally marooned is being urgently pursued. Mr. Speaker, I have made representation to the NWA on all these matters.

When it comes to water, Mr. Speaker, we have rehabilitated the Golden Grove Water System, a system built by the former Member of Parliament, Ben Cox, in the 1950s. Also we have built a small water system for Bonnets as

they no longer receive water from the National Water Commission because the demand has now exceeded the supply. And the system up in Guys Hill is having some serious challenges right now.

Also, we have extended the Pear Tree Grove Water System which was commissioned last year and now has been extended to provide water for Facey, Luxi and surrounding districts. Thanks to the European Union and the councillor for the Troja division, we were able to do this extension.

Also, Mr. Speaker, I have made representation for the repair of two gravity-feed water tanks located in Cedar Valley and Crabcrawle. This is again another example of how government can work against itself Mr. Speaker, these tanks are over five years old and basically have never had water stored in them. And why? Well these tanks were purchased by the National Water Commission or Ministry of Water, or Rural Water, I still don't know, still trying to find out. And due to the lack of proper technical supervision had installed membranes that were made of material that crystallized rapidly, on the one hand. But also, believe it or not, when building the tanks the contractor in assembling the aluminum tank placed the tip of the nut bolt towards the inside of the lank, hence when the tanks were filled with water, the membrane was resting on these protuberances piercing the same, ensuring that all water leaked and eventually leading to the retirement of the new tanks. That is what I found. What a waste!

Mr. PICKERSGILL: What a waste.

Mr. MAIR: Furthermore, the fact that the tanks are not being used means that we are bypassing them and pumping water directly into the distribution pipelines. And where is the problem? Not only is the National Water Commission spending or even more wasting a lot of money in electricity, and wear and tear to run the pumps overtime, but also the lines are bursting all over the place due to the pressure of the water. The system was designed as a cavity feeding system. And a reasonable head and pressure of water, the pump was designed to fill the tank as quickly as possible. Instead of making the capital expenditure at One point odd Million Dollars to fix the tank membrane, we remain spending hundreds of thousands of dollars every year in maintenance expenditure.

The National Water Commission Vice President for the region, has assured me that they will be repairing the membranes this summer...

Mr. PICKERSGILL: Repairing?

Mr. MAIR: I never - replacing them - I nevertheless told him that if it became necessary I would make submission for the repairs to be financed by the CDF funds. But what is sure, Mr. Speaker, is that we need to repair these membranes for these tanks, so that these systems can be - replaced or repaired - so the system can work properly.

Mr. Speaker, it takes so much work and effort to get things done especially through Government. Last year May, I inaugurated a $7 Million rehabilitation water project in Williamsfield a system that was originally built by the great J.P. Gyles, and that due to the lack of maintenance went out of service 15 years ago. After great effort the plant was rehabilitated. This meant a new storage tank, a new pump and engine, new pipelines *et cetera.* After testing and correcting over a period of time we got the system working beautifully. The people of Coco Walk had water and we

are now going into Phase 2 which would extend the service again into Race Course.

Mr. Speaker, the pump and the engine, despite being in a secured room were stolen. Another scrap-metal tragedy, I don't know. What a blow to the people in Williamsfield! We will be installing again - having to install again a new pump and engine this year and hopefully it will be permanent.

On the matter of education, Mr. Speaker, I am still making representation with the Ministry of Education, as I have for the last two and half years, to have the Riversdale High School built. The land is available since the 1970s and the project is ready at the ministry. I just hope funding will soon be identified.

Mr. Speaker, I would like now to turn to matters dealing with national - on national issues.

Mr. Speaker, I would like to first express my condolences to the families and friends of the over 70 civilians and three members of the security forces who lost their lives recently, as a consequence of the issuing of a warrant for the arrest of Christopher Coke. Mr. Speaker, I pray that no more lives are lost.

Mr. Speaker, it seems that the people of Jamaica have awakened with the recent developments that have shocked the nation. We have heard cries from many sectors of our society for the resignation of our Prime Minister. Some calling for accountability for the mishandling or misjudgment of the extradition process, others seeing an opportunity to fulfill their personal ambitions, not really having the interest of our nation at heart and that is expected, as we are in the world of politics. And when you realize all of what is happening within the context of Jamaican politics, this crisis brings out understanding on the one hand, but also brings out a drive for political scoring on the other hand. The crisis brings out the best of us, but also the worst of us. And when I say us, I include all spheres of society, the private sector, the political arena, the media and the church amongst others. Specifically in the political arena you have external forces but also the internal forces at play. This is the context in which we find ourselves. But, Mr. Speaker, once again there is an opportunity for us to finally get our politics right, because it is our politics that has failed our country. All of us in this Honourable House, whether in the past or in the present, we have, to some extent failed the people...

Mr. PICKERSGILL: Speak for yourself.

Mr. MAIR: And this is another opportunity, for all of us to change course as far as our politics is concerned.

And when l say change course, I mean set a new course that will have at all times the country's interest at heart and not the political party nor the supporters or friends of the political party.

(Applause by Opposition Member, Mr. Thwaites)

(Applause by Government Members)

Mr. MAIR: Mr. Speaker, in 1999 there was an event that changed my life, that was the death of MICHAEL GAYLE at the hands of the State. It was not the first time the agents of the State had taken matters into their own hands, but it was the one that made an impact on my life.

Having then become aware to this matter, the abuse of the State, the next shock occurred over 40 destitute Jamaicans were scraped up by the State as part of a beautification

programme so we could host the meeting of the Group Twenty-one countries. These two events, Mr. Speaker, were eye-openers for me because I saw how the State intertwined with the politics went to work. It was to ensure that the system for the few would survive at whatever cost, even at the cost of the most basic human rights of the many.

Mr. PICKERSGILL: That's a Crime Bill presentation.

Mr. MAIR: Michael Gayle was detained by a joint military/police team in an area where there was a curfew. Being mentally unstable, rather than being restrained with minimum force, the agents of the State thought it appropriate to kick Mr. Gayle to a pulp, to a point where although sent to hospital, he was discharged and eventually died from internal injuries. And what was the outcome, Mr. Speaker? No one, no one was ever held accountable. Even worse, no one held themselves accountable, no one from the security forces, no one from government, and I ask myself, how come?

Some months later, 40-odd destitute Jamaicans were collected from the streets of Montego Bay by agents of the State, thrown into the back of a Government truck in the wee hours of the morning, dumped in a mud lake in St. Elizabeth so Montego Bay could look pretty to our visitors.

As a matter of fact, I recall when the then Mayor of Montego Bay was summoned to the Commission of Enquiry and a large amount of supporters came and sat in the audience to only realize that they were not there to give support, but to ensure that the Mayor did what was in the best interest of the system for the few. And at the end of the day what was the outcome, Mr. Speaker? No one was ever held accountable. The State had a direct role in the planning and implementation of this atrocity and no one was held accountable, no one. And I ask myself, how come?

And like these cases that made an impact on me, there have been many, many more similar cases that have not even been in the media because it is an every-day event for our people, it is the system for the few.

Mr. Speaker, what l have discovered is the use and abuse of a system that is designed to protect and benefit the few at the expense of the many, the Jamaican people.

(Applause by Government Members)

(Applause by Rev. Thwaites of the Opposition)

And when I refer to the few, it is not only the politician, the political party and their supporters, but also members of the private sector and our society.

(Applause by Rev. Thwaites)

We, the past and present Members of Parliament are part of the few, part of the few who have allowed a system to prevail over our nation, a system that benefits us the few, at the expense of the many. . .

(Applause by Rev. Thwaites)

…the people of Jamaica. How come?

And now, most recently, we have the State of Emergency and the incursion of agents of the State into Tivoli Gardens, just like it happened in 1997 and in 2001, only at this time it was to serve a warrant, on who today is still a wanted man.

At the end of the day, 70-odd dead, six guns recovered - in the first instance - but recently, has interestingly been climbing in numbers, seventy-three Jamaicans dead. The system of the few at work. And when all is done and over, Mr. Speaker, I ask, will the

system take care of the people of Tivoli and its environs? Who will fill the vacuum? The police, can they be trusted to protect the people? The justice system, can it deliver to the people? The economy, can it provide opportunity for employment? Who is going to now take care of to the people of Tivoli, a community surrounded by other communities of a different political persuasion, the system for the few? I don't think so.

Many will say well, the security forces went in there and dealt with the criminals. But who is to say they were criminals?

(Applause by Rev. Thwaites)

To show you, Mr. Speaker, how messed up we are as a society. Once an agent of the state kills someone, the first conclusion is that he must have been a gunman. The system for the few at work. To show you, Mr. Speaker, how messed up we are as a society, when someone is shot dead by the police, witnesses sometimes come out and say, 'buoy, im didn't deserve to be killed because im was a good man you know.' Implicit in that statement, Mr. Speaker is that some deserve to be killed at the hands of the police. In other words, it is a given that the police sometimes have to kill and once they do, it was a bad man. That is how the system works. And remember, systems condition people's behaviour.

Mr. Speaker, this system for the few is a plantocracy system, the few privileged with all their powers and rights and the many outside of the system with no rights and no power, just a vote every five years.

(Applause by Rev. Thwaites)

Mr. Speaker, this did not happen two and a half years ago. It did not happen 21 years ago. It started many, many decades ago from before Independence.

Mr. PICKERSGILL: We are happy to see that he's not reading his speech.

(Laughter)

Mr. MAIR: As a matter of fact, interestingly, some say that Independence meant nothing but the passing of the ownership of Jamaica from one set of plantocrats, the British, to another set of plantocrats, the politicians.

Mr. PICKERSGILL: Listen man, weh you get this rubbish from. Shut you foolishness? (Laughter) Weh im get that from, Mr. Speaker?

Mr. MAIR: Mr. Speaker, the system has not worked for the people and what has happened is that the people have felt and recognized this and overtime have naturally evolved and created their own system.

Mr. PICKERSGILL: You think if I was sitting up there you could be there chatting such rubbish!

Mr. MAIR: Especially in the urban areas, a system that has filled the vacuum left by the State, and in filling that vacuum, it is the criminals and their gangs….

Mr. PICKERSGILL: If you feel so bout politicians, why are you a politician?

Mr. BUCHANAN: He is an opportunist, that's what he is.

Mr. MAIR: …who have eventually taken over as the provider, the provider of justice, the provider of security, the provider of income and in the process, politicians have found themselves . . .

Mr. PICKERSGILL: But what the... (Laughter)

Mr. MAIR: …caught, some purposefully, others with the turning of a blind eye. So when you see the people of Tivoli Gardens marching on Parliament, what you

are seeing is one system speaking to the other, one system saying, you abandoned us, you don't care for us, how dare you now try to destroy us and leave us at the mercy of your system, a system that doesn't care for us.

(*Sotto voce* comment by Mr. Pickersgill) (Laughter)

Mr. SHAW: You have a problem? (Laughter)

Then the system for the few responds . . .

Mr. PICKERSGILL: Audley, you listening to him?

Mr. MAIR: …with the incursion of the military and the police.

(Heckling by Mr. Pickersgill)

Mr. MAIR: And the system for the few as usual wins. The sad thing, Mr. Speaker. . . .

Mr. PICKERSGILL: I hope you don't distribute that speech. Keep that speech to yourself. (Laughter)

Mr. MAIR: …is that we politicians have enhanced and cemented this system because it will not only benefit the few of which we are a part of, but it will also perpetuate the same few in the corridors of power whether in public or in private life. The system of inner cities, the system of survival, the system of the many, fuelled by scarce benefits and spoils, whether from politicians and/or criminals *versus* the system of the state, the system for the few.

Mr. Speaker, there is no justice for our people. The system of the state does not guarantee an equal and fair opportunity to a good education, to a good job, to a good health provider, to a nurturing environment for the family. The system of the state does not guarantee the protection of our most basic human rights, one that will protect the children, the elderly and the vulnerable.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. MAIR: What the system of the state guarantees…

Mr. PICKERSGILL: Yes.

Mr. MAIR: …is that there are a few that are more equal than the majority.

And we, Mr. Speaker, the Members of Parliament, just like the security forces, like the members of the private sector, like the church, we are part of the few who are more equal than the majority.

Mr. PICKERSGILL: You are a socialist?

Mr. MAIR: The country again is at - as it has been in the past is before a crisis, a moral crisis and what we need to ask ourselves is what we are going to do and why we. Well we are the elected leaders of this nation, the 60 of us. It is in the House of Representatives that all powers rest, all laws not only emanate from this Chamber, but so does the Executive, the appointment to the Senate and so does the appointment to the various bodies that are critical to the State indirectly, like the Judiciary and the security forces.

So you see, Mr. Speaker, it is in this Chamber where all power rests. So it is us, the Members of this House who need to provide this country with leadership, and Mr. Speaker, it is needed now.

So what are we going to do? Mr. Speaker, the Prime Minister addressed the nation a couple weeks ago on the extradition matter. But prior to that, he met with the parliamentary group amongst others and his constituents. I was present at those meetings and what I saw, Mr. Speaker, was a man who was in deep, deep pain, hurting, probably recognizing that the system for the few was now challenging the system of the many…

Mr. BUCHANAN: Me hear sey Cabinet soon shuffle! (Laughter)

Mr. MAIR: …within the dynamics of internal and external politics, but also saw a man who recognized that contrary to other Prime Ministers….

Mr. PICKERSGILL: Yes!

Mr. MAIR: …he recognized that the buck stops with him.

Mr. PICKERSGILL: Contrary?

Mr. MAIR: And he had decided to saddle himself with the entire Manatt, Phelps & Phillips affair…

Mr. PICKERSGILL: Yes!

Mr. MAIR: …no matter who broke his guidelines . . .

Mr. PICKERSGILL: Yes!

Mr. MAIR: …or who was at fault.

Mr. PICKERSGILL: Yes!

Mr. MAIR: …or whether it was the internal political dynamics at play.

Mr. PICKERSGILL: How you chat so much!

Mr. MAIR: In his own mind, he had ultimate responsibility and was prepared to step aside, holding himself accountable.

Mr. PICKERSGILL: Yes!

Mr. MAIR: Mr. Speaker, I told the Prime Minister that whereas he may have made an error of judgment and whereas he decided to confront the nation, we the parliamentary group were not prepared to allow him to be crucified at the expense of Barabbas.

Mr. PICKERSGGILL: Crucified at the expense of who?

Mr. MAIR: I recommended to the Prime Minister that he speak to the nation from his heart...

Mr. PICKERSGILL: Who is Barabbas?

(Heckling)

Sit down, you chatting rubbish!

Mr. MAIR: ...as we are a caring and forgiving nation...

Mr. PICKERSGILL: Othneil, tek him speech from him.

(Heckling/Laughter)

Mr. MAIR: ...and that he now take the necessary steps to get the government on a new path. I personally told the Prime Minister that this crisis was an opportunity and that he must now put forward his vision.

Mr. Speaker, in his address to the nation the Prime Minister committed himself, amongst other things, to continue fighting corruption by enacting the Special Prosecutor Legislation, the Whistle Blower Legislation, table legislation to reform Libel Laws, enactment of the Anti-Crime Bills, fighting crime and corruption. And other ones to deal with the system; measures to reverse the institutionalization of political tribalism and garrisons, provisions for the impeachment of public officials, term limits for prime ministers, regulation of the financing of political parties. But, Mr. Speaker, I respectfully put to this House that it is not sufficient, we need to do more.

It is critical and imperative that we put on fasttrack the police reform programme and implement the findings and recommendations of the strategic review panel of the Jamaica Constabulary Force.

(At approximately 3:16 p.m. the Speaker indicates that the Member's time for speaking has expired and a motion is moved by the Deputy House Leader for an extension of ten (10) minutes to allow him to complete his presentation.)

Motion put to the House and agreed to.

The SPEAKER: Mr. Mair.

Mr. MAIR: Thank you colleagues.

As I was saying, Mr. Speaker, it is critical that we put on fasttrack the Police Reform programme. As an example of the system for the few, let me give you some information. In the last 12 years over 2000 Jamaicans have been shot dead by the police. Do you know, Mr. Speaker, how many have been convicted for murder? One.

Only one has been convicted for murder. Are you telling me that in the last 12 years all of these persons were shot dead by the police in self-defence? Mr. Speaker, I personally know of four innocent constituents of mine who have been shot dead by the police and no one to date, no one has been held accountable. So when we see communities coming together on their own system of governance, or better said, system of survival since they have been abandoned by the few, who are we to blame? Who are we to blame?

Mr. BUCHANAN: Are you justifying donmanship?

Mr. MAIR: No one but ourselves, we the Members of this Honourable House, because this has been going on for a long time and no one has had the guts to deal with it. The few powerful and misguided in the police force have overtaken the majority of the good members. We need to reform the police force now and free the majority of the good policemen and women from a culture of abuse, submission and silence. But, Mr. Speaker, the reform of the police force will be of little or no effect if we do no reform the justice system.

Rev. THWAITES: Hear hear!

(Applause by Rev. Thwaites)

Mr. MAIR: There are so many problems in the justice system, problems that ultimately have a tremendous impact on the quality of justice delivered to the people. Each year the backlog of cases before the Courts is greater, putting more pressure on the system, frustrating more people and eventually undermining the governance of the nation. I see some of us so enthused with the Caribbean Court of Justice and putting all our energies into hanging to the point where we were not able to pass the Charter of Fundamental Rights and Freedoms during the past legislative year. In other words, the rights and freedoms of the people were overtaken by the right of the State to hang. Ironic, isn't it?

Rev. THWAITES: Ironic? Corrupt.

Mr. MAIR: Well, I would like to remind some of us that justice for the vast majority of our people as an example starts and ends at the Resident Magistrate's Court. A Court presided over by a Judge who does not even have security of tenure and who knows, might be influenced by forces prevalent in the system for the few.

I would like to suggest that we put our energies into the Jamaican justice system reform project, a project that was established by the Government of Jamaica under the previous administration, to undertake a comprehensive review into the state of our justice system and to develop strategies and mechanisms to facilitate its modernization so that it is better able to meet the current and future needs of Jamaicans. Mr. Speaker, the reform of the police force and the justice system has already been laid out. It's about time we start acting on the recommendations and do so in a speedy manner. Let us do it now.

Thirdly, Mr. Speaker, I respectfully

recommend to this Honourable House, in general and to our Prime Minister and Leader of Opposition in particular, that it is about time we stop talking the talk and start walking the walk. It is not only Tivoli Gardens that needs help and attention but also we need to look at the communities like Rockford, South Side, Tel Aviv, Spoilers, Bactu, Highrise, Rema, Trench Town, Bebo, Black Roses, Maxfield Avenue, Marl Road, Havana, Zimbabwe, Callaloo Bed amongst others.

We need a purposeful approach to free these communities but with assurance, with the assurance that the system for the few will evolve in a system for all and that there will be social intervention, that there will be justice, that there will be respect for human rights, that there will be opportunity, that there will be freedom.

I would like to see the Prime Minister and the Leader of the Opposition hand in hand start the process of dismantling the garrisons and all these communities and start the process within their own constituencies, West Kingston and South West St. Andrew, to then jointly lead the dismantling of the rest. We are responsible for where we are as a nation. So let us get together, all 60 of us and free these communities in the nation's interest, but let us ensure that in the process the State fills the vacuum that will be left and that there will be justice, respect, security, economic opportunity, *et cetera*.

In closing, Mr. Speaker, I would also like to make a call on the private sector. It cannot be business as usual. The private sector must come to the realization that it's not only about making financial profit but also about the quality of life of their customers, the Jamaican people. The private sector needs to also lead. They need to pay their fair share of taxes. They need, like public servants, to stop participating in acts of corruption. The private sector needs to remove themselves from the system for the few and ensure that they are a part of only one system, one system that will work for all Jamaican.

(Applause)

I would also like to make a call on the church. The church is supposed to be the overall moral campus of the nation, not in just a few handpicked conflicts. But the church also needs to clean up its own house to then start standing up for what is right at all times, not to what appears to be as if they were effected with the bandwagon virus and that they are comfortably sitting in the system for the few.

And thirdly, Mr. Speaker, l would like to make a call on the media. Mr. Speaker, sometimes I wonder if their job is to inform the public of the truth, if they are about investigative journalism and that it is all done within a framework of reporting the facts or is it all about half truths, scandals and sensationalism with the purpose of maximizing their sales and who knows, their own agenda which might not necessarily be in the nation's best interest but in the interest of the system for the few.

(Applause)

The media also needs to get their act together and stop abusing the immense power they have, the power to disseminate information and influence the perception of events.

Mr. Speaker, we need to cut out the hypocrisy and start doing what is right so we can have only one system in Jamaica a system that will work for everyone, a system that will

ensure and guarantee an equal and fair system of opportunity to a good education, a good job, a good health provider, a nurturing environment for the family, a system that will guarantee the protection of our most basic human rights, one that will protect the children, the elderly and the vulnerable.

Mr. Speaker, systems condition human behaviour. Now that it appears that those like ourselves that are members of the system for the few have woken up, I hope, let us start working together, all of us towards building one system for all Jamaicans, a system that will work for everyone. If we do this, and only when we do this will we see crime reduced dramatically and our economy flourish. Because crime is not a problem. Crime is a symptom of a problem, the system. Criminals are produced by the system for the few like a conveyor belt and until we change the system, crime will not go away.

Mr. Speaker, let us build on all the efforts we have made to put this country on a new economic path. Let us now build a new social structure one based on freedom, human rights, opportunity and human dignity.

Mr. Speaker, I dream of the day when we can look into each other's eyes and what we will see is a fellow Jamaican, a fellow Jamaican with the same challenges and opportunities, a fellow Jamaican with the same rights and the same responsibilities, a fellow Jamaican with strong family values all from a platform of respect, tolerance, hard work, discipline, law and order; so all of us as a people can maximize our potential and ensure that we can participate in the human and economic development of our country, Jamaica land we love.

Mr. Speaker, may God bless the people of Jamaica and may He ensure that at this crossroads we do not fail our people again. Mr. Speaker, it cannot be business as usual. Mr. Speaker, it must not be business as usual.

I thank you.

The SPEAKER: Thank you Mr. Mair.

(Applause)

Rev. Thwaites and Mr. Hylton stand while they applaud.

The SPEAKER: Dr. Harris.

Dr. HARRIS: Thank you, Mr. Speaker.

Today I'd like to acknowledge the support of my family, my wife as well; (Applause) my personal staff, my North Trelawny constituency family including my councilors - all the councilors, councillors/caretakers Executive members, supervisors, indoor agents, outdoor agents, runners and all the people of North Trelawny.

Mr. Speaker, I use this opportunity to say to the people of North Trelawny, that I am more convinced of the historic mission that we must undertake to develop our constituency the parish, now that we are in the implementing process of our planned development. As I also acknowledge the work and worth of our many Trelawnyites abroad, I encourage you in the diaspora to continue to support our parish, and I use this opportunity - I know you are watching on your internet and listening to us on radio - I apologise for missing the reunion two weeks ago.

Mr. Speaker, many persons are wondering why would I be speaking to the international audience, Mr. Speaker. And just to remind some persons that Trelawny has the largest overseas organization that meets on a regular basis every year and they support their parish more than any other parish.

A MEMBER: Exactly.

Dr. HARRIS: Mr. Speaker, I also pause to thank our Party Leader, the Most Honourable Portia Simpson Miller, for her continued support, as we serve.

Mr. Speaker, our world is changing. Jamaica has many challenges; violence, coarseness, crassness, rising prices, loss of jobs, while, even while we undertake large projects. We have a problem of lack of real opportunities and that creates many of our social problems. But we are here in service to collectively, and I emphasize the word collectively, work through these problems and chart the road to prosperity and wealth creation.

Mr. Speaker, I speak as the proud Member of Parliament for North Trelawny, always humble in receiving the trust and love of my people and I hope that I've always done them proud. North Trelawny Mr. Speaker, is now firmly positioned...

Mr. MAIR: We are listening.

Dr. HARRIS: ...to implement the largest combined cluster of developmental projects in Jamaica and the Caribbean. Mr. Speaker, this was not done by chance - And I am reminded to thank the Minister of Transport and Works for continuing the work that took many years to get to this point, and I sincerely thank you, sir. Because long-term planning, Mr. Speaker, is not popular in our society, and long term planning is less popular in political circles with our five-year cycle.

So I hereby pause to thank the many persons who dared it to conceptualise and collectively planned, lobbied and are now implementing these plans to make out of Trelawny, an economic base that is service orientated. Based on that tourism product that is first-class and world-class, where Trelawny is not a Falmouth town, where Falmouth is not a port with the largest stands of Georgian buildings, charming people, rich history and culture, but rather, our parish and towns are a complete destination by day, or by night.

A MEMBER: All right, all right!

Dr. HARRIS: Mr. Speaker, the port is on schedule and the works are progressing satisfactorily. In November of this year, 2010, we will welcome our first ship to the historic port of Falmouth. This is not a long way of, and this arrival is simply a dry run for many other vessels that will come before *the Oasis of the Sea*, which is of Genesis class, which will come sometime in March 2011.

For the person that cannot conceptualise a large ship, Mr. Speaker, I would ask them to just look at a hotel that is going to take 6,000 guests with 3,000 crew, and all of that is going to come into one port at one time and they are going to need to be feted. That is an awesome responsibility on one community. But we are not daunted. We have prepared for this moment, and Minister, we are not going to allow the opportunities to go untapped.

To capitalize on these opportunities, our town will be given a major make over. This will be spearheaded by the Urban Development Corporation and with the cooperation of all the agencies, TPDCO, NWC, JPS, NWA, Social Development Commission, JCDC. And although the physical works in the town has not yet started, the planning is far advanced and we should meet this timeline.

Mr. Speaker, I here pause to acknowledge many of our civil servants that are talented, that are bright that have good prospects at home here, and anywhere they chose to work.

A MEMBER: Hear, hear!

Dr. HARRIS: Mr. Speaker, they are now working on the Falmouth project, and we have no doubt that our town will be ready in time, for if not November 1, December 1.

A MEMBER: Hear, hear!

Dr. HARRIS: Mr. Speaker, we are also positioning ourselves for the linkages in agriculture, in craft, small manufacturing, commerce to not only earn that dollar, but to retain the maximum amount of that dollar, because then and only then will we see real development inside the communities when we retain that dollar.

Mr. Speaker, with the help of the Constituency Development Fund, we have been able to do some things. (Applause)

A MEMBER: Okay, okay!

Mr. KELLIER: We don't get a dollar since April.

Dr. HARRIS: Okay, we'll speak to that afterwards.

Mr. ROBERTSON: Yu not supposed, to get any.

Dr. HARRIS: We've put in multi-courts in Bunkers Hill.

A MEMBER: Yes.

Dr. HARRIS: In Duncans we have put in multi courts with the assistance of SDF.

Other MEMBER: Yes.

Dr. HARRIS: We've put in two greenhouses, one in Drummally and one in Friendship.

A MEMBER: Very good.

Dr. HARRIS: And the interesting thing, Mr. Speaker, is that we have put in these greenhouses to demonstrate...

Mr. CLARKE: Horace, a you discover greenhouse?

Dr. HARRIS: ...technology use in agriculture. We've put in these greenhouses to demonstrate the use of water and protective environment in agriculture. We have found - the Minister of Agriculture is not here - but we are pro-active when it comes to providing opportunities, and we have found in our constituency that land preparation is the most effective assistance that we can give to our farmers. We have done this and we are seeing the increase in the yield of our farmers.

(Applause)

Mr. Speaker, again with the assistance of the Constituency Development Fund, we have put in artisan villages, we have done tools to increase the effectiveness and efficiency of our artisans. Mr. Speaker, we have also assisted in the relocation process in Carey Park, and now of topical interest, is the relocation from Todd Street to Hague View. Our partners on this one, Mr. Speaker, are the Port Authority, the Housing Agency, the Urban Development Corporation and of course, the people there. The Housing Agency is contracted to put in the water, the road and the sewerage. The Urban Development Corporation has agreed to assist with the electricity and the further upgrade of the road network.

Mr. Speaker, we have turned our attention to the preparation of the town for the events to come.

Mr. MAIR: We who?

Dr. HARRIS: And, Mr. Speaker, I pause here to pay tribute to the involvement of the Urban Development Corporation, which has now come on board and is in front marshalling all the troops and getting everybody ready to sing from the same sanky sheet. All the agencies are firmly on board and the transformation of the town of

Falmouth is in sight. Care is being taken, Mr. Speaker, to conform to the Jamaica National Heritage Trust monitoring, while recreating our Georgian heritage, our legacy. Our town square, our streets, lanes, drains, building facade will all be done first in the core area, and then concentrically outwards.

Mr. Speaker, what this means is that the funding arrangements are in place. As regards to the relocation from Top Street, the citizens have always welcomed this move. They have consistently expressed their willingness to be relocated. But, Mr, Speaker, it is difficult to complete this relocation without all the infrastructure being in place. And I'm certain, that the Housing Agency of Jamaica will understand this.

In addition, Mr. Speaker, while I understand the reservations of the original residence in Hague – the Hague Housing Scheme – I would ask them to just understand that we must all try to make this transition a step-up-in-a-life move.

Mr. Speaker, the money is small for the persons that are going to be relocated, but we will try and we will make sure that at the end of the day the maximum benefit is accrued and the dollar that is there to be spent, is spent in the most efficient ways to make sure that the relocation process is smooth.

Mr. Speaker, there are many things that are happening in our area that are of interest. The town of Falmouth was recently declared as an urban area, and the resulting role that the UDC will play, is welcomed by all.

I, on behalf of the people of North Trelawny welcome MRS. DOUGLAS, as head of the UDC, and her team, and will continue to work assiduously with her to fulfill the objectives of our parish, and indeed, the entire country. We anticipate the development of first-class infrastructure and development projects, while ensuring sustainable growth of our people, because we recognize, Mr. Speaker, that without the people at the forefront of any development, nothing is sustainable. (Applause) And we are doing this, Mr. Speaker, keeping in mind our stated objective of creating meaningful jobs for all able-bodied persons.

But in this context Mr. Speaker, l must voice my concern here. I see a shift in the increasing poverty levels. Too many of our persons, Mr. Speaker, are coming to me complaining of hunger. Too many persons need emergency assistance, medical assistance, housing assistance, education or funeral support.

Mr. Speaker, any policy, any policy that breeds more poverty, is bad policy. (Applause) Mr. Speaker, any policy or away set of policies that breed more policy, is bad policy. Mr. Speaker, the Government's demarcation of urban and rural constituencies needs to be reviewed, as many rural constituencies have areas in them with the characteristics of urban dwelling. Funding assistance to rural constituencies need to reflect the urgency, not only because rural constituencies experience that kind of poverty level - and it is worse than the urban poverty - but because the relative ease with which small interventions can change the lives of so many persons, Mr. Speaker.

Mr. Speaker, there is one issue that has been burning in my chest for the past year, and this issue - about a year ago the Prime Minister said it would take some time for the Members on this side to have the moral authority to speak on the issue of morality,

when they were discussing whatever it was. I took objection then, as I do today. (Applause)

About two or three weeks ago, when we were discussing the extradition of a notorious criminal we were reminded in this House that we would not have the integrity to speak on that issue as well. I take personal objection to that. (Applause) My personal and fundamental objection, Mr. Speaker, is simple. I do not know of whom the Prime Minister speaks, but I know that there are many persons - and listening to the Member who just concluded, I know that there are Members on both sides of the House with impeccable integrity. (Applause) And, Mr. Speaker, there are many of us in here; I think we far outnumber the few that have questionable characters.

Opposition MEMBER: Hear! Hear! Some a dem nah listen.

Dr. HARRIS: I take personal objection to it, Mr. Speaker, because I am a proud Member of Parliament for my constituency.

Opposition MEMEBRS: Hear! Hear!

Dr. HARRIS: My stated objective in coming into politics, Mr. Speaker, was to lead the developmental process and to transform North Trelawny into a prosperous community. I can say to you today, Mr. Speaker, that that mission, though not complete, is irreversible. (Applause)

And I will further state, Mr. Speaker, and you will excuse me if I have a little bit of passion in this one, because I know that I am a decent, honest, hardworking Jamaican. I was born in a very rural country village - well, Maroon Town, where the only place that you could be born is at a banana root.

Mr. Speaker - and I say this with pride - Mr. Speaker, I am now here making my contribution to nation building. I credit the Prime Minister with length of time in politics, but I am here for the service to my people inside of my constituency and inside of my country, and I distance myself from any thought process that would suggest or imply that politicians are anything but decent, honest, honourable men and women who make this contribution to nation building in the most self-sacrificial ways, Mr. Speaker. (Applause)

Mr. ROBERTSON: So why you not running back?

Dr. HARRIS: Mr. Speaker, l may agree will the Prime Minister's thought process if he were to suggest that some politicians, some politicians do not have the moral authority. But I would quickly add that these individuals must be quickly isolated, identified and exposed, not only to victimize and to ostracize them, but to bring back decency and respectability to public life and public service.

Mr. Speaker, we must not allow the lexicon of the political jargon, Mr. Speaker, to be so coasted that the words victimization, cronyism, grafting, kickbacks, become commonplace in our general discourse any more. (Applause) The time is now for decent men and women to take pride in service and to celebrate decency, and to demonstrate humility in service to their country and their constituency.

Opposition MEMBERS: Hear! Hear! (Applause)

Dr. HARRIS: Mr. Speaker, I again use this forum - and like a broken record, Mr. Speaker - to lobby for the Falmouth police station. (Applause)

Mr. BUNTING: Hear! Hear!

(Applause)

Dr. HARRIS: I know you feel upset, Mr.

Speaker that every year we have been talking about the same thing and nothing seems to be happening.

(Laughter)

Mr. BUNTING: I feel upset.

Dr. HARRIS: Mr. Speaker, the truth is...

(*Sotto voce* comment from Mr. Henry)

..1 never heard that one. The Minister is saying that he is going to put some assistance on to the police station. And, Mr. Speaker, even before he starts work, I would volunteer to go there and clean out all the tall trees that are inside there, to make sure that when he comes it will be a site ready for construction.

Mr. ROBERTSON: You can't cut no tree!

Dr. HARRIS: Mr. Speaker, our police officers cannot continue to operate from four (4) different locations, it does not make any logistical sense. While we had problems in the construction phase, these problems are behind us, and we must move with alacrity to complete the station. And I will posit the position that Trelawny will return to that parish, or to that list of parishes that enjoyed the lowest crime rates in the island.

Mr. BUCHANAN: Portland! Five every year!

Dr. HARRIS: And in this effort, Mr. Speaker, we have to make our officers comfortable.

(*Sotto voce* comment from Mr. Robertson)

Mr. BUCHANAN: How much you kill?

Mr. ROBERTSON: No, no, no! country man, do better than that! You know, your Leader don't hear when you say them nastiness and slackness!

Dr. HARRIS: Mr. Speaker, I am not a complainant, ever, and while I complain about the police station, there is one other issue that I need to complain about inside of this House, Mr. Speaker.

I have been lobbying for the roads to be fixed in Deeside, Drummaly, Bunkers Hill, Hampden Land, Gravel Hill, Clarks Town through Hyde, Campbell's Hill and Red Hills for as long as I have been inside this House. Every Minister, Mr. Speaker, if they were to care to remember, would know those roads by name, if not by the way they look.

Now, I supported the Gas Tax, Mr. Speaker, because 1 was told and I understood that some assistance on these roads would be forthcoming. At the same time, I thought that the taxi operators and many other motorists could trade this extra tax for the better road surface that they would experience. Mr. Speaker, today I am not complaining. Today I am saying that the imposition of this Gas Tax, so far, I believe is wrong and is dishonest. We have not seen inside of North Trelawny any benefit of the Gas Tax, and our people pay taxes too.

Mr. Speaker, if our people pay this tax, then their roads demand to be fixed; their roads need to be fixed, Mr. Speaker.

From the CDF, we have done roads in Falmouth Gardens over the past year, in Falmouth Gardens, on the Holland Road, and these are the busiest roads in the constituency. The Falmouth Gardens, the Holland Road, the Clarke's Town Road, but they need to be extended deeper into the communities. The CDF cannot do this work alone. I have said to the Minister that I will stretch any dollar that he gives me to make sure that the maximum work comes out of that dollar. I don't know if many other Members of Parliament have that

capacity, but we do it, and we have been doing it every year, so far. But, Mr. Speaker, I was told by some taxi-men that they demand that their roads be fixed, because they cannot afford the front-end parts.

Mr. Speaker, there is one other thought process that occupies my mind and my constituency's development. Our Prime Minister and portfolio Minister for Lands - I would humbly suggest that the issue of lands should not be put off; or put on any backburner.

Mr. Speaker, until and unless every parcel of land in this island Jamaica, is titled, meaning owned and controlled by somebody... (Mr. Thwaites applauds) ...we will continue to have land problems, informal settlements, and all the attendant problems. (Applause)

Mr. Speaker, 1 will not get into all of the benefits of land titling this evening, because we have all been there, and we all understand the tremendous economic benefit that it can be to individual families, to communities, and to the country at large, if we just simply title the lands. It is time to separate development and value from the ownership of land; then and only then can we address unplanned settlements, and all the attending problems. And by extension, Mr. Speaker, we have a problem, or we have a threat to 'A' grade or generally speaking, agricultural lands.

If we do not title lands and put the necessary zoning regulations in place, we cannot address these issues and will continue to see the taking over of agricultural lands by housing.

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

Dr. HARRIS: Three minutes.

Mr. HOLNESS: Mr. Speaker, I now move for the suspension of Standing Orders to allow the Member five (5) minutes to complete his presentation. He has suggested three, but five.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Member a further five (5) minutes to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Dr. Harris.

Dr. HARRIS: Thank you, Mr. Speaker and fellow Members.

Mr. Speaker, related to the land issue, Mr. Speaker, but not directly so, we speak - I spoke here about four years ago about the development order that we needed for our parish and our development order has been through all the stages and it was signed off by the Prime Minister, but to date our community does not benefit from this planning tool, I would say planning and regulation tool, Mr. Speaker. That is because it is now held up inside the Parliamentary draftsman's office. Mr. Speaker, I use this forum again to ask the Prime Minister to make sure that this development order becomes a reality and is made available for use inside our community. Jamaica needs many development orders but we need this developmental tool, this developmental - or the regulations and the tool of this development order like now, Mr. Speaker.

Mr. Speaker, I end today as I have ended every year for the past many years . . .

Mr. PICKERSGILL: Many?

Dr. HARRIS: …many, many years, Trelawny is still open for business.

I thank you, Mr. Speaker. (Applause)

The SPEAKER: Thank you, Dr. Harris. Mr. Witter. (Applause)

Mr. WITTER: Thank you very much, Mr. Speaker. Mr. Speaker…

Dr. PHILLIPS: This is a sectoral again.

Mr. WITTER: I feel very privileged this afternoon as I make my contribution to the Sectoral Debate for the third time. This achievement, Mr. Speaker, did not come about as a result of any single effort but, indeed, through the efforts of many different persons and groups who have entrusted in me the responsibility of serving the people of South East St. Elizabeth. These include, Mr. Speaker, my management team, my councillors, my constituency executives, some of whom are here this afternoon. (Applause) Special thanks are in order, Mr. Speaker, for my immediate and extended family of over 50,000 in the constituency of South East St. Elizabeth. (Applause) I also want to pay special tribute to you, Mr. Speaker, my colleagues of this Honourable House and the staff of this Parliament. (Applause)

Mr. Speaker, 1 want to thank God for providing me with all of those persons whom I have mentioned before who have supported me. But, Mr. Speaker, it's more the tongue can tell, for the thanks and praise that I have for Almighty God in providing me with the most important person in my life, my wife Normalyn, who is here with me today. (Applause)

Mr. BUCHANAN: Allelujah!

Mr. WITTER: She has been a tower of strength and I know that without her I could not have made it. (Applause)

A MEMBER: Family man. (Applause)

Mr. WITTER: They say that behind every successful man . . .

Mrs. SIMPSON MILLER: Beside.

Mr. WITTER: …beside - thank you very much - every successful man there is a good woman and, indeed, 1 know that to be true. (Applause)

Last year, Mr. Speaker, when I made my second presentation in this Honourable House I highlighted a number of projects that I intended to pursue and today, Madam Speaker, I am pleased to inform this House that, notwithstanding the financial challenges, we were able to implement majority of these projects. (Applause)

Mr. LAWRENCE: Very good, very good, power of the CDF.

(The Speaker left chair and the Deputy Speaker presides)

Mr. WITTER: Madam Speaker, I want to once again thank the Honourable Prime Minister for his vision and foresight in providing the Constituency Development Fund. (Applause) Many of us, Madam Speaker, when the Government was negotiating the terms and conditions of the IMF loan facility felt at the time that this was going to be the end of the Constituency Development Fund . . .

Mr. ROBERTSON: And they cry out like a baby.

Mr. WITTER: …especially those on that side of the House.

Mr. KELLIER: Not true. We are getting less money now than we used to get before.

Mr. WITTER: Most of my colleagues on the other side of the House were anticipating a negative response from the IMF. Thank God, Madam Speaker, the CDF is here to stay. (Applause)

Mr. WITTER: Madam Speaker, I want to now highlight the achievements of my

stewardship in the constituency of South East St. Elizabeth and I want to begin with roads. Madam Speaker, in the past the Administration concentrated a lot of effort on the main roads and my colleague from North West St. Ann spoke to that issue yesterday. The majority of the interior roads which provide links between the farming communities and the other important townships and marketplace were left unattended for several years.

Madam Speaker, it is now my task to address these concerns and as such, Madam Speaker, I have been able to improve the conditions of a number of these roads in the constituency of South East St. Elizabeth. These include Dunderhill to Shaddock Hill, Banton Town to Top Hill, Nain to Gazeland, Bull Savannah to Junction, Tryall to Ballards Valley, Todd Town to Bull Sav, Leeds to Smooth Land.

Mr. MONTAGUE: Bobby, you hear that!

Mr. PICKERSGILL: Him nuh need anything more.

ELECTRICITY

Mr. WITTER: Madam Speaker, I now want to turn to electricity. Madam Speaker, South East St. Elizabeth is regarded as one of the fastest growing towns or communities economically in Jamaica.

Mr. PICKERSGILL: Who say dat?

Mr. WITTER: Many people say so, including you who would have passed through and seen the development over time.

Mr. ROBERTSON: Him can't even recognize development . . .

Mr. WITTER: And as such, Madam Speaker, many people would believe that electricity is available to all residents in the constituency.

Mr. PICKERSGILL: When we left office it was so.

(*Sotto voce* comment by some members)

Mr. WITTER: But, Madam Speaker, when I took over, contrary to what my colleague is saying, when I took over as Member of Parliament I was confronted with the problem of children having to study at nights without the use of electricity supply.

Mr. PICKERSGILL: Where that is?

Mr. WITTER: You will soon hear.

Madam Speaker, for a number of residents in these communities this now has become a problem of the past… (Applause)

Mr. MONTAGUE: This Government gives light.

Mr. PICKERSGILL: REP.

Mr. WITTER: …as we have now completed a number of extensions in various areas and they are now connected to the Jamaica Public Service Company supply.

(Applause)

Mr. PICKERSGILL: REP.

Mr. GALLIMORE: Right jungle.

Mr. WITTER: This was done in collaboration with the Rural Electrification Programme, but $15 Million was allocated from the CDF towards this project.

Madam Speaker, the next item is agriculture.

Mr. PICKERSGILL: Farmers!

Mr. WITTER: Madam Speaker, the agricultural sector provides the largest employment opportunities for Jamaicans, the agricultural sector. And I want to at this time congratulate the Minister of Agriculture.

(Applause)

Mr. PICKERSGILL: What happen to Hutchie?

Mr. WITTER: And my other colleague from North West St. Elizabeth who ably assisted him. (Applause)

Mr. PICKERSGILL: I bet you that's not in the speech.

(*Sotto voce* remarks by some members)

Mr. WITTER: Well thank God I am not reading. (Applause)

Mr. CHARLES: Not reading, comes from the heart.

Mr. WITTER: I want to congratulate the Minister and the Ministry of Agriculture for the wonderful job . . .

(Applause)

Mr. MONTAGUE: That they are doing.

Mr. WITTER: …that they are doing in improving the cultural sector.

(Applause) I must admit this afternoon that it is my personal conviction that the present Minister of Agriculture is by far the best agriculture Minister that we have had in our recent history. (Applause)

Mr. ROBERTSON: They have all agreed.

Mr. WITTER: And I know that Roger would agree.

(Laughter)

And if anybody has any doubt, Madam Speaker, you would just need to visit the *bread basket* of Jamaica and ask the farmers themselves.

A MEMBER: Hear, hear!

Mr. PICKERSGILL: Worm out fi kill you.

(*Sotto voce* comments/Laughter)

Mr. WITTER: That is an act of God and, we will deal with it.

Government MEMBER: We inherit it. We inherit it.

Mr. WITTER: Madam Speaker, Southeast St. Elizabeth was the home for the largest bauxite plant in Jamaica. The plant is still there but it is now closed.

Mr. PICKERSGILL: Yes, yes.

Mr. WITTER: And the last time I met with the Minister of Mining and Energy...

Mr. PICKERSGILL: What he says?

Mr. WITTER: I was informed then - and I have all the confidence in my Minister - that next year, come next year, we will have the re-opening of that plant.

(Applause/*Sotto voce* comments)

But Madam Speaker, it is unbelievable to see what agricultural production has done to keep the standard of living of these residents as high as it was during the operation of the bauxite company. Madam Speaker, through the Constituency Development Fund, I was able to join hands with the Ministry of Agriculture, and RADA in particular, to provide technical and other support to these thriving farmers. Some of these support...

A MEMBER: Never thief any.

Mr. WITTER: As l said, I collaborated with the...

Mr. PICKERSGILL: It is only $5 Million.

Mr. WITTER: ...Ministry and the bauxite company who assisted...

One MEMBER: Bauxite company lock down!

(*Sotto voce* comments/Laughter)

Other MEMBER: That's what you think.

Mr. WITTER: They continue to do their community work.

(Applause)

And I am advising you, as the Member of Parliament for the constituency where the plant is situated, they continue to assist the communities.

A MEMBER: Hear, hear!

(*Sotto voce* comments by members)

Mr. WITTER: Some of these support include: improvement in Extension Services, training of farmers to provide them with support for best practices, increased access to market opportunities. And while doing so, Madam Speaker, we also provide them with other inputs - form inputs and implements.

WATER

I now turn to the matter of Water. Madam Speaker, the recent drought has taught us a serious lesson, that notwithstanding Jamaica being called *the land of wood and water*, we were not harvesting nor harnessing this precious commodity as we should. But I want to commend the Honourable Minister of Water and Housing for his response to the challenge during the time of the drought.

(Applause)

Madam Speaker, water shortage has always been a problem in the southern belt of St. Elizabeth. But we were able, during the dry period - thanks again to the Minister of Water and Housing - to provide over one thousand truckloads of water to the affected communities.

(Applause/*Sotto voce* comments)

That money came straight from the Ministry of Water and Housing. And I mentioned that.

(Applause/Cross talk)

Government MEMBER: Straight to the bread basket.

Mr. WITTER: Madam Speaker, for the long-term solution, I am pleased to announce that we are now well-advanced in the laying of pipes for the Essex Valley Water project...

Government MEMBER: Very good.

(Applause)

...which is slated to provide water for over ten thousand residents in the constituency.

(Applause/*Sotto voce* comments)

Government MEMBER: What!

Mr. M. PEART: You can't lose again, can't lose, can't lose.

Mr. MAIR: You sending Horne down there again, Bobby?

Mr. M. PEART: Dem haffi go blow horn.

WELFARE – SOCIAL SAFETY NET

Mr. WITTER: As it relates to welfare, Madam Speaker, we continue to assist the very needy in our communities, and notwithstanding the Government's commitment in widening the social safety network, we believe that additional support will always be necessary for those persons who are below the poverty line.

Government MEMBER: Hear, hear!

Mr. PICKERSGILL: You are about to congratulate Pearnel now.

(*Sotto voce* comments by members)

Mr. WITTER: And therefore, Madam Speaker, we responded by providing the assistance to hundreds of persons.

A MEMBER: Hundreds!

Mr. WITTER: These include, as I said - and I want to congratulate the Minister for widening the Social Safety Network, in filling of prescriptions, providing funeral grants to needy families. We also, Madam Speaker, continue to support the Junction Health Centre where we provide care for the mentally challenged.

Government MEMBER: Hear, hear!

Mr. WITTER: Madam Speaker, we have established a committee called the Care Committee of which my wife is a part. She serves on that Committee.

A MEMBER: Very good. (Applause)

Mr. WITTER: And I also want to acknowledge other members of the Committee who are in the Gallery here, this afternoon.

(Applause)

A MEMBER: Yes... very good!

Mr. WITTER: This Committee, Madam Speaker, deals with the day-to-day activities of the facility, ensuring that patients receive hot meals, clothing, psychiatric and other medical care.

(*Sotto voce* commments)

Mr. WITTER: And also ensuring that they at least have a bath when they visit the facility. And I want to mention here this afternoon that these persons whom you would call street persons, when they come into the facility, they are well taken care of. They get some of the care that I don't even get sometimes.

(Laughter)

Miss HANNA: Your wife is here!

Mr. WITTER: We give them manicure and pedicure.

One MEMBER: Aaahh!

Mr. MAIR: State-of-the-art.

A MEMBER: Facial and massage!

(Cross talk/Laughter)

Other MEMBER: Serious care!

Mr. WITTER: I just want to remind you that, as a Member of Parliament - and you know the challenge of being on the road - sometimes you are not able to be at home to get those tender care.

(Laughter/Applause)

(Sotto voce comments)

Opposition MEMBER: Gwaan talk, you hear.

EDUCATION

Mr. WITTER: Madam Speaker, I now turn to Education.

Mr. PICKERSGILL: You calling it manicure and pedicure, it is *facial* and *footshall.*

Mr. WITTER: Everyone in this Honourable House knows that education is one of the most critical components of nation building. And realizing this, Madam Speaker, we continue to give our support with back-to-school assistance for students entering the various institutions. Madam Speaker, we also continue to attend to the various needs of the educational institutions within the constituency. These include: the physical infrastructure. For example, Madam Speaker...

(*Sotto voce* comments)

...the provision of additional classrooms, upgrading of playingfields, painting and renovation of these facilities.

Madam Speaker, I also want to pause at this time, to thank the Honourable Minister of Education for providing $70 Million to construct a new basic school at Nain.

(Applause)

MEMBERS: What! What! Minister of Education!

(*Sotto voce* comments/Laughter)

A MEMBER: What about me?

Mr. WITTER: This project is now completed and will be ready to accommodate students for the Christmas term.

SPORTS

Madam Speaker, I want to turn now to sports.

Madam Speaker, **Brand Jamaica** is now a household name across the entire world, as our sportsmen and women have done us proud in the international community. Madam Speaker, this did not come by chance, but as a result of the support that we have given to the various sporting groups and organizations, both at the national and local level.

Madam Speaker, at the constituency level, we have been instrumental in the sponsoring of several sporting activities. These include: cricket competitions, athletic competitions in the various schools and youth clubs, football competitions and netball competitions. Madam Speaker, we have also collaborated with Sports Development Foundation, and again Alumina Partners of Jamaica, ALPART, in improving the physical conditions of a number of sporting facilities within the constituency. So much to say - so much so that the Social Development Commission, SDC, is now considering to host the National SDC 2020 Cricket Finals at one of these facilities.

(Applause)

Madam Speaker, as I shift the focus to national issues - and I just want to make one observation as it relates to a very important national issue. This matter has to do with the problem of crime and violence in the country.

Madam Speaker, I think this is very timely, as Members of this Honourable House are currently debating the legislative amendments to tackle this monster. Madam Speaker, the previous administration had tried very hard over many years to tackle this problem. And Madam Speaker, I am convinced today, that they were very very sincere in all their efforts. I have no doubt about that. But, Madam Speaker, after the implementation of various measures to deal with this situation, little or no success was reaped.

Madam Speaker, I can recall *drastic, strong and resolute measures* – some of the words of former Minister of National Security. But this did not slow down the criminals.

Madam Speaker, we have tried Operation Eradication, but this did not change the criminals intention.

Madam Speaker, there was the intervention of the Anti-Crime Task Force but the criminals still continue on their destructive course. We have also tried the Crime Management Unit, but this also, Madam Speaker, did not cause them to change their bad habits.

Madam Speaker, in trying to identify the root cause of these problems, many many opinions were framed. These include causes such as political connections, corruption in the police force, breakdown in family values, lack of economic opportunities, improper lyrical contents in our dancehall music and many more. I believe, Madam Speaker, that these are all reasonable observations.

But Madam Speaker, what are we going to do to turn around this situation? I believe, Madam Speaker, that while we contemplate this very important legislative amendment, there must be the necessary commensurate, social interventions. And Madam Speaker, these interventions must not be seen as spontaneous reaction to the problem. They must, Madam Speaker, be directed in a proactive way, which will enable us as leaders, to regenerate the minds and efforts of the people in a new path of production. (Applause)

Madam Speaker, I have one suggestion in this regard. I believe that the offices of the

Members of Parliament, which are now equipped with a paid consultant, should be given the additional resources to direct these social interventions, along with Social Development Commission which should act as the implementing agency.

Madam Speaker, I want us to understand that there is not one single Member of this House who do not know the basic need of their constituency. I believe that all of us as Members of Parliament know and understand the needs of our constituency. And, Madam Speaker, that is why we are here in Parliament to represent these needs. Madam Speaker, there have been several interventions before, but the problem remains the same

Madam Speaker, a lot of the previous approaches have been tied up in too many administrative bungling raking up half of the costs of the programmes.

(The Speaker returns to the Chair)

Mr. Speaker, officers from different agencies, are paid to go around and ask all sort of questions about people's concern and needs which would have already been represented and articulated by their Members of Parliament. Mr. Speaker, let us chart a new way forward. (Applause)

As I conclude, Mr. Speaker, I want to on behalf of my constituency take this opportunity once again to say thanks to the leadership of this administration under the stewardship of the Honourable Prime Minister, and the guidance of the Almighty God for having brought us safely so far through this troubled waters. And as we look forward to complete the journey, we will remain strong with one aim, one God, one destiny, one Prime Minister, the driver. (Applause)

May God bless beautiful Jamaica.

The SPEAKER: Thank you, Mr. Witter. House Leader.

UWI/MONA CAMPUS SECURITY ACT

Mr. HOLNESS: Mr. Speaker, Item No. 7 on the Order Paper is a very simple matter, Mr. Speaker. The University of the West Indies (Mona Campus) (Security) Act, came into operation in 2002. Since that time the university's security personnel have been experiencing challenges with the enforcement of Section 13 (a) to (d) and by virtue of how it was worded. As it is presently worded the section prohibits the cutting of trees, picking of fruits, the cutting of grass and other acts. However, there are occasions, of course, Mr. Speaker, when these actions are required and consequently, it has been decided to give power to the Campus Finance and General Purpose Committee to authorize certain acts that were otherwise prohibited.

Mr. Speaker, to explain what had happened, the legislation when it was originally passed in this House, was worded in the following way, Mr. Speaker:-

> "***Persons shall not on the campus cut trees, take fruits from trees or plants, set fire or remove growing grass, any wire, cable, fence, pipeline, net or any other material; and dig, excavate, bore or lay any road track or path without being so authorized by the Committee."***

So, Mr. Speaker, the wording prevented - made it illegal for the university to maintain its own property. But within that same section of the law, it gave them the authority to dig, excavate or bore providing that they got the approval from the Committee.

The last part of the of wording "***without being so authorized by the Committee***" was misplaced, and what we are doing with this Bill is to simply correct that. So the new Bill will read effectively that:-

> "***A person shall not on the campus of the University of the West Indies cut trees or, take fruit or set fire or excavate without being authorized.***"

So now we are giving them, the university, the power to authorize this to be done. So it is a very simple Bill, Mr. Speaker. And I would now, Mr. Speaker, if nobody want to, if no other Member wants to contribute...

The SPEAKER: Yes, Mr. Kellier.

Mr. KELLIER: While I have no basic objection to the amendment, Mr. Speaker, we would just like to know whether or not there is any section of the Bill that speaks to persons who act in violation of these....

The SPEAKER: The penalty.

Mr. KELLIER: What are the penalties? I would like the Minister to spell them out so that we are assured that they are also in keeping with the normal standards practised elsewhere in respect of matters of this nature.

Mr. HOLNESS: Mr. Speaker, the Bill, provides penalties and I will inform the House as soon as I have a chance to go through to tell you exactly what the penalties are for breaches. There are different penalties applied for different breaches prescribed in the Bill.

But yes, there are penalties for breaches.

The SPEAKER: Yes.

Mrs. SIMPSON MILLER: Mr. Speaker, this is not controversial and we believe that the University should have control over the property and should be able to do what is right in the interest of the University, the workers and students of the University. So we have no difficulty in supporting.

The SPEAKER: Sure!

Dr. TUFTON: Mr. Speaker, I do not know whether my colleague would just comment on whether or not it speaks to any artifacts, anything that would be of some - a national treasure that would speak to the history of the area or the institution or the country. Because if it does, maybe one would want to look as to whether or not you would give permission to anyone who may destroy those. I just want to raise this to the Member.

The SPEAKER: No, as it is now you see, anything to be done has to be authorized by the Committee.

Mr. HOLNESS: Mr. Speaker, I move that the...

The SPEAKER: Did you want to respond on the question of penalties to Mr. Kellier, did you get a chance to...?

Mr. HOLNESS: I am going to respond in Committee stage.

The SPEAKER: Very well.

Mr. HOLNESS: Mr. Speaker, I now move that the Bill be read a second time.

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

Motion put to the House and agreed to.

Bill entitled:-

"***AN ACT to Amend the University of the West Indies (Mona Campus) (Security) Act".***

read a second time.

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

COMMITTEE STAGE

The CHAIRMAN: Mr. Holness.

Mr. HOLNESS: The Leader of Opposition Business had asked a question regarding penalties. Section 17 of the Bill that we are amending specifies that a person would commit an offence if they contravene Section 13 of Bill, and that offence the person would Be liable on summary conviction before a Resident Magistrate to a fine not exceeding $200,000.

Mr. KELLIER: Why I asked the question, Mr. Chairman, in recent times there has been an attempt to - and especially in light of praedial larceny moving to the levels that it is now. I wonder whether or not there needs not be some adjustment to the level of those fines. People just go and cut down your mahogany tree as they have a feeling, and all those lovely mahogany trees that value hundreds of thousands of dollars and other such things, whether or not that level of fine is still in keeping with the modern trend that the Minister of Agriculture is trying to pursue or we should not move it up a little more as a deterrent.

Mr. HOLNESS: Well, I would think Member that - I am not quite sure if we have mahogany trees on the campus. But for the fruit trees that are there, I think $200,000 would be a significant deterrent for the fruit trees that are there.

(*Sotto voce* comments by Members)

Mr. HOLNESS: Mr. Speaker, we are proposing now, Mr. Speaker, to repeal Section 13 of the original Act and replace it with a new Section 13.

The CHAIRMAN: New subsection 13, very well.

Mr. HOLNESS: And that section summon, should I read it into...

The CHAIRMAN: No!

The CHAIRMAN: Now Members, I put Clause 1?

Put to the Committee and agreed to.

Clause 2 put and agreed to.

Title and Enacting Clause put and agreed to.

The CHAIRMAN: The question is that 1 do report the Bill as having passed Committee Stage without amendment?

RESUMPTION

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

Mr. HOLNESS: 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 University of the West Indies, (Mona Campus) (Security) Act" read a third time and passed.

The SPEAKER: (Gavels) Bill read a third time and passed.

CRIME BILLS – CONTINUATION OF DEBATE

Mr. HOLNESS: Mr. Speaker, we will now continue the debate on the six (6) Crime Bills. We have three members who will be contributing to the debate, and I am sure that probably during the course of the debate today…

Mr. PICKERSGILL: Three over there?

Mr. HOLNESS: No, two and one! You want to start? Okay.

The SPEAKER: Mr. Fagan.

Mr. FAGAN: Mr. Speaker, I am seeking permission to… Mr. Speaker, am I permitted, sir, to speak from…

The SPEAKER: Permission granted.

Mr. FAGAN: Thank you, Mr. Speaker. Mr. Speaker, I really had intended to spend about an hour speaking on this Anti-Crime Bill, sir, but having listened to the speakers on this side and how well researched the arguments were, l would just revert to a few points that I would like to make on this Bill.

Mr. Speaker, I want to thank you for allowing me the opportunity to contribute. I feel compelled, even after what I have said to participate in this debate, because the more I think of the state of our justice system, and the more I think of the citizens' rights, which these Bills, these new Bills are intended to remove, I am convinced and believe that careful consideration must be given before we rush to satisfy those power brokers and privileged in our society.

Mr. Speaker, I was getting ready to attend a community meeting one day last week when I turned on my television and saw a young man, who was tortured and burnt all over his body by fellow inmates at a jail somewhere in St. Catherine, Mr. Speaker, I couldn't help it but to call the police station to find out what would have caused this kind of incident. He said - the officer told me that the individual was gagged by fellow inmates and the inmates used cigarette lighter and plastic to burn him all over his body. This was a young man who was caught with a spliff and jailed, because he could not get bail, and so the police thought that they would just put him in a cell with some other hardened criminals.

And the more I think about having to deal with this Bill as it relates to being placed in a jail for 60 days, without bail, and just look back at this incident, is the more I think that this is not something that I could support. What these Bills should seek to achieve, Mr. Speaker is to not impose detention of 60 days without bail, but rather to give more support to the judicial system. By this I mean, Mr. Speaker, to provide the Courts with database that is electronically driven to fast-tack those cases that are outstanding, and provide a legal aid programme that is more friendly and accessible to those who are unable to access legal representation because of their economic situation. To fix crime problems cannot be a knee jerk response, Mr. Speaker. We must look at our education system from the very basic upwards to tertiary. We must look at the state of our economy. We must get the local government system working. The Social Development Commission needs to be given the tools necessary to provide meaningful community development programmes, working alongside other social agencies such as the JCDC, In-sport and others.

Mr. Speaker, Government of Jamaica in developing a crime prevention community safety strategy led by the Ministry of National Security initially had consultation with stakeholders and there was a launch of that consultation in February of this year. These consultations, as I understand it, said to have continued at the individual agency level within the month of March. They were expected to have drafted strategy prepared papers for consideration in April 2010. To date, we have not seen that report.

Mr. Speaker, the Crime Bills that we are seeking to pass in this House need not be rushed because the Ministry of National Security has not published a report with the feedback from these consultations. It means that we as legislators would not have had the benefit of reviewing the report from the consultations, which must be critical in the bottom/up approach in dealing with matters such as this.

To fix, to fix crime is not about locking up people for 60 days and giving mandatory sentence for 15 years. To fix crime, Mr. Speaker, is to provide opportunity for national service in the Jamaica Defence Force, in the education system, the Coast Guard, the Fire Brigade service and others and have a well-trained police force and a trustworthy justice system, which will provide equal rights and justice for all, irrespective of socioeconomic background, religious or political affiliation.

Mr. Speaker, there are three (3) main goals which this Bill seeks to achieve; mandatory minimum sentencing, extending the powers of arrest and detention, restricting and granting of bail. All three cases, Mr. Speaker, would lead to the abuse of civil rights, and would further empower the security forces that are already struggling to gain public trust and confidence.

Mr. Speaker, I was listening to a radio programme this week, I was listening to Superintendent defending how he deals with the public transport persons. He said, and if I may quote. "When I see them on the road, I just stop the bus, grab them and take them to the courts office". And 1 said, in that tone, Mr. Speaker… 'grab them', I was thinking, l was wondering if I was thinking about the crabs, because it's crab time. But he said, he just grab them, take them to the courts. And I understand the difficulties out there. I understand how difficult it is out there to be working with some of these people, it's not easy. But we have to have an approach, we have to be gained and we have to treat - because it is not everyone out there who you are seeking to arrest are persons who are just bad people, some persons are just really taking a chance and it happens like that.

I am not going to say much more, Mr. Speaker, because I have already said that most of what I would have wanted to say was said earlier, but I would like to quote from Cesar Chavez. He says:

> *"We cannot seek achievement for ourselves and forget about progress and prosperity for our community. Our ambitions must be broad enough to include the aspirations and needs of others for their sakes and our sake."*

Mr. Speaker, I want to thank you for allowing me this time and to say that with what I have said, I would not be able to support the Bill in its present form.

Thank you.

The SPEAKER: Thank you, Mr. Fagan.

(Applause by Opposition Members)

The SPEAKER: Dr. Bartlett.

Dr. BARTLETT: Thank you, Mr. Speaker.

Mr. Speaker, this evening I rise in support of the Crime Bills that were tabled in this Honourable House close to two years ago.

Mr. Speaker, a Committee was put forward to deal with the Bills and that Committee had some six meetings, various organizations also made submissions to the

Committee, and the Committee prepared a Report and submitted it to this Honourable House. And in the Report the Committee indicated its genuine concern about the level of crime plaguing the country and the fact that criminal activity was instilling fear in the entire population. The members also shared the view, Mr. Speaker, that there was a need to promulgate legislation that will stem the source of criminal activities. None of those two findings that I just read from the conclusion of the Report by the Committee is irrelevant today, they are all still relevant.

But how did we come to that, Mr. Speaker? Indeed, with a new government taking power in 2007 and crime being one of the major problems that we have been facing in the country, at the beginning of 2008 the government saw the need to engage the Opposition to seek bipartisan agreement in coming up with ways of dealing with the crime monster.

Although those Bills were tabled in 2008 and they were sent to committee, what we saw happen during that same 2008 was the level of criminal activities and murders increased over the 2007 year and 2009 it continued to increase over 2008; and in 2010 during the first five months of this year there is still record murder in Jamaica.

And so, while we sat on those six (6) Crime Bills in this House since 2008 the criminals were looking at us and they were laughing at us, Mr. Speaker. They were saying to themselves, you guys cannot do anything to control us and so they went ahead and they did all they wanted to do and while we are in this House speaking about whether policemen are using their powers in excess the criminals are out there using theirs in more than excess.

Mr. Speaker, there was one member of the security force who once said that Jamaica had 75 to 80 per cent criminals and you know...

(Inaudible comment by Mr. Shaw)

Dr. BARTLETT: Jamaica, Jamaica. So according to him we had somewhere in the region of 15 to 25 per cent honest people in this country. That certainly is not true. But the way that we behave, we behave as if all the people who are speaking about the protection of the criminals you would think that indeed we are 75 or 80 per cent criminals, because it couldn't be that this country is a country with 85 per cent law abiding people and we consider that whenever laws are being enacted to protect that 85 per cent of our nation we are crying about what will be happening to that minority group that is wreaking havoc on us in this our country.

Mr. Speaker, what we found in Jamaica, especially in the last five months, is that we have moved from single murder to double, to triple and to quadruple cases of murder. Is this a time for us to not look at ourselves and not to put in place serious measures that will deal with criminal activities? Mr. Speaker, what greater warning or indications do we need from the criminals that we in this very Honourable House will be next on their list than what happened three weeks ago?

Mr. PICKERSGILL: The Bills will save us?

Dr. BARTLETT: I want us to think about that.

Mr. PICKERSGILL: The Bills will save us?

Dr. BARTLETT: What happened three weeks ago was like a culmination of what the criminal underworld is ready to do to us in this country.

What happened three weeks ago indicates to us that as a government if we take serious steps against a leader of the criminal underworld criminal elements in this country would be ready to join hands and heart with one another to challenge law and order in this country. And they have done it because three weeks ago the Government gave a go-ahead to initiate the extradition proceeding against such a leader of the criminal underworld...

Mr. PICKERSGILL: Call him name.

Dr. BARTLETT: …and what happened after that all of us in this House were very surprised and the nation was in shock as to what happened.

Mr. Speaker, over the last three years - over the last three weeks, sorry, I'm having problem controlling my sugar level. I'm diabetic. And the depression that the events of the last three weeks ago have brought on me I'm having problem controlling my sugar level.

Mr. PICKERSGILL: You are a vet so you can't look after yourself.

Dr. BARTLETT: And why this is so, Mr. Speaker? Because following the announcement - and some may take it as a joke but this is not a laughing matter.

Mr. PICKERSGILL: What, what is not a laughing matter?

Mr. BUCHANAN: So why is Peralto laughing?

Dr. BARTLETT: Because following the announcement of the State of Emergency and when the criminal underworld decided to take it to the security forces, two members of the security forces were ambushed and brutally murdered along Mountain View Avenue, an avenue which I share as part of my constituency, and that has left me distressed.

Mr. Speaker, one member, one of the two policemen who was so brutally murdered was with his friends in Portmore playing dominoes and he got a call to come to duty and he said to his friends, I'm playing the last game because I have to go for duty. He left, Mr. Speaker, and he got dressed and he returned to the domino game just to say goodbye to his friends. He never knew that he would not have returned and he went on his legitimate business, legitimate business of protecting all of us in this House and all of us as citizens of this nation. But he was brutally, his life was brutally terminated by members of the criminal underworld. I ask the question again, who are we seeking to protect? Are we seeking to protect the criminals who are in the minority or, are we seeking to protect the majority of our citizens in this country?

I know that the Opposition may have concerns with aspects of the Bills, but for God sake, Madam Leader of the Opposition, let us together as a government or as a Parliament that respects the rights of the majority and also the minority, let us come together and let us ensure that the majority of people in this country do not look at us and the criminals do not make us a laughing stock because we fail to do what is necessary to ensure that we can control them in their wicked tacks. It is very, very important.

The six (6) Bills are by no means the total solution to the crime problem. If they were the solution to the crime problems then all the initiatives that we have made over the years during the reign of the previous administration we would have conquered the monster. But in truth and in fact, Mr. Speaker, what has

happened over these years is that we have been so soft, we have been so afraid of taking the kind of actions that we need to take.

Mr. Speaker, the actions in the western part of Kingston was initiated on the 24th and it went through the 25th. Between the 27th of May and today the criminals seem to have gotten the message, that this government will take serious action against them and we have seen drastic reduction in criminal activities in this country. Let us not let up on that.

And I will hasten to say, Mr. Speaker, that if it is that this Honourable House must ensure that the security forces can continue to do what they are now doing I'm sure that everyone in this House will agree with me that the actions so far of the security forces under this limited State of Emergency is quite honourable. They have shown a lot of restraint even in the period leading up to the West Kingston incursions, they have shown a lot of restraint; and in the days after the incursion to today they have shown a lot of restraint.

Mr. Speaker, it is not easy for non law-abiding personnel to stand before members of the security forces and abuse them in the way we see some of the abuse that they take. Watch television any night when there is report of activities in some of our inner city communities and look at the kind of abuse that the members of the security forces have to undergo.

We oftentimes say that the security forces do not use their power properly. But let us look at the kind of criminals and the kind of individuals that they are out there facing. When a criminal, or a group, or a gang will seek to ambush members of the security forces who are going about their legitimate duties of protecting the country, and they will seek to ambush them, and to murder two, and shoot six of them - eight (8) policemen shot one time, the question is, what is the law of our land that will control those criminals? They know no law, they do not respect the law and that is the reason they behave the way they behave.

We are supposed to enact law and give the security forces the power to ensure that they can control them. But when those same individuals in the criminal underworld will decide that they will turn against the State, that they will turn against the State, never before in the history of this country, have we ever seen an organised group of individuals decide that they are powerful enough to turn their guns, to turn against the State, to lock this country down, we've never seen it happen. And so let us - I know that we have a lot of lawyers in here, criminal lawyers...

Mr. HYLTON: And other lawyers.

Dr. BARTLETT: And other lawyers, yes. ...and I know that...

A MEMBER: Me know dem credentials.

Dr. BARTLETT: You take an oath to defend your clients...

A MEMBER: Or should I say an airline lawyer.

Dr. BARTLETT: ...but you know sometimes I have to ask myself the question, when you look at the kind of atrocities that is being committed against our citizenry in this country, how can a lawyer feel well to defend some of these criminals? How do you sleep, after you have defended these criminals? How do you go to bed and how do you go home, knowing that very well...

Mr. PICKERSGILL: The same way yu feel when yu kill a pig. (Laughter)

Dr. BARTLETT: ...that you have just gotten a criminal murderer off on a case because of some technicality, and then when you go home, you have to cage yourselves in your homes?

Mr. BUCHANAN: A Ernie yu a drop word for? Yu talk to Ernie?

Dr. BARTLETT: And who are you caging yourselves against, it is not the regular law-abiding citizen that you are caging yourself against, it is the criminal that you have just defended.

A MEMBER: What happen to the village lawyers?

Dr. BARTLETT: That's the one that you are caging yourselves against.

Mr. Speaker, when we go into these communities, Mr. Speaker, and sometimes what you find happening in these communities, is that the guys there on the corner will say that they are protecting the community.

A MEMBER: Yes!

Dr. BARTLETT: But what are they doing? What are they doing?

Mr. PICKERSGILL: Tell us!

Dr. BARTLETT: What they are doing, and I will tell you what they are doing is that they are protecting the community from their own selves.

A MEMBER: Yes.

Dr. BARTLETT: That's right. I went to cricket...

Mr. PICKERSGILL: What happen to August Town?

Dr. BARTLETT: ...one day...

Mr. PICKERSGILL: Yes.

Dr. BARTLETT: ...and when I park my car a young man came to me and say, 'boss mi a go watch dis fi yu'. Mi sey no man, it ahright, yu nuh haffi watch it.

Mr. PICKERSGILL: That's the first mistake yu mek, di man haffi eat yu food. (Laughter)

Dr. BARTLETT: First mistake and yu right, because when I came back out the window of my car was smashed...

Mr. PICKERSGILL: Yu lucky.

Dr. BARTLETT: .. And there was no one around. So I was to pay him so that he can watch himself from smashing my car.

(Inaudible commments by members)

Dr. BARTLETT: And in this House, in this House, in this House, we're being laughed at by the criminals. Let us not allow ourselves to be laughed at by the criminals any further, because we are not only being laughed at by the criminals...

A MEMBER: By the world.

Dr. BARTLETT: Yes, Member, we're being laughed at by the world.

Mr. PICKERSGILL: Yes, but for a different reason, for a different reason.

Dr. BARTLETT: Because we are unable to do the things that we are all supposed to do. So I beg of you, Members of the Opposition...

Mr. PICKERSGILL: What?

Dr. BARTLETT: ... support...

Mr. PICKERSGILL: Support what? You haven't said a word about the Bill.

Dr. BARTLET: ...support these crime Bills, support these crime Bills...

(Inaudible comments by members)

Dr. BARTLETT: ...and don't let, don't let, don't allow, don't allow Jamaica to laugh at us, don't allow posterity, don't allow posterity...

Mr. PICKERSGILL: A pity yu nuh inject the horse dem, that's the only thing yu can do.

Dr. BARTLETT: ...to remember this Parliament of 2010, and say they failed to take action that would have ensured our safety in this country.

(Cross talks/heckling by some members)

Dr. BARTLETT: Mr. Speaker, with those few words, I want to reiterate my support for the Crime Bills and ask that this House unanimously vote for these crime Bills.

Thank you very much.

(Applause)

Mr. HOLNESS: Mr. Speaker, I want to move for the committal of the item, "Notices of Motions Given Orally"

The SPEAKER: The motion before the House is for the recommittal of item, Notices of Motions.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Yes!

Mr. HOLNESS: Mr. Speaker, l beg to give notice that at the next meeting of the House, I will move to introduce, and have read - this is on behalf of the Prime Minister - and have read a first time, a Bill entitled "AN ACT to Amend the Jury Act". And I would suggest to Members that we intend to take this very quickly, so Members should prepare themselves for this.

(Inaudible comment by some members)

Mr. HOLNESS: The Jury Act.

Mr. PICKERSGILL: After the Crime?

Mr. HOLNESS: After the Crime, Jury Act.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. We therefore will suspend the debate on the Crime Bills until next week. I should just inform Members that on Tuesday, we will not take the sectoral presentations, we will dedicate the entire time to dealing with the Crime Bills.

Mr. PICKERSGILL: Who was down to speak?

Mr. HOLNESS: And should the time permit, we will take the Jury Act as well.

So, Mr. Speaker, l now move that the House do adjourn until Tuesday, the 15th of June, when we will meet.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Tuesday, 15th June at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House was adjourned accordingly at approximately 5.24 p.m. until 15th June, 2010 at 2.00 p.m.

TUESDAY, June 15, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.23 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry and Commerce.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

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

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

MR. KERN O'MAR SPENCER, (PNP), St. Elizabeth, North Eastern.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Mr. Gregory Mair.

The House resumed its sitting at 2.23 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

PASSING OF FORMER MP WILLIAM (VUNNIE) ISAACS

Mr. PAULWELL: I am sorry to do this but I thought the House would have taken note of the passing of Mr. Vunnie Isaacs, William Isaacs, former Cabinet minister and former Member of Parliament for East Kingston and Port Royal and that not having been done I would like to do so on behalf of the Opposition.

Mr. William Isaacs served the constituency of East Kingston and Port Royal starting in 1975 in a by-election, which resulted from the resignation by the former Member of Parliament, Mr. Eli Matalon, and he subsequently was returned in the 1976 elections as the Member of Parliament.

He served as Minister of Labour and also after the '89 elections Mr. Isaacs assisted the

Government in the industrial relations situation in the country. In fact he assisted greatly in the public sector calm that resulted during the period of 1989 up to 1983 (1993).

Mr. Speaker, Mr. Isaacs was an excellent Member of Parliament for East Kingston and Port Royal. He was responsible for a number of institutions including the Dunoon Park Technical High School, which I think the people from East Kingston will remember him greatly for that. And, you know, Mr. Speaker, Mr. Isaacs being the son of also a former Member of Parliament and Cabinet minister for many years, lived in his father's shadow until he became very active in East Kingston and Port Royal.

The people of East Kingston and Port Royal would like me to record his tremendous achievements, his contribution to their welfare, to the wellbeing of the constituency and I think on the passing of this noble Jamaican this Honourable House should take note. And I think it might be appropriate for us to send to the family the appropriate wishes.

Thank you very much, Mr. Speaker.

(Applause)

Mr. SAMUDA: Mr. Speaker, I never actually served in this Honourable House with the late Vunnie Isaacs...

(*Sotto voce* comment by Dr. Davies)

Mr. SAMUDA: That's one of those things. He retired in 1980 when I came. But what I can say, Mr. Speaker is that I knew him for over thirty years. And not only as an outstanding political figure, not only as an excellent minister of government, but as someone whose word meant something. If Vunnie Isaacs gave you his word it meant something.

(MR. DERRICK CHARLES SMITH, (JLP), St. Andrew, North Western, entered and took his seat.)

He was a very close friend of my father's and I on many occasions visited his home when he lived in Cherry Gardens, where I believe his wife now lives, his widow. He was a man who was a very jovial man, always telling a good story, always relating it to something that was practical and useful to assist youngsters to grow and develop in the political process. He was easily one of the most approachable public figures that I knew.

Mr. PICKERSGILL: Yes, true!

Mr. SAMUDA: And he was above everything else he was a man that I got the distinct impression from at a very early age that put country before self. To him the development of the country was very very critical; and he wasn't afraid to criticise those from even within his own political family, but always with a sense of humour, with a sense of respect and understanding for the other side.

And I really do wish to extend to his family our condolences. I think Jamaica has lost a very excellent son who has played his part in a very colourful, sincere and worthwhile way.

Thank you very much.

(Applause)

Mrs. SIMPSON MILLER: Mr. Speaker, I would like to join colleagues in this Honourable House to pay tribute to William "Vunnie" Isaacs. He was a very special kind of person; made his contribution, like his father before him, to the political process as Member of Parliament for Eastern Kingston and Port Royal and also as a Minister of government.

He made a - he was an outstanding member of the People's National Party but an excellent Minister, as was identified by the Member earlier. As Minister of Labour he was one who had friends across the political divide. He was a friend of both MICHAEL MANLEY and HUGH SHEARER and PJ PATTERSON. He spent many days and nights to ensure that the industrial relations climate would be calm. He made a valuable contribution to his country and his party and he was a very serious family man and loved his grandchildren. His grandson is a very strong tennis player.

I think that for us he will be sadly missed and I think it is important for us to record the contribution, the significant contribution of William "Vunni" Isaacs.

Thank you.

(Applause)

(HON. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment entered and took his seat.)

The SPEAKER: Members, in accordance with the usual practice we are going to ask The Clerk to send a card of condolence from the House. But being a former member we are going to have one minute's silence.

(A minute's silence observed)

STATEMENTS BY MINISTERS

The SPEAKER: Minister Robertson.

RE: EXMAR CONSORTIUM/FLOATING STORAGE AND REGASSIFICATION

Mr. ROBERTSON: Thank you, Mr. Speaker.

Mr. Speaker, Cabinet yesterday gave approval for negotiations to commence with EXMAR Consortium for the establishment of a floating storage and regassification.

Mr. PAULWELL: Mr. Speaker...

The SPEAKER: It's coming, Mr. Paulwell.

Mr. ROBERTSON: Copies have been provided.

Mr. Speaker, this is - the Floating Storage and Regasification Unit is the centrepiece of our planned energy diversification into the use of Liquefied Natural Gas. This marks a critical turning point in our efforts to bring a cheaper source of energy to Jamaica which will enable us to be more globally competitive and provide relief to electricity consumers.

Mr. Speaker, EXMAR is an international company based in Belgium with more than twenty (20) years experience in handling LNG. It was chosen through a competitive bidding process following a formal request for proposals issued in November 2009 and a comprehensive evaluation of the proposals submitted.

(MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, entered and took his seat.)

The process has been guided by a firm of international consultants, CH-IV, contracted to the Petroleum Corporation of Jamaica (PCJ). CH-IV is an LNG specialist firm with substantial experience in the development and implementation of LNG projects. The firm emerged as the successful bidder from a 2005 tender process and was engaged to provide technical assistance to the PCJ in its efforts to modernize and diversify Jamaica's energy mix.

The proposal provides for the establishment and operation of a floating LNG regasification terminal to be financed by the developer. It will be entirely a private sector

project with no investment or guarantee required of the Government of Jamaica. (Applause)

(HON. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade, entered and took his seat.)

Floating terminals, Mr. Speaker, are a relatively new and advanced technology with nine (9) such facilities in operation in six (6) countries: The United States of America, the United Kingdom, Brazil, Argentina, Kuwait and Dubai. Five (5) of these are operated by EXMAR.

(MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

Mr. Speaker, the negotiations are expected to be concluded before the end of this calendar year. On successful completion of the facilities, the regasification vessels will be used for the importation and regasification of liquefied natural gas for delivery through associated pipelines to off-takers.

Mr. Speaker, these will be the power generators and bauxite and alumina companies.

The Government's principal role will be to provide the appropriate regulatory framework through the OUR, and work has already commenced in this regard.

Assuming, Mr. Speaker, that the negotiations and build-out proceed according to schedule, it is expected that Jamaica will start using cheaper and cleaner liquefied natural gas by 2013. (Applause)

Mr. Speaker, the Government, will be aggressively pursuing this schedule with the assistance of the World Bank and our technical consultants, CH-IV. This is a major development towards improving our energy efficiency, reducing our cost of production and our cost of living. (Applause) It is, Mr. Speaker, consistent with the National Energy Policy which I tabled in Parliament last year, and is a major component of Vision 2030, the overarching framework for transforming Jamaica into a place where all Jamaicans will want to live, work and raise our families.

Mr. Speaker, the House is assured that it will be kept informed as this exciting new development proceeds.

Thank you. (Applause)

The SPEAKER: Yes. Mr. Paulwell.

Mr. PAULWELL: Mr. Speaker, first thing first. The Minister has referred to the energy policy, which was tabled in this House last year. This policy is yet to be debated and appropriately promulgated. And I would now just like to enquire of the Government, energy being so critical, to this country, when are going to have the policy probably debated so that it can be promoted?

Mr. ROBERTSON: Mr. Speaker, that is up to the schedule of the House and we are waiting and we are ready to do so and proceed.

Mr. PAULWELL: Of course, that is unacceptable, Mr. Speaker. But I will go on to the...

Government MEMBERS: Ah!

Mr. PAULWELL: It is unacceptable. Energy is a critical issue that this country faces and that should have been a matter that we should have created space and we should have created space in the agenda of the Parliament to deal with this long before now.

The SPEAKER: You are urging its early debate, is that so?

Mr. PAULWELL: Yes.

The SPEAKER: The question now.

Mr. PAULWELL: Mr. Speaker, there are some questions in relation to the announcement here.

First of all, I would like to ask the Minister whether or not we have secured supplies of natural gas for this project?

Mr. ROBERTSON: Mr. Speaker, let me answer it this way. There are major categories of energy suppliers which have shown interest in supplying liquefied natural gas to Jamaica. I have prepared a paper to share with the spokesman, but I must stress, however, that it would have been impossible to finalize an arrangement with an LNG supplier without having identified a firm infrastructure proposal. This is the normal practice in the LNG industry. LNG suppliers requires precise, logistical logistics and it is critical for suppliers to know the parameters of the LNG receiving terminal, in terms of the size of ship that it can be accommodated. The storage capacity of the terminal, the frequency of cargo deliveries, without knowing these factors, LNG suppliers will not make a firm proposal for LNG supply.

There it was critical - and it is critical for Jamaica to identify the FSRU provider and pipeline provider before we could enter into any detailed LNG supply discussions. And I would have thought that, this fact, the Minister would have been aware.

Mr. PAULWELL: I am not the Minister. (Laughter)

Mr. Speaker, all I want to know is whether or not, in relation to the project that has been announced for the establishment of the infrastructure, whether or not there is a contract in place for supplies, just yes or no?

Mr. ROBERTSON: The answer, Mr. Speaker, is that there is not a contract in place, it would be impossible to do so at this time. It is part of the process.

Mr. PAULWELL: Mr. Speaker, could the Minister indicate what is the projected cost of this infrastructure?

Mr. ROBERTSON: The answer, Mr. Speaker, it would be impossible also to provide that figure. There is a ballpark figure of approximately US$300 Million but as the - as I said earlier, to begin negotiations with the infrastructure provider.

Mr. PAULWELL: Mr. Speaker, the Minister says that this is an infrastructure that will enable the country to have cheaper products, a cheaper source of energy. But we are not clear on the projected cost of the infrastructure nor are we clear on the supplies of natural gas. I would like to ask the Minister a number of further questions.

Mr. Speaker, I would like to understand whether or not the Contractor General's office has played any role in the determination of this...

(*Sotto voce* comments by members)

Mr. PAULWELL: But it has to go there. I would like to ask the Minister what role that office is playing in guiding this project.

Mr. ROBERTSON: The answer is, the Contractor General's office has been involved at every stage where this goes for procurement process where it is required.

Mr. PAULWELL: Mr. Speaker, recently the Parliament was told that there will be certain proceeds from the Petro-Caribe fund that would go towards assisting the development of this project. I had asked the

question then and I will repeat it now. Is there a stake in this business for the Government of Jamaica, having regard to the funds that it will be putting in place to assist the development of this project?

Mr. ROBERTSON: Mr. Speaker, the funds, the Government that have been used in this project from its inception going back to 2004, onto the project is rolled out and completed in the first quarter of 2012 will be captured through two methods. One, a tolling fee on the infrastructure without Government - the need for government to have a stakehold in the joint venture. This is the method that we are proposing to proceed with in terms of the regulatory side of it and recouping of the Government's investment.

Mr. MONTAGUE: You don't understand

Mr. PAULWELL: I am trying to understand. Mr. Speaker, I just want to know if the money that we are spending, how we are going to get that back in value. Are we going to have an interest in the company? Are the prices going to be lowered to enable us to make back that money? I am just trying to understand whether or not those funds are to be recouped?

Mr. ROBERTSON: Mr. Speaker, the question that the Member from East Kingston is asking is answered this way. It is envisaged that the Government, the taxpayer's money is invested to date, to bring this project to where it is, will be recaptured through a tolling fee, a contracted tolling fee, through the FSRU, through the pipeline as it is.

(*Soto voce* comments by Members)

Mr. PAULWELL: You don't understand it either.

Mr. Speaker is there...

(*Sotto voce* comments by Members)

Mr. PAULWELL: Just a question. Is there a Jamaican partner who is involved with this EXMAR Company?

Mr. ROBERTSON: Mr. Speaker, the EXMAR Consortium has in it a local partner. We will provide all the information on the Consortium to you. The Consortium comprises of EXMAR, the Belgium company, Probi Gas which is the pipeline provider, a Colombian company, and a local company, local partner which will be - offer local services to the consortium.

(*Sotto voce* comments by Members)

Mr. ROBERTSON: I will provide the name.

Mr. PAULWELL: I need to understand what is the role of the Jamaican partner and what do we mean by services? And why can't we know the company, the name of the company that is partnering in this venture.

Mr. ROBERTSON: Mr. Speaker, all the information and the questions will be tabled, will be answered. We will invite the spokesman to review the tender documents, we will make all the documents available to the Member.

ANNOUNCEMENTS

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

- Stamp Duty (Amendment of Schedule) Order 2010 under the Stamp Duty Act.
- Certified Appropriations Accounts for the Inland Revenue Department 2008/9

That is available in the library.

- Letter from the Contractor General:

Re: the formal response to the representations which were made to the Office of the Contractor General by the Ministry of Tourism and Jamaica Vacations Limited (JAMVAC) regarding JAMVAC Agreements with US Airways for the provision of Airlift/Air Services between Phoenix/Arizona and Montego Bay Jamaica.

And this will be made available on the Parliament's website.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Mr. Montague.

PARISH COUNCIL GENERAL ELECTION (POSTPONEMENT) ACT ETC.

Mr. MONTAGUE: Mr. Chairman, I would like to beg to give notice that at the next sitting of the House I will move to introduce and have read a first time Bills shortly entitled, The Parish Council (General Election) (Postponement) Act 2010 and the Kingston and St. Andrew Corporation (General Elections) (Postponement) Act 2010.

Mr. Speaker, I would further beg to give notice that at a later stage today, I will move for the suspension of Standing Orders to enable me to introduce the Bills and have them read a first time and move for second reading and take them through all the concluding stages.

Thank you.

The SPEAKER: Prime Minister.

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

(*Sotto voce* comments by Members)

THE EMERGENCY POWERS REGULATIONS, 2010

The PRIME MINISTER: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move, the following resolution entitled: The Emergency Powers Regulations 2010 Continuation Resolution. It is rather long, Mr. Speaker, I ask you to bear with me.

Whereas under the provisions of subsection (1) of the Section 3 of the Emergency Powers Act, it is lawful for the Governor-General during a State of Public Emergency by order to make regulations to securing the essentials of life to the community,

And Whereas by virtue of paragraph (b) subsection (4) of Section 26 of the Constitution of Jamaica, the Governor-General may make a proclamation declaring that a State of Public Emergency exists,

And Whereas the Governor-General was satisfied that action had been taken or was immediately threatened by a person or body of persons therein of such a nature, and on so extensive a scale as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community, of supplies or services essential to life,

And Whereas the Governor-General was satisfied that a State of Public Emergency existed in the community, or any substantial portion of the community, as a result of the aforementioned circumstances,

And Whereas in exercise of the aforementioned powers, the Governor-General by proclamation on the 23rd of May 2010, declared that a State of Public Emergency exists in Jamaica in substantial portions of the community specified in the schedule to the said proclamation, And further declared that the said Proclamation shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding 12 months, as the House of Representatives may determine by resolution supported by the votes of a majority by all Members of the House,

And Whereas pursuant to subsection (6) of Section 26 of the Constitution of Jamaica, a Proclamation made by the Governor-General for the purpose of and in accordance with Section 26 shall, unless previously revoked, remain in force for one month or for such longer periods not exceeding 12 months, as the House of Representatives may determine by a resolution supported by the votes of a majority of all the Members of the House;

And Whereas under the provisions of subsection (4) of section 3 of the Emergency Powers Act, any regulations so made shall be laid before the Senate and the House of Representatives as soon as may be after they are made, and shall not continue in force after the expiration of seven (7) days from the time when they are so laid before the Senate and the House of Representatives, whichever shall be the later unless a resolution is passed by the Senate and the House of Representatives, providing for the continuance thereof;

And Whereas during the existing State of Public Emergency, the Governor-General, by order, pursuant to the provisions of section 3 of the Emergency Powers Act, made the Emergency Powers Regulations, 2010 on the 23rd May 2010;

And Whereas, the Emergency Powers Regulations, 2010 were respectively laid in the House of Representatives on the 1st of June 2010 and in the Senate on the 11th of June, 2010

And Whereas it is desirable for the Emergency Powers Regulation, to continue in force after the expiration of seven (7) days from the time of the later laying or the later laying, being that before the Senate and until the expiration of the existing State of Emergency:

Now Therefore Be it Resolved Mr. Speaker, by the House of Representatives, as follows:

1. This Resolution may be cited as the Emergency Powers Regulations, 2010 (Continuation) Resolution.
2. The Emergency Powers Regulations which were laid on the Table of this House on the 11th of June - on the 1st of June, I'm sorry, are hereby continued in force until the 22nd day of June, 2010.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I beg to give

notice that at the next meeting of the House I'll move the following motion:

> Whereas pursuant to subsection (1) of section 4 of the Stamp Duty Act, the Minister responsible for finance may, by Order, publish in *The Gazette*, reduce any duty specified in the Schedule to the Act;
>
> And Whereas it is provided under subsection (3) of section 4 of the Act that an Order under subsection (1) shall be subject to affirmative resolution of the House of Representatives;
>
> And Whereas on the 17th of May, 2010, the Minister made the Stamp Duty (Amendments of Schedule) Order, 2010; And Whereas it is desirable that the Stamp Duty (Amendment of Schedule) Order, 2010 be affirmed:
>
> Now Therefore be it Resolved by this Honourable House that the Stamp Duty (Amendment of Schedule) Order, 2010 made under the Stamp Duty Act, which was laid on the Table of the House on the 15th day of June, 2010, be affirmed.

The PRIME MINISTER: Mr. Speaker, I omitted to do it; may I now give notice that at a later stage I will move suspension of Standing Orders to allow me to take the resolution, notice of which I gave a short while ago.

Dr. GUY: Mr. Speaker.

The SPEAKER: Yes, Dr. Guy.

Dr. GUY: I seek your guidance on this, sir.

The Minister with responsibility for local government indicated that there are two Bills that he has to be discussed this afternoon...

The SPEAKER: Could we deal with that at Public Business?

Dr. GUY: No, it's germane, Sir.

The SPEAKER: Dr. Guy, I think the matter comes up at Public Business.

QUESTIONS AND ANSWERS
TO QUESTIONS

Mr. HOLNESS: Mr. Speaker, there are two questions ready for answer, both questions asked by the Member from Central Kingston to the Minister of Finance, the Minister of Finance is prepared to answer.

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, would the Minister of Finance please answer the questions listed at No. 4 and 5 in my name?

The SPEAKER: Thank you.

Minister Shaw.

RE: CONSULTANTS AND ADVISORS EMPLOYED ETC.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, I have already delivered copies of the answers to the Member.

Question 4: Will the Minister please list all the consultants and advisors currently employed to the public sector and state the employments and perquisite paid to each as well as the task assigned to them?

And so, Mr. Speaker, this list has been provided to the Member.

Shall I proceed to No. 5 and you could ask questions on both afterwards, if you wish?

Rev. THWAITES: Yes.

PUBLIC SERVICE: LISTING OF PUBLIC CORPORATION ETC.

Mr. SHAW: Question No. 5 Mr. Speaker, a copy of which has also been furnished to the Member.

Question 5: Will the Minister of Finance and the Public Service provide a list of all public corporations, government-owned or controlled companies and Executive agencies with a status report of the following:

- those providing essential services going forward;
- those to be merged with other entities;
- those to be sold or closed.

Please give an appropriate timeframe for each category.

Answer:

Attached is a list of 198 public bodies of which 59 are fully funded from the Consolidated Fund, 46 are partially funded and 93 are self-financed - And this is listed as Appendix 1 - Fifty-six (56) of the entities mandates are considered essential services. Please note that the term "essential services" is used in the same context as the "core functions of government" as defined by the Honourable Prime Minister in his address to Parliament on the Supplementary Estimates on Wednesday, September 30, 2009.

In addition, there are ten (10) Executive agencies which are designated as Models A, B or C. This is listed as Appendix 11. By definition Model A agencies earn less than 40 per cent of their gross expenditure, Model B earn between 40 to 90 per cent of their budgeted expenses and Model C earn in excess of 90 per cent of their budgeted expenditure from fees. At the end of the financial year Model A agencies are required to remit their gross earnings to the Consolidated Fund while it is mandatory for Model B and C agencies to remit 50 per cent of their net surplus to the Fund. There is currently one Model A agency, eight (8) Model B agencies with the Registrar General's Department being the only Model C. Of note the RGD is currently making losses and a new review of the schedule of fees is currently being undertaken. The Companies Office of Jamaica, a Model B agency, makes surpluses and is not funded by the budget. No Executive agency has government guaranteed loans.

The Public Sector Transformation Unit which was established in November 2009 is developing an action plan for rationalization of public bodies, the plan aims to identify entities in the three (3) categories as follows: Mergers and restructuring,

privatization and winding-up. The Honourable Prime Minister has given an undertaking that the proposals will be tabled in Parliament for discussions prior to a final decision being made by Cabinet. Consultations with the sector managers and key shareholders in the public sector, including made unions, are now being carried out, Mr. Speaker. The proposals will be presented to Parliament as soon as these consultations are concluded.

Question 2:

Will the Minister of Finance and the Public Service indicate which of these entities are charges on the Consolidated Fund or is in receipt of government guarantees?

a) Please see Appendix 1 which outlines the funding status of the public bodies, i.e., whether financed from the Consolidated Fund or self-financed.

b) As at September 30, 2009, there are 14 entities that have received Government Guarantees on loans totalling J$124.7 Billion.

Appendix 111 has the details of that and it is normal that when we do Government Guarantees we also provide updates on the total number of loans that are guaranteed. Of this J$41 Billion relates to Air Jamaica which the Government is now repaying directly some J$37.5 Billion; J$31 Billion ascribed to Development Bank of Jamaica and J$18.4 Billion are guaranteed for the Port Authority of Jamaica.

Question 3:

What are the plans for indebtedness of these entities to be recouped by their own operation?

Answer:

The public bodies with Government guaranteed loans are expected to repay the loans from their own operations. However some have experienced financial difficulties necessitating the Government of Jamaica's intervention namely, on a significant note: Air Jamaica the National Road Operating and Construction Company (NROCC) and the Clarendon Alumina Productions Limited.

Question 4:

Which of these entities have surpluses which can be applied to reduce national indebtedness?

Answer:

Thirty (30) of the self-financing public bodies had net surpluses before government transfers as at September 30, 2009. These include PetroJam Limited $3.3 Billion, the National Insurance Fund $1.95 Billion and PetroCaribe Development Fund $1.42 Billion.

These are the circumstances of these public entities:

- NIF is a pension fund and it cannot be used to reduce national indebtedness.

- PetroJam has a surplus but its cash resources are limited as indicated by poor working capital. Cash resources account for only 17 per cent of the company's current debt obligation. In addition, its profitability is tenuous and volatile based on the nature of its operations.
- The PetroCaribe Development Fund mandate includes loan financing and meeting the debt service obligations under the PetroCaribe Agreement arising from the supply of petroleum product. Approximately 83 per cent of PetroCaribe net assets, Mr. Speaker, represent loan receivables from the Central Government and public bodies.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, I thank the Minister for the answer to both questions. The answers are involved and I would ask his indulgence and your permission to be allowed to ask follow-up questions at the next sitting of the House.

The SPEAKER: Very well. The Minister is agreeable.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED.

THE JURY ACT 2010

The PRIME MINISTER: Mr. Speaker, l beg to introduce and have read a first time a Bill entitled AN ACT to Amend the Jury Act, 2010.

Bill shortly entitled:

The Jury (Amendment) Act 2010,

read a first time.

The PRIME MINISTER: Mr. Speaker, I beg to give notice of second reading and with the concurrence of the Leader of Opposition Business, I intend to seek suspension of the Standing Orders to allow me to open debate on the Bill, we don't intend to close today but we will open the debate and hopefully we'll be able to take it to conclusion sometime next week.

The SPEAKER: Thank you. Prime Minister.

PUBLIC BUSINESS

Mr. HOLNESS: Mr. Speaker, at Public Business we had planned to continue our debate on the six (6) Crime Bills. Mr. Speaker, both sides of the House have since consulted and it is an agreed position that we would not continue the debate on the Crime Bills today but that a caucus of both sides will be arranged to come to a position on the Crime Bills, which I think it is the feeling of the House that this would be the best position and I think the….

(Applause)

…I think given the controversial nature of the Bills this would be the best approach to give a unified signal.

Therefore, Mr. Speaker, we will take today, as we have given notice earlier, the two Bills to postpone the Local Government elections and that will be taken by the Minister of Local Government.

We will also take, Mr. Speaker, as the Prime Minister indicated just awhile ago, the Bill to Amend the Jury Act, and we will also

take the Resolution on the Emergency Powers and we will go in that order, Mr. Speaker.

The SPEAKER: Mr. Montague.

Mr. MONTAGUE: Thank you, Mr. Speaker. I now move for the suspension of the Standing Orders to enable me to introduce the Bills and have them read a first time and move for a second reading and take them through all their concluding stages.

The SPEAKER: The question before the House is that the Standing Orders be suspended to enable the Minister to move to introduce the Bills, have them read a first time, move for second reading and take them through all the concluding stages.

Put to the House and agreed to.

The SPEAKER: Minister.

THE PARISH COUNCIL (GENERAL ELECTION)(POSTPONEMENT) ACT, 2010 ETC.

Mr. MONTAGUE: Thank you very much Mr. Speaker. I now move to introduce and have read a first time the Bills shortly entitled: the Parish Council (General Election) (Postponement) Act, 2010, and the Kingston and St. Andrew Corporation (General Election) (Postponement) Act, 2010.

Bill shortly entitled:

The Parish Council (General Election) (Postponement) Act, 2010,

read a first time; and a Bill shortly entitled:

The Kingston and St. Andrew Corporation (General Election) (Postponement) Act, 2010, read a first time.

Mr. MONTAGUE: Mr. Speaker, I beg to give notice of the second reading of the Bills.

Mr. Speaker, in opening the debate on the Bills, I would like to tell the House that 1 consulted with the Opposition spokesman and he felt that there were no controversial issues, and therefore we are moving ahead, but there are a number of things I would like to bring to the attention of the House, in that the Act there were some typographical errors in the Act with regards to the postponement in the Kingston and St. Andrew. The printers in section 2, where you have the General Election of Councillors to serve on each Parish Council, that should actually be the KSAC, the Kingston and St. Andrew Corporation.

And in the Memorandum of Objects and Reasons, in the final line, the provisions of this Bill shall apply to the election of the Mayor, the word ‘of’ was left off.

In the Bill entitled: The Kingston and St. Andrew Corporation Act, section 2, the printer had Parish Council and that should be struck out and it should read the KSAC. And l will, in Committee Stage, move for the correction. And in the Memorandum of Objects and Reasons, in the final paragraph in the first sentence, well the only sentence, the provision of this Bill shall apply to the election of the Mayor of each, the word 'of' was left off.

And also based on advice, Mr. Speaker, and to the Members of the Honourable House, legal advice has now indicated that for both Acts, section 3 ought to be amended to read, "that this Act shall continue in force until the 31st of December, 2010, but the elections to be held not later than March 30, 2011".

A MEMBER: So it's not a mistake? (Cross talks)

Mr. MONTAGUE: Mr. Speaker, Mr. Speaker…

Dr. DAVIES: You draft it?

Mr. MONTAGUE: No, it was a printing error.

(Cross talks/laughter)

Mr. MONTAGUE: Mr. Speaker, Mr. Speaker, the consultation with the Opposition Spokesman on Local Government today, indicated that there were no major...

Mr. FAGAN: Mr. Speaker, a point of order, Mr. Speaker.

(Cross talks/heckling)

The SPEAKER: The point of order, let's hear it Mr. Fagan.

Mr. FAGAN: Mr. Speaker, the Minister with responsibility for local government is saying that I had no difficulty with the Bill.

The SPEAKER: That's not a point of order, it's misleading - are you saying he is misleading?

Dr. DAVIES: It's a point of truth.

Mr. BUCHANAN: Accuracy.

Mr. FAGAN: Mr. Speaker, he was saying, what he said to me, Mr. Speaker, was that he was going to take a Bill - and that was one hour before the start of this meeting - he was going to take a Bill to the House for the postponement of Local Government elections. I said to him, Mr. Speaker, that I had no difficulty with that. But now to say that there was no contentious matter with the Bill cannot be that, I'm seeing this Bill for the first time, sir. I'm seeing the Bill for the first time.

(Cross talks)

The SPEAKER: Continue, Mr. Montague.

Mr. MONTAGUE: Mr. Speaker, I now move for the second reading of the Bill, Mr. Speaker.

Dr. DAVIES: So you don't respond to the point of truth?

The SPEAKER: Mr. Kellier.

Mr. KELLIER: Mr. Speaker, in postponing these elections - in seeking to have these elections postponed, the Member has not addressed the fact that a solemn undertaking was given some time ago...

Mr. ROBERTSON: By?

Mr. KELLER: ...in this House, that we would not have any further postponement of these Local Government elections and that they would be held...

(Inaudible comment by a member)

Mr. BUCHANAN: Yu waan we get **Hansard**?

Mr. KELLIER: ...in the time so prescribed.

And secondly, Mr. Speaker, the question is, under the Memorandum of Objects and Reasons, it says in (b): "It has been proposed to establish Portmore as the 15th parish". This has not yet been accomplished. The question is that reason, Mr. Speaker, could not be a reason for not holding the election. (Applause) Portmore being designated a parish, can take another five years. Are we saying that until that is done, that reason would still stand for the continuous seeking to postpone the elections? That cannot be so.

(Cross talks)

Mr. KELLIER: That reason, with respect, Mr. Speaker, that reason cannot stand. That's not a reason. The Minister needs to be more precise where that is concerned.

(Inaudible comment by Government Member)

Mr. KELLIER: No, but that is not a reason. The whole business of the Local Government reform being not completed, when the last elections were held for local government it was not completed...

Mr. PICKERSGILL: It was a tit for tat.

Mr. KELLIER: ... and it was held. So saying that the Local Government reform is not completed in (a), as one of the reasons is not a reason of by substance, because the last election was held without the reforms being completed. If the reforms are not completed in the next year, are we saying, Mr. Speaker, that we have to postpone again because they are not complete?

The Minister cannot come here with these…

Mrs. NEITA-HEADLEY: Rubbish?

Mr. KELLIER: ...flimsy, flimsy, very flimsy proposals as the reasons for postponing these elections, he need to come with something more substantial. (Applause)

Mrs. NEITA-HEADLEY: Do better than that. True true, true true!

A MEMBER: Hear, hear!

Mrs. NEITA-HEADLEY: Come better than that.

Mr. BUCHANAN: Come better than that.

Mr. KELLIER: I don't know, Mr. Speaker, whether or not some things that are being published has influenced his mind in any way?

Mr. PICKERSGILL: Yeah, yeah.

Mr. KELLIER: It is quite possible that he has been influenced by some things that has been published that has pushed him to do this.

(Applause)

A MEMBER: What happen to your farm?

Dr. DAVIES: You can do anything about it?

Mr. KELLIER: I hope that is not the case, because I know the Minister is an honourable man, so I hope that is not the case.

But, Mr. Speaker, I still maintain that these reasons are not sufficient for the postponement of elections. And moreover, there's no reason why - there's no good and substantive reason why we need to postpone until 2011. We are not expecting to extend the State of Emergency for the rest of the year? It would mean that it is not working. If it was working we can cut it off very early. That is simple.

So the reasons here, Mr. Speaker, need to be revisited and the Minister need to come a little better.

(Applause)

The SPEAKER: Minister Warmington.

Mr. WARMINGTON: Mr. Speaker, I think the Bills are very timely...

Mr. PICKERSGILL: What?

Mr. WARMINGTON: ...and the postponement, because there are other reasons I can give, and one of that is, I spoke when we had the constituency boundary changes, I made an impassioned address here on it and I stated some concerns that I had with what came here then, as constituency boundaries. And my position is that I've been proven right in the pronouncements I've made, in that it is discovered, since l spoke here, that the Municipality Act of 2003...

Mr. PICKERSGILL: What?

Mr. WARMINGTON: The Municipality Act...

Mr. PICKERSGILL: Hack?

Mr. WARMINGTON: ...of 2003, which was signed and promulgated by the Governor-General on the 22nd day of May 2003, and endorsed by the then Minister of Local Government, the Honourable Portia Simpson Miller, on the 7th of October 2003, that these

were somewhat breached in the putting together of the constituencies in Portmore and in St. Catherine, the two things. Whereby 1 believe that the Electoral Commission will need to come back or send something back to this House, asking for an amendment to this Act, based on the creation of those constituencies and the way the Parish Council seats are created over in St. Catherine.

The Charter that was signed by the then Minister and the Act that was signed by her and promulgated by the Governor-General, I'm almost certain will have to come back to this House.

(Inaudible comments by Mr. Pickersgill)

Mr. WARMINGTON: I'm almost certain that it will have to come back to this House. So one of the issue is that it is timely that this came here, I haven't discussed with him as yet, but I've written to the Electoral Commission and I've drawn to their attention the sections of the Act that were breached and the section of the Charter that were breached. And I believe they will have to discuss what was there at their next meeting. Because in fact, I'd spoken to them by telephone, I'd not only written to them, but l also advised them of the section of that Act that was breached.

There is far more I can say, but I'm giving the Members, like Commissioner Danny Bunting, like Commissioner from Central Manchester...

(Inaudible comment by a Member)

Mr. WARMINGTON: He's Peter, the other bigger brother, the good one is Danny.

One MEMBER: The good one! (Laughs)

Mr. WARMINGTON: ...a chance to look at it, because there are some other very serious issues, Mr. Speaker, that came up and that are involved, which I can share with them later on, but they are very, very serious issue whereby...

Mr. PICKERSGILL: It can take until 2011.

Mr. WARMINGTON: No, no, I would expect them to deal with it quickly at their meeting. And I can brief them later, but it's some very, very serious breaches were done and they must be...

(Inaudible comments by Mr. M. Peart)

Mr. WARMINGTON: Because you cannot have a Parish Council elections based on what is in St. Catherine, unless the Charter and the Act of 2003 are amended, you cannot. So this is a part of the whole ... (Inaudible) (Applause)

The SPEAKER: Mr. Fagan.

Mr. FAGAN: Mr. Speaker, I'm not surprised that we're coming here today for a postponement of the Local Government elections. In fact, from as early as March, this year, Mr. Speaker, I had said that the Government is not going to call any Local Government elections. It was intended, Mr. Speaker, not to postpone the election at that time, but to extend the period from three (3) years to four (4) years.

I am finding out today that that is not so, we are actually asking for extension of time.

Mr. Speaker, the Prime Minister had said that by now the Local Government Reform would have been so much in train that there wouldn't be any need for any Minister, the Minister of State would have a new job, Mr. Speaker. And so l thought a number of what was promised - and I am looking at a document, Mr. Speaker, that says the areas of focus should be legal framework, institutional

strengthening, capacity building, financial framework, citizens' participation, and public education. These are the areas that the Local Government Reform Programme should be focusing on.

Critical to that, Mr. Speaker, would have to be the entrenchment of Local Government in the Constitution. We have not heard anything on that, Mr. Speaker.

Critical to that, Mr. Speaker, there should also be a recognition of the Local Government as a separate sphere of Government. We have not seen anything like that, Mr. Speaker. What is going to now - Mr. Speaker, what is now going to change all of this in one year to cause us not to postpone election come March next year again?

Mr. Speaker, what has been presented here about Portmore being the fifteenth parish - and that is one of the areas of major concern to the Government - it's not going to be possible, Mr. Speaker. Presently, there is no discussion, nothing, no legislation, no discussion here in Parliament, and you can understand that these things will take months and months and weeks and days.

Mr. Speaker, this cannot be a good reason for the postponement of government elections. (Applause) I suspect, Mr. Speaker, that the Parish Councils giving up 50 per cent of their parochial fund for the next four (4) months, is one of the reasons why the Minister is looking for the postponement of elections, because by then I suppose we would have had the loan from China, and we would have started some real work on the ground.

Government MEMBERS: No! No!

Mr. BUCHANAN: Hear! Hear!

Mr. FAGAN: Mr. Speaker, I believe but even with that, Mr. Speaker, even with that, Mr. Speaker, l don't even understand how it is going to work, because it is expected that there is going to be a Single-Road Authority, which the Councils themselves...

Mr. BUCHANAN: That can't happen! (Cross talk)

Mr. FAGAN: ...are not even represented on this Board that is being proposed.

(Heckling)

Mr. Speaker, Mr. Speaker...

Mr. BUCHANAN: No Single-Road Authority! (Heckling)

Mr. MONTAGUE: Mr. Speaker, a Point of Order. Mr. Speaker, the Member, I believe, is misleading the House. I would like to ask the Member from South East St. Catherine, if he can produce a document that tells about this proposed Board of a Single Road Authority that does not include the Local Authority?

Mr. BUCHANAN: The document is coming!

The SPEAKER: Mr. Fagan.

(Cross talk)

Mr. FAGAN: Mr. Speaker, you will recognize, sir that the Bill came to the House just today. I am learning of the postponement of elections just today, sir, and I would not have taken everything with me.

But, Mr. Speaker, l have seen a document, I have seen a document, Mr. Speaker, suggesting that there is going to be a Board that has responsibility for the Single-Road Authority.

Mr. BUCHANAN: Ambush in the night!

Mr. FAGAN: And if the Minister will give me enough time, sir, before the end of this - before the end of today, sir..

The SPEAKER: But it's really not - Mr. Fagan, just finish up, it's really not relevant.

Mr. FAGAN: Mr. Speaker, I believe that

at this time it is clear to me that the Government is not serious about Local Government.

Opposition MEMBERS: Hear! Hear! (Applause)

Mr. BUCHANAN: Say that again.

Mr. FAGAN: If, Mr. Speaker, at this time - this is a time of the year when we are talking about drain-cleaning, because the season is that season when we are expecting hurricane. When we take away the Parochial Revenue Fund - in fact, parishes like Portland and Hanover, those parishes, and St. Mary, those parishes that the intake for the parochial fund is not as high as KSAC or St. Catherine, they are really left with nothing, they are reeling, Mr. Speaker, those parishes are reeling. Portland, for argument's sake, could be - their intake this month could be somewhere in the region of $3 Million, and if you take 50 per cent from that, all the Council will be left with is about $1.5 Million. What can they do with that?

Mr. MONTAGUE: Mr. Speaker, again, a Point of Order. Can you yield?

Mr. Speaker, the Member is again misleading the House. The contribution of the Councils, the 50 per cent, has not yet started, and the funds remitted to the Councils from the PRF are to be used exclusively for drain cleaning this month, and the Councils are actively pursuing that. So for the Member to come here to say that we are taking that 50 per cent, it is incorrect, and the agreement we have with the mayors...

Mr. BUCHANAN: How much money is it?

Mr. MONTAGUE: ...is for the funds to begin to be deducted from the June funds, which is payable in July.

Mr. PICKERSGILL: You have no such agreement.

The SPEAKER: Mr. Fagan...

Mr. FAGAN: Mr. Speaker...

Mr. BUCHANAN: Where is the document?

(Heckling)

Mr. FAGAN: …what I am saying, sir, is that the...

Mr. BUCHANAN: Is there anything written?

Mr. PICKERSGILL: You are shooting from the hip.

Mr. FAGAN: Mr. Speaker, I am saying that the Government...

The SPEAKER: Yes, Mr. Fagan.

Mr. FAGAN: The Government cannot be serious about Local Government, sir. And I believe that all - even listening to the Minister is enough to say that it is not serious. And I really don't know if with that kind of seriousness, if there is any real reason for postponement of Local Government elections. Because it is going to be - Local Government as it is now, is carrying on in the same vein, not in a vein that is suggesting that the reform is going to empower the - Mr. Speaker, do you know, sir, that by now all of the Councils should be standing alone, and would be going directly to the Ministry of Finance for their own funding, sir? Do you now, sir that by now the Minister should have been given another responsibility, because there wouldn't be any need for his work, sir?

Mrs. NEITA-HEADLEY: That's true!

Mr. FAGAN: Did you know, sir that by now the Local Government should be entrenched in the Constitution, sir? Do you now, sir, that... (Heckling)

Mr. Speaker...

The SPEAKER: (Gavelling) Members, allow the Member to finish his presentation.

Mr. FAGAN: Mr. Speaker, a lot of work - nothing has come to us to indicate that anything new will happen. In fact the budget the budget of this year has nothing in it to improve the life of the Councils. In fact, most of the funds from the different departments have been slashed by more than 50 per cent.

Dr. DAVIES: The Minister of Finance is to be blamed.

(Heckling/Cross talk)

Mr. FAGAN: Mr. Speaker, you come now to postpone the Local Government elections, on the basis that you have work to do and it is not finished. It can't finish next year, sir, those things cannot finish. And so I don't believe - I am very disappointed in the Minister, sir. I know that he has a love for Local Government as a practitioner, himself, but I am disappointed. And as I hear the Member say, sir, he has a love for the job, because he might - if more is done, he might very well have nothing to do. And so maybe he is keeping things in flux so that he can keep his job, sir.

(Heckling)

Mr. Speaker, I know, Mr. Speaker that you have - I know that the Minister is burdened and he has a burden carrying, as far as this portfolio is concerned. I really cannot help him. It would have been good if he was in Cabinet, Mr. Speaker, so he could speak on behalf of the...

Mr. MONTAGUE: Thank you, you hear sah, thank you.

Mr. FAGAN: ...and he could get more done. Then I could believe that something would happen for Local Government this time around, sir. But I cannot support the argument that he is postponing Local Government elections because Portmore is not the fifteenth parish; nonsense, sir.

(Heckling) (Opposition Members. applaud)

Mr. Speaker, I believe that there are other reasons, there are other reasons. And I have been following the Bill Johnson polls in *The Gleaner*, sir...

Mr. BUCHANAN: Yes man, talk 'bout de polls.

Mr. FAGAN: And those polls are nothing to encourage the Government at this time to call any election, sir. And I believe that outside of the polls, and outside of the China Fund that will be used later on, Mr. Speaker, I believe that those are some of the reasons.

Mr. Speaker, I cannot support the Minister on the postponement of Local Government elections.

(Opposition Members applaud)

The SPEAKER: Thank you.

Mr. Fitz Jackson.

Mr. JACKSON: Mr. Speaker, I rise so much not to speak about the postponement of the elections, as the Bill principally sets out to do, but I rise to speak particularly about an item in the Memorandum of Objects and Reasons, which is the intention of the Government to constitute a fifteenth parish, by way of Portmore. Obviously, the restatement of it here conveys that it is a planned objective of the Government, which I strongly object to. And I basically want to register that. And I am doing so, Mr. Speaker, not only on my own behalf, but on behalf of the residents of Portmore, those who constitute the Municipality of Portmore. Not only in my own constituency of South St. Catherine, but

also my adjoining constituencies of South East and portions of South Central.

Mr. Speaker, when the Municipality was conceived in the first instance, it was not to create some city or some nice-sounding title. It was created because we needed a Local Government authority that can adequately respond to the needs of the Portmore residents. (Applause) That's what it was all about.

Mr. Speaker, I speak from particular experience. I almost got thrown out of the St. Catherine Parish Council before making representation on behalf of the people of Portmore. Because the truth, Mr. Speaker, most of the issues that affect my constituency and that of the rest of Portmore are of a local government nature. And so, we felt at the time that the St. Catherine Parish Council was not adequately disposed to deal with the overwhelming demand of Portmore. What has happened in response to that situation was the creation of a Local Government authority to deal with those issues.

What I want the Government to do from it was created to today is to develop the capacity of the Municipality to adequately serve the needs of the Portmore residents. (Applause) It is not to say, oh, we have another parish. We are not interested in that. We want to make sure that the needs of the Portmore communities throughout Portmore are adequately responded to. And I urge, Mr. Speaker, that the Government give serious reconsideration. The truth of the matter, Mr. Speaker, during the campaign many things are said from the campaign platform that might cause the crowd to rile up. And I recall very clearly when the then Leader of the Opposition made the announcement in Naggo Head of the intention to create a new parish from Portmore. Now that the election has passed long ago, and I think the minds are more settled, I am inviting the Government to seriously reconsider that thought, dedicate the resources, material and otherwise to developing the Portmore Municipal Authority so that it can better achieve what it was established to achieve in the very first instance. (Applause)

The SPEAKER: Mr. Bunting. Okay, Miss Hanna.

Miss HANNA: Thank you, Mr. Speaker.

I'd like to ask the Minister what happens in the case of, if there is a death in a division. For instance, in the Duncans division there has been a vacancy. In the Duncans division, the Councillor, the division has been vacant since November of last year. They were told by an alleged opinion from the Attorney-General, I believe, that the reason why the Government had postponed the by-election in that particular division was because of imminent Local Government elections three months away. Now that the election is postponed until June of next year, the people of the Duncans division are still without representation. And I'd like to know from the Minister in that instance what will be the interim arrangement to give the people of Duncans representation in that division. (Applause)

The SPEAKER: Mr. Bunting

Mr. BUNTING: Mr. Speaker, it was clear from the tabling of the 2010-2011 Budget where there was no provision for Local Government elections that these were going to be postponed. It was clear from then, given, Mr. Speaker, that it takes three months for the

Electoral Office to prepare itself for an orderly election from the time it received the budget for that election.

(Inaudible comments by Government Members)

Shut yuh mouth!

Mr. Speaker, we asked a number of times about whether there was an intention to postpone the election. The Member from West St. Mary said publicly, repeatedly and emphatically that it would not be postponed.

(Interruptions)

Mr. MONTAGUE: Mr. Speaker, Mr. Speaker, point of order. Again, Mr. Speaker, the Member from Central Manchester is misleading the House as he is always doing. Every time I am asked the question, I quote the law, that the law is clear: *That the elections must be held between March and June of the third year*. And I keep saying it, until Parliament postpones it.

(Interruptions)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker...

The SPEAKER: Mr. Buchanan, stop the shouting, stop the shouting. Mr. Bunting.

Mr. BUNTING: Mr. Speaker, you would think that the Member from Western St. Mary would have learned from the experience of his colleague Member from West Kingston in terms of misleading and sophistry, in terms of...

(Inaudible comments)

Mr. BUNTING: Okay. We would hope he would have learned something.

Mr. Speaker, the truth of the matter is that what we are seeing here today reflects the disorder and incompetent way that the Local Government Ministry is proceeding.

(Applause)

We have the Minister attempting to cut deal with the Mayors. No documentation. They are postponing. They are asking the Mayors to give up their road fund for 'x' amount of time. There is no formal agreement, no formal documentation, no guarantees, except the word of the Minister which we cannot rely on.

Opposition MEMBERS: Hear, hear!

Government MEMBERS: Oh, oh, oh!

Mr. BUNTING: Because he may tell us, he may come back and tell us and tell the Mayors and the local authorities that he intended that but there are matters beyond his control like the postponement of Local Government Elections.

So, Mr. Speaker, as I said, it was clear. For us now to be seizing on the State of Emergency, is merely opportunism because the intention was long ago to postpone the Local Government Elections. And I would really ask the Member from West St. Mary let us try and proceed in a way that's for the good order of the running of the department of Local Government so we are not continuing in this kind of chaka-chaka way to proceed with the affairs of the people. Thank you.

(Applause)

The SPEAKER: Mr. Derrick Smith.

Mr. D. SMITH: Mr. Speaker, it was really inevitable that the Local Government Elections both for the Parish Council and for the KSAC would have to be postponed. And I say that isn't the background, Mr. Speaker, with the experience in my own constituency, one that I've had the privilege to represent over 21 years.

(Interruptions)

Mr. MONTAGUE: Allow the Member to speak.

Mr. D. SMITH: Mr. Speaker, at the conclusion of the redefining of the boundaries, North-West St. Andrew picked up approximately 5,000 votes from both Western St. Andrew and West Rural St. Andrew, bringing the current total to just over 23,000. Previously, we had two divisions. And I say previously, because I believe and I have been insisting on at least a third division. In fact, the records of the monthly meeting with the Returning Officer will surely indicate that l have been pushing for the last three or four months for a decision for the third division and if not, for whatever reason, then the redefining of the two divisions. I have been unable to get a response either from the local Returning Officer or at the level of the Electoral Commission or their representative.

(Interruptions)

I have brought the matter to our representative at the Commission and the fact that nothing has been done yet, would suggest to me that even at the level of the Commission, the level of preparedness was not what it ought to have been, Mr. Speaker. And it is on that basis that I am saying that it was inevitable. And what we have been saying here is really spending a lot of time on a decision that was already made. And accordingly, Mr. Speaker, I support the Bills in terms of postponing the elections.

(Applause)

The SPEAKER: Mr. Montague. Oh, sorry. Mr. Witter.

Mr. WITTER: Thank you, Mr. Speaker. Mr. Speaker, in response to the statement made by the Member from Central Manchester about the Minister being chacka-chacka... (Applause)

Opposition MEMBER: You recognize it.

Mr. BUNTING: Yes, I know you would agree that he is chacka-chacka.

Mr. WITTER: I just want to tell you how parish councils run. I just want to give you some information. The Minister cannot take money from the Council unless it is approved by the Finance Committee of the Council. And, therefore, if you want the documentation on that then you refer to the councils and the minutes of the Council and then you will find it in the Finance Committee. (Applause)

The SPEAKER: Yes, Minister Montague.

Mr. MONTAGUE: Yes, sir. In closing this debate, Mr. Speaker... (Interruptions) ...Mr. Speaker, in closing the debate, a number of matters were raised. The Government is on record giving a commitment to the people of Portmore to having Portmore as its 15th parish. The redefining of the electoral boundaries is not yet complete and therefore the people of Portmore would be at a disadvantage at this time and we would not be able to define the boundaries of Portmore at this point in time.

The question of the constitutional amendment to entrench Local Government in the Constitution, that draft amendment is complete. And I have said on more than one occasion that that draft is with the Ministry of Justice and it will form a part of the overall amendments to the Constitution. And we, Mr. Speaker, will not willy-nilly at every drop of a hat move to amend the Constitution. But there is a programme of amendments to the Constitution and that draft amendment is complete and is at the right place.

Opposition MEMBERS: Where? Where?

Mr. MONTAGUE: The question, Mr. Speaker, of the programme of Local Government Reform, there are three (3) strategic Acts that are to be brought to Parliament as a part of the closing off of the Reform Programme. Those Acts have gone to Cabinet and Cabinet is about to give drafting instructions. And the consultations - the Bills - the consultations were held right across the length and breadth of Jamaica with regard to those Acts.

With regard to the matter that was raised, Mr. Speaker, of some other reason why we are moving to postpone, we were being political or moving to pork-barrel politics as some persons were trying to insinuate awhile ago. Agriculture, Mr. Speaker, in the face of the longest and most severe drought in this country, is booming. (Applause) Tourism, Mr. Speaker, after inheriting a country whose infrastructure was in disarray, tourism, Mr. Speaker, is booming.

(Heckling by Opposition Members)

Mr. MONTAGUE: This Government, Mr. Speaker, has.. . .

(*Sotto voce* remark by some Opposition Members)

The SPEAKER: (Gavels) Okay, allow the Member to speak.

(*Sotto voce* remarks by Opposition Members)

The SPEAKER: (Gavels) Allow the Member, please. Continue, Minister Montague.

Mr. MONTAGUE: Mr. Speaker, under this Government more people are going to hospitals and clinics and getting medical attention. (Applause) Under this Government more children are going to school. (Applause) Under this Government we have expanded the PATH programme. (Applause) Under this Government the whole world has stood up, taken note and asked that we must use this model of the JDX. (Applause) Under this Administration we have launched a project to take water across the length and breadth of Jamaica. (Applause) Under this Government we have opened up and given opportunity to more poor people to own a home of their own. (Applause) Under this Administration we have, we have moved, Mr. Speaker, we have moved . . .

Mr. BUCHANAN: Sit down! Mr.

Mr. MONTAGUE: Mr. Speaker . . .

(*Sotto voce* remarks by Opposition)

The SPEAKER: (Gavels) Members, please.

Mr. MONTAGUE: Under this Administration we have moved in a very innovative way to tackle the problems of bad roads in this country. (Applause)

Mr. KELLIER: Point of order.

The SPEAKER: Yes, Mr. Kellier.

Mr. KELLIER: Mr. Speaker, the Member is abusing the privilege of the House. Mr. Speaker, the latitude is outside of the ambit of the Bill.

The SPEAKER: Mr. Kellier, what you are saying would normally be correct but it is Mr. Fagan who opened the door.

(Applause)

Mr. KELLIER: I am pointing it out to you, Mr. Speaker.

(*Sotto voce* remarks by some Members)

Mr. BUCHANAN: Well close it Speaker!

Mr. MONTAGUE: Mr. Speaker, they started it. I am answering the point they raised.

Mr. PICKERSGILL: Answering what?

Mr. MONTAGUE: Under this Government for the first time in 25 years we see interest rates going down and will be . . . way for a long time.

(Applause)

Under this Government we have seen the re-evaluation of the Jamaican dollar. (Applause)

(*Sotto voce* remarks by Mr. Pickersgill)

The SPEAKER: Mr. Montague, finish up now.

Miss HANNA: Call the election right now!

Mr. MONTAGUE: Mr. Speaker, I move for second reading of the Bill shortly entitled: The Parish Council (General Elections Postponement) Act, 2010. (Applause)

The SPEAKER: Okay, second reading.

Mr. KELLIER: On a point of order, Mr. Speaker.

The SPEAKER: What's the point or order?

Mr. KELLIER: The Member from South East St. Ann asked a deliberate question which the Member has failed to respond to and we on this side have an interest in the answer to the question.

The SPEAKER: Mr. Kellier.

Mr. KELLIER: He asked the question - was on the suspension. He may have overlooked it in his answer, so we are pointing it out to him.

The SPEAKER: With due respect the question of by-election is not the prerogative of the Minister. It's the prerogative of the Prime Minister. It is not for the Minister to respond to them.

Mr. BUCHANAN: Not in the context in which the Minister's question was asked, is the Council.

The SPEAKER: If he sought information and got it and he volunteered, yes, but we cannot pressure him to answer.

Mr. KELLIER: He is presenting the Bill, Mr. Speaker.

The SPEAKER: No.

Mr. KELLIER: He is the person presenting the Bill to seek postponement.

The SPEAKER: He cannot volunteer and bind the Prime Minister, Mr. Kellier.

Mr. KELLIER: No.

Mr. BUCHANAN: On a point of order, Mr. Speaker.

The SPEAKER: What's your point of order, Mr. Buchanan?

Mr. BUCHANAN: For correctness, Mr. Speaker, local elections are decided by the local authorities, Mr. Speaker.

The SPEAKER: But it is the Prime Minister who calls By-election or Local Government elections.

Mr. BUCHANAN: No, Mr. Speaker.

The SPEAKER: (Gavels) The question before the House is that that the Bill be read a second time.

Opposition MEMBERS: No!

The SPEAKER: Well, you want a division on the second reading?

Opposition MEMBERS: Divide!

The SPEAKER: Fine. Division. Members, we have to take the votes. We need some silence.

Mr. WARMINGTON: Just a minute.

The SPEAKER: Yes.

Mr. WARMINGTON: Mr. Speaker, did someone call for divide?

The SPEAKER: Yes.

Mr. WARMINGTON: Who?

The SPEAKER: Someone called for the divide.

Mr. BUCHANAN: Sit down! (Referring to Mr. Warmington)

Mr. WARMINGTON: Who are you speaking to?

Mr. BUCHANAN: You!

The SPEAKER: You know, if there is no silence, some members may miss their votes.

Mr. WARMINGTON: Who you are talking to?

Dr. DAVIES: Associate speaker!

(*Sotto voce* remarks by Members)

The SPEAKER: You heard, Mr. Smith. Silence please. Just for clarification, there is a division, Rev. Thwaites, on both Bills.

(*Sotto voce* remarks by Rev. Thwaites)

The SPEAKER: Two matters are before the House.

Dr. BAUGH: He said, no.

The SPEAKER: He did.

Mr. BUCHANAN: Divide!

(*Sotto voce* remarks by Mr. Warmington)

The SPEAKER: It is a fact that he said no, but there is also divide afterwards. Now there are two Bills before the House. We are taking the KSAC Bill first.

There being a divide the votes were as follows:

Ayes

Dr. Bartlett
Dr. Baugh
Mr. Broderick
Dr. Chang
Mr. Charles
Mrs. Dalrymple-Philibert
Mr. Gallimore
Mr. Golding
Ms. Grange
Mr. Henry
Mr. Hibbert
Mr. Holness
Mr. Hutchinson
Mr. Lawrence
Mr. Mair
Mr. Montague
Mr. Millings
Mr. Peralto
Mr. Robertson
Mr. Samuda
Mr. Shaw
Mr. D. Smith
Mr. E. Smith
Mr. Spencer
Mr. Stern
Dr. Tufton
Mr. Vaz
Mr. Warmington
Mr. Witter

Noes

Mr. Arscott
Mr. Buchanan
Mr. Bunting
Mr. Clarke
Dr. Davies
Mr. Fagan
Dr. Ferguson
Dr. Guy
Miss Hnnna
Mrs. Hay-Webster
Mr. Hylton
Mr. Jackson
Mr. Kellier
Dr. McNeill
Mrs. Neita-Headley

Mr. Paulwell

Mr. Pickersgill

Dr. Rhodd

Mrs. Simpson Miller

Mr. Thwaites

Mr. SPEAKER: Members, the vote is similar in both, so the absent - nine (9) absent, 20 noes, 29 ayes. The ayes have it. (Applause) Second reading.

Bill entitled:

AN ACT to postpone the holding of the General Election under the Kingston and St. Andrew Corporation Act and for purposes connected therewith,

read a second time.

Bill entitled:

AN ACT to postpone the holding of the General Election under the Parish Councils Act and for purposes connected therewith,

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: Members, we have to do them separately so, I will take first, the Kingston and St. Andrew Corporation (General Election) (Postponement) Act.

I put Clause 1.

Put to the Committee and need to:

The CHAIRMAN: I put Clause 2.

(*Sotto voce* comment)

Amendment, yes.

Mr. MONTAGUE: Clause 1, where it reads that, "*election of councillors to serve*," it should be the Kingston and St. Andrew Corporation.

(*Sotto voce* comment by Opposition Members)

(I can stand if I want and I can sit if I want)

And also, Mr. Speaker, it should be *postponed until 30th December, but to be held not later - 31st December to be held not later than 30th March, 2011.*

The CHAIRMAN: Okay, Members, you have that amendment?

I now put the amendment.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 2 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 3...

Mr. MONTAGUE: As amended.

The CHAIRMAN: I put the amendment, or the correction.

Could you just repeat the... for Clause 3; he did, you now. Just do it again for me, please.

Mr. MONTAGUE:

"*This Act shall continue in force until 31st December, 2010 or until, but not later than the 30th March 2011, then the Act shall expire.* "

The CHAIRMAN: I put the amendment.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 3 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Title and Enacting Clause.

Mr. Montague, just clarify something with the Parliamentary Counsel for me, please.

(Short break to allow for consultation)

The CHAIRMAN: Members, the... Minister, could you... you have it? Members, it's...?

Mr. MONTAGUE: This Act...

The CHAIRMAN: Hold a second. There is a re-committal of Clause 3.

Put to the Committee and need to.

The CHAIRMAN: Recommittal of Clause 3. Could you please read the proposed amendment to Clause 3?

Mr. MONTAGUE: This Act shall continue...

The CHAIRMAN: Just the wording needs to be corrected and the Minister will re-read the wording. Go ahead.

Mr. MONTAGUE:

> *"This Act shall continue in force until the 31st December, 2010 unless extended by Resolution of each Houses of Parliament but not later than March 30, 2011*."

A MEMBER: It can't be each Houses...

Mr. PICKERSGILL: Each House, not Houses.

Mr. MONTAGUE: Each House, thank you.

The CHAIRMAN: Okay, you have heard the... could you read it again, please, so it's…? Just read it once more.

Mr. PICKERSGILL: With the proper punctuation.

The CHAIRMAN: Please...

Mr. MONTAGUE:

> *"This Act shall continue in force until the 31st December 2010, unless extended by Resolution of each House of Parliament, but not later than the 30th March, 2011*."

The CHAIRMAN: Very well. The amendment as proposed...

Put to the House and agreed to.

The CHAIRMAN: I put Clause 3 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I do report the Bill as having passed Committee stage. The question is that I do report the Bill as having passed...

(Consultation with the Clerk of the Houses)

Members, I am advised, let us do the Parish Council first and then we do both at the same time. Okay.

Clause 1, put to the Committee and agreed to.

The CHAIRMAN: I put Clause 2 - Amendments.

Mr. MONTAGUE: For the parish Council, for Clause 2. ...

The CHAIRMAN: Yes, they are substituting the 'Parish Council' instead of the Council of the KSAC.

Mr. MONTAGUE: Kingston and St. Andrew.

The CHAIRMAN: I put the amendment as proposed.

Put to the Committee and agreed to.

Mr. KELLIER: Chairman, Chairman we are on the...

The CHAIRMAN: Now, what is happening is that the...

Mr. KELLIER: ...Parish Council's Act...

The CHAIRMAN: Yes, but unfortunately they had put the KSAC...

Mr. KELLER: Yes.

The CHAIRMAN: ...in Number 2, so you have to change the KSAC and put in Parish Council. So, there was a problem in that the two Section 2 had been...

Mr. MONTAGUE: Read the same way.

The CHAIRMAN: ...wrongly substituted.

So, I now put Clause 2 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 3.

Mr. MONTAGUE: The same amendment would apply.

The CHAIRMAN: No, no!

Mr. MONTAGUE: Read it again?

The CHAIRMAN: Read it again.

Mr. MONTAGUE:

"*This Act shall continue in force until the 31st December, 2010, unless extended by Resolution of both Houses of Parliament*... "

A MEMBER: House...

(*Sotto voce* comments by some Members)

Mr. MONTAGUE: Both Houses, that's what I said. Okay, I stand corrected and I thank you for the correction.

(*Sotto voce* comments)

I thank you for the correction, sir.

Mr. PICKERSGILL: Read after me until you get it right.

(Laughter)

Mr. MONTAGUE: I see that you have passed the Grade Four Literacy.

The CHAIRMAN: (Gavels) Members...

Mr. MONTAGUE: Mr. Chairman, I see that the Member has passed the Grade Four Literacy.

The CHAIRMAN: Member, there is a... the amendment should read... Minister Montague...

Mr. MONTAGUE: Yes, sir?

The CHAIRMAN: There is another phrase which should have been added.

Mr. MONTAGUE: Yes.

(Crosstalk)

The CHAIRMAN: Just a second.

"*This Act shall continue in force until a date – until the 31st day of December, 2011, and shall then expire, unless extended by Resolution of each House to the 30th day of March, 2011. Okay?"*

Mr. MONTAGUE: Okay.

The CHAIRMAN: I now put Clause 3 - the amendment as read.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 3 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: Unfortunately, Members, we have to re-commit the previous Clause 3, so that it will...

I now ask for the re-committal of the previous Act.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 3 should read:

"*This Act shall expire in force…*"

Sorry...

"This Act will continue in force until the 3lst December, 2010, and shall then – 2010…"

sorry

"...and shall then expire unless extended by Resolution of each House to a date not later than the 30th day of March, 2011."

I put the amendment as read.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 3 as amended.

Put to the Committee and agreed to.

Mr. MONTAGUE: Mr. Speaker, in the Memorandum and Objectives of the KSAC Act, the word 'of' is left out of the last sentence.

The CHAIRMAN: Okay. Members, I do report the Bill as having passed Committee - each Bill as having passed...

Members, the question is that I do report the Bill as - the two Bills as having passed Committee Stage with...

Mr. PICKERSGILL: Without an amendment.

A MEMBER: Bobby...

The CHAIRMAN: ...with one (1) amendment in each Bill.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report each Bill as having passed Committee stage with one (1) amendment each.

Motion put to the House and agreed to.

The SPEAKER: Minister Montague.

Mr. MONTAGUE: Thank you, very much, Mr. Speaker, and thank my colleagues.

Mr. Speaker, I now move that the Bills be read a third time.

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

Motion put to the House and agreed to.

Bill entitled:-

"AN ACT to postpone the holding of a General Election under the Kingston and St. Andrew Corporation Act, and for purposes connected therewith"

read a third time and passed.

Bill entitled:-

"AN ACT to postpone the holding of a General Election under the Parish Councils Act, and for purposes connected therewith",

read a third time and passed. (Applause)

The SPEAKER: Both Bills passed. House Leader.

Mr. HOLNESS: Mr. Speaker, the Prime Minister will now take the resolution on the Regulations for the Emergency Powers.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, I believe suspension of the Standing Orders may be required. And if so, can I move suspension of the Standing Orders to allow me to move the resolution notice of which I gave earlier, which has to do with the confirmation of the regulations that were issued pursuant to the Emergency Powers Act.

The SPEAKER: Members, the motion before the House is for the suspension of the Standing Orders to allow the Prime Minister to take the motion, notice of which he gave earlier.

Motion put to the House and agreed to.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, this matter is pretty simple; it is pretty much a formality. Under the Emergency Powers Act, once a State of Emergency is declared, it is required that the Governor-General promulgate regulations to govern certain aspects of the administration of Emergency Powers. Those regulations were gazetted in accordance with the Act, but the Act provides that the regulations can only remain in force for a period of seven (7) days after the date on which it was Tabled in the House or the date on which it was Tabled in the other Chamber, whichever is later. It was Tabled in the other Chamber on the 11th, Friday 11th of June, which means that it will remain in force only until the 18th of June, which is this Friday, unless both Houses confirm the regulations, and approve that they continue for the duration of the State of Emergency. And therefore, the House is being asked to approve the continuation in force of those regulations, and I imagine that the other Chamber will do likewise when it meets on Friday, to ensure

that these regulations, many of which have to do with the rights of citizens, during the State of Emergency, having to do with provisions for appeal against detention and so on. So, I doubt if it would evoke any objection.

I ask the House to approve the continuation of the regulations as promulgated.

The SPEAKER: Well, Reverend Thwaites had indicated first. Go ahead, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, when the Prime Minister closes on the resolution, will he take note of the fact that, to the best of my knowledge, the Review Tribunal is not yet sitting.

The right of *habeas corpus* is suspended for those who are detained under the Emergency Powers. Accordingly, if the Review Tribunal provided for in these regulations is not sitting, the liberty of the subject, the first issue of protection for this Parliament is in effect suspended and held only at the whim of the police force. This is an intolerable and dangerous situation. I do not believe it is intended, but that is the actual fact now. You can't go before the Court, if you are detained under the Emergency regulations and the Review Tribunal is not active. This is not a situation that we can allow to happen.

The other aspects of the regulation are, I believe, fairly standard for a State of Emergency and I have no comment on that. But this is a most serious issue of principle and, I urge the Government to set it right at once.

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Thank you, Mr. Speaker. I don't want to belabour this resolution, just to….

(*Sotto voce* comments by Members)

Mr. BUNTING: Mr. Speaker, may I have permission to speak from a seat other than my own?

The SPEAKER: Permission granted.

Mr. BUNTING: Mr. Speaker, not to belabour this. The regulations are necessary for the proper, orderly running of the State of Emergency.

However, we are seven days from, I believe, the expiry of the 30 days of the State of Emergency and I would not necessarily expect the Prime Minister now, but since I know that this House will have to be considering the matter or may have to be considering the matter of an extension, certainly by next Tuesday, I would ask the Prime Minister if he is not prepared to now, then by then to just give the House an update on the progress of how these regulations and the broader State of Emergency has been operating.

Thank you.

The PRIME MINISTER: Mr. Speaker, in relation to the latter point made by the Member for Central Manchester, sufficient on to that day, a swallow doesn't make a summer. And initial outturns can't be misinterpreted for trends, but it cannot be without some interests, if not significant, that in a country where the average number of murders committed each week has been in excess of 30, some weeks much higher than that, the number of murders committed last week was six. And therefore, in looking at it, there are a whole range of issues that have to be taken into account. And of course, one has to take seriously into account the reports, and the advice and the recommendations of the security forces.

In relation to the issue of - that was raised by the Member for Central Kingston, I am not aware that the Tribunal is nonfunctional. The Tribunal was appointed, headed by MRS. PAMELA BENKA-COKER with the other two members being MR. JUSTICE HENDERSON Downer and Miss NANCY ANDERSON. And I will certainly have to seek information today, as to whether the fact that it might not have sat, may have anything to do not with the fact that there may be no application before it. The Tribunal only sits if an application is submitted. Up to yesterday when I spoke with the Minister of National Security, he has so far, since the start of the State of Emergency, only been required or requested to sign Detention orders in respect of 34 persons. I think Members may be aware that under the provisions of the State of Emergency persons can be detained for up to five (5) days on the authority of a senior officer of the Constabulary Force. But beyond five (5) days cannot be detained unless the Minister issues a Detention order. And up until yesterday, he indicated that he had been so far been requested and acceded to 34 Detention orders. As to whether or not any of those 34 persons have had submissions made to the Tribunal for consideration, is a question that I think would have to be addressed before we say assertively that the Tribunal is not functioning. But I will certainly investigate that as soon as the House allows me to leave here.

Mr. Speaker, with those few remarks, I invite the House to approve the resolution put forward.

The SPEAKER: Members, the resolution as presented by the Prime Minister is before you.

Motion put to House and agreed to.

The SPEAKER: The resolution is approved. House Leader.

Mr. HOLNESS: Mr. Speaker, the Prime Minister will now open the debate on the Bill to amend the Jury Act.

The SPEAKER: Very well.

THE JURY ACT

The PRIME MINISTER: Do I need to seek suspension again, Mr. Speaker?

The SPEAKER: Yes.

The PRIME MINISTER: I beg to move suspension of the Standing Orders in order to allow me to commence second reading of A Bill entitled, "AN ACT to Amend the Jury Act".

The SPEAKER: The question is that the Standing Orders be suspended to enable the Prime Minister to move for second reading of the Bill and to open the debate.

Motion put to the House and agreed to.

The SPEAKER: Prime Minister.

PRIME MINISTER: Mr. Speaker, this is a measure about which there has been some discussions in the House before. And it doesn't require in my view, any lengthy presentation.

We do retain the tradition or the entitlement, in most instances, the right to trial by jury, and that was removed in relation to gun offences, but it still exists certainly in relation to trial for murder, in reason, serious offences and others. And a difficulty in the passage of cases has been the inability of the jury to reach unanimity, to reach a unanimous verdict.

And after much consultation with many of the stakeholder in the judicial system, the legal system, it was decided that we will seek to amend the Jury Act, to make provision for a qualified majority in certain cases.

I want to stress that where it involves trial for murder which is classified as capital murder for which the punishment, the maximum punishment is death, or where it is trial for treason, again where the maximum penalty is death, wherever the death penalty could be applied, we are retaining the requirement that someone can only be convicted if it is by unanimous decision of the jury. A jury is comprised of 12 persons. But in other cases, and we have indicated here, in other cases, that would normally require an unanimous verdict, we are proposing that a verdict of not less than 9 of 12, in other words 9 to 3, or 10 to 2, or 11 to 1, but not less than 9 to 3, that such a verdict would be accepted by the Court, provided that such a verdict is not delivered until the jury has deliberated for at least two hours. So you don't want them to disappear into the jury room and come back out quickly and say we took a vote and nine (9) of us agreed. So there is a requirement that there must be deliberations, and provided there has been deliberations for not less than two hours, in those defined cases, a jury of 9 to 12 would be accepted.

The PRIME MINISTER: It will certainly improve...

(Cross talks)

A MEMBER: Nine of twelve?

The PRIME MINISTER: Nine to twelve, nine to three, nine of twelve, nine to three.

It will certainly improve the efficiency in the Court system because many cases that end up being hung end up with the jury agonizing over a long period of time and one person is holding out or two persons are holding out, it will facilitate a decision to be made, again only in relation to those cases that do not involve the death penalty as a possible punishment.

Can I use the opportunity, Mr. Speaker, to just make reference to something that again has been discussed here before, it's a matter that I know you - when you didn't sit in as lofty a Chair as you do now, you had raised and I think it was raised in one of the newspapers today, and it has to do with preliminary enquiries, and just to indicate that we are looking at that very, very seriously and hope to be able to bring a matter to the House to deal with that very shortly.

Our judicial system is creaking, we all know that. We have a backlog of some 400,000 cases each year and we have been filed in court each year over 300,000 cases. We are struggling to try to keep apace. And in fairness to the judicial system despite all the criticisms that it got, it has received it has been managing to at least keep the numbers of cases disposed of, if not equivalent to the number of new cases filed, not far behind. But the backlog remains, in fact, the backlog is increasing marginally each year.

I know that the Minister of Justice in discussion with the Chief Justice has been looking at some measures to try to see if we can clear out some those cases some of them through out of court consultation, to try to see how quickly we can move them. But the preliminary enquiries do take up a considerable amount of court time and court resources; and it is possible that if we were to take a realistic position in relation to those that we could create space and create capacity for the Court to be able to deal more effectively with the enormous burden of cases that it has.

I'm not further inviting a debate on that today and perhaps I should not even have

mentioned it, but just to indicate the thinking. In the same way that we had looked at jury trials to determine how can we ensure less difficulty in arriving at verdicts where the offence is such and the punishment for that offence is such that it does allow us some flexibility for changing what has existed in the same way we are going to be looking at preliminary enquiries to see whether or not the time has not come to take a bold move in relation to that.

So, Mr. Speaker, with those words I'm commending these amendments to the House. As we had discussed with the Opposition we are not going to close the debate today. I hope that we can schedule to complete this next week because there is quite a long list of legislative matters that are going to be visited on the House very shortly and therefore we need to make space not just in the court agenda but we need to make space in our own agenda to assume to take on that responsibility.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, the amendment to the Jury Act will not make a great deal of difference. I would crave in the closing if the Prime Minister would seek the statistics from the Court as to how many 'hung' juries we really have in any given period and, of course, one would have to assess anecdotally, how many acquittals had been forced upon by a situation of lack of unanimity.

It is reasonable, it is reasonable to make this amendment but let us not delude ourselves as to its significance. The level of arrears of which the Prime Minister speaks and which has been a constant concern of this House, is brought about not by the rule of unanimity in the Jury Act that we are seeking to amend but rather by other circumstances which so far we have failed to deal it. The recruitment and the assurance of attendance of jurors is a main problem that the Criminal courts face at the superior level. Mr. Speaker, your own experience will tell you that. The fact that the Jurors' Allowances are not available in timely fashion is another instance.

Indeed, you know, Mr. Speaker, this House has received the proposals of the Justice Reform Commission and that sets out quite clearly what are the major problems that we have. This country needs at least 30 more magistrates. Whether we abolish preliminary enquiries or not, the level of arrears of cases will not appreciably diminish unless we do that. The most central thing that we have done recently to assist in the congestion of the Court is the Plea Bargaining Regulations and as you know these are under considerable threat in the most important array of cases by the proposal for mandatory minimum sentences, which will vitiate all of that.

However, I don't wish to damn this with feigned praise. It is useful and reasonable that a majority verdict in non-capital murder cases should prevail and it is no significant infringement on the presumption of innocence which we are obliged to treat as sacrosanct. The important thing to do is to ensure that we have a renewed system which will invite, may compel witnesses to come forward when they are subpoenaed so that trials may proceed with dispatch, to ensure that the proper arrangements are made in the courts for cases to go on rather than for the extensive delays and adjournments brought about not by the laches of the defence bar as is often put forward as canard, Mr. Speaker, but rather

because of the ineffective scheduling that so often has affected the system. There is no substitute for a speedy trial. Justice is done best when it takes place in that fashion.

The perversity of jurors is not a major factor of the justice system. If you wish to correct this now or to advance it then so be it, it certainly will receive my support, but there are far more important things that we must do. And it is heartening to hear that presumably legislation on some of these matters will be forthcoming but let us try and do so by consensus rather than by arbitrary action; and in all cases uplift the rule of law and the human rights which we have laboured so long to achieve in the still executory charter thereof.

Mr. Speaker, I thank you.

(Applause)

Mr. HOLNESS: Mr. Speaker, I move that the debate be suspended.

ADJOURNMENT

Mr. Speaker it is not proposed for us to do any further business today I therefore move for the adjournment of the House until the 22nd of June, that's next week Tuesday, when we will...

(Inaudible comments by The Speaker)

Mr. HOLNESS: No, we will not meet tomorrow, Mr. Speaker.

The SPEAKER: Very well.

The motion before the House is that this Honourable House do adjourn until Tuesday the 22nd of June at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: This Honourable House stands djourned.

(The Speaker gavelled)

The House adjourned at approximately 4:49p.m.

TUESDAY, June 22, 2010

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

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Mr. G. Mair.

The House resumed its sitting at 2.20 p.m.

The SPEAKER: Please 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 the following:-

- **Ministry Paper No. 53**
  Entitled Jamaica's Rank in the United Nation's Human Development Report 2009
- **Ministry Paper No. 54**
  Sugar Industry Authority Annual Report and Audited Financial Statements for the year ended October 31, 2008
- **Ministry Paper No. 55**
  Cabinet Agenda issues dated June 7, 2010.
- **Ministry Paper No. 56**
  Government Guarantee under the provisions of the Approved Organizations and Authorities (Government Guarantee) Act of a loan of US$340 Million from the China Export-Import Bank to the Road Maintenance Fund to finance the Jamaica Development Infrastructure Programme (JDIP)
- Contractor General's Report of Investigation conducted into the Award of contracts for the Olympic Athletes Homecoming Week of Celebration, October 3 - 10, 2008.
- Jamaica Trade and Invest (JAMPRO) 2008/2009 Annual Report and Audited Financial Statements.
- Capital Development Fund (Withdrawal) Order, 2010 Under the Bauxite (Production Levy) Act.
- Auditor General's Department Review of Special Report and

Petroleum Corporation of Jamaica (PCM

- Certified Appropriation Accounts for His Excellency Governor-General and Staff 2008/2009

And that is in the Library for information.

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 under-mentioned Bills were passed on the 18th day of June 2010. "AN ACT to Amend the University of the West Indies (Mona Campus) (Security) Act,

AN ACT to amend the Agriculture Development Corporation Act so as to change the name of the Act and for connected matters.

These Bills were passed without amendment.

AN ACT to postpone the holding of a General Election under the Parish Council's Act and for purposes connected therewith.

AN ACT to Postpone the General Election under the Kingston and St. Andrew Corporation Act, and for purposes connected therewith passed with one (1) amendment each.

And the Amendment to both Bills is at Clause 3.

Delete all the words appearing next after the words "**not later than**" and substitute therefor the following:- **The 31st day of March, 2011 which resolution may amend any other provision of this Act**."

And there is an editorial correction, Memorandum of Objects and Reasons

Delete the words "June 30, 2011" and substitute therefor, the words "**December 31, 2010**" with powers to extend until March 31, 2011.

Signed: Oswald Harding,
President of the Senate.

The SPEAKER: Mr. Montague.

Mr. MONTAGUE: Mr. Speaker,

I beg to move that the Senate amendment to the Bills be approved.

The SPEAKER: Members, the amendments as presented from the Senate needs our approval. .

Motion put to the House and agreed to.

The SPEAKER: Amendment approved.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Prime Minister.

EXTENDED STATE OF EMERGENCY

The PRIME MINISTER: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move:-

Be it Resolved that the Capital Development Fund (Withdrawal) (No. 1), Order 2010 under the Bauxite (Production Levy) Act which was laid on the Table of the House today, Tuesday the 22nd of June, 2010 be approved.

And I wish to give notice that at a later stage, I will seek to have suspension of the Standing Orders to enable me to take that resolution.

I also beg to give notice, Mr. Speaker, that at the next meeting of the House, and I will

subsequently seek to have the Standing Orders suspended to allow me to take this resolution today, but that I will move the following resolution:

Whereas by virtue of paragraph (b) of subsection 4 of Section 26 of the Constitution of Jamaica, the Governor-General may make a Proclamation declaring that a State of Public Emergency exists;

And Whereas the Governor-General was satisfied that action had been taken or was immediately threatened by a person or body of persons therein, of such a nature, and on so extensive a scale, as to be likely to endanger the public safety, or to deprive the community, or any substantial portion of the community, of supplies or services essential to life;

And Whereas the Governor-General was satisfied that a State of Public Emergency existed in the community, or any substantial portion of the community, as a result of the aforementioned circumstances;

And Whereas in exercise of the aforementioned powers, the Governor-General by Proclamation on the 23rd day of May 2010, declared that a State of Public Emergency exists in Jamaica in substantial portions of the community, as specified in the schedule to that Proclamation;

And Whereas pursuant to subsection (6) of Section 26 of the Constitution of Jamaica, a Proclamation made by the Governor-General for the purpose of and in accordance with Section 26 shall, unless previously revoked, remain in force for one month or for such longer period not exceeding 12 months as the House of Representatives may determine by Resolution supported by the votes of a majority of all the Members of the House;

And Whereas it is desirable for the Proclamation so made to be extended to remain in force until July 22, 2010:

Now Therefore be it Resolved by the House of Representatives as follows:

1. This Resolution may be cited as the State of Public Emergency (Kingston and St. Andrew) (Extension) Resolution 2010 and
2. The Proclamation made by the Governor-General on the 23rd day of May 2010, declaring that a State of Public Emergency exists in Jamaica in substantial portions of the community, specified in the Schedule to that Proclamation is hereby extended to remain in force until the 22nd day of July 2010.

And at a later stage, Mr. Speaker, I will seek to have suspension of the Standing Orders to enable me to take this Resolution.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Mr. Speaker, the Question Paper is blank.

(Laughter)

The SPEAKER: Very well.

Reverend Thwaites, Mr. Shaw is not here

today, but you had sought permission last time. We have to put it off to ask questions on the last two answers.

Rev. THWAITES: And he in turn asked my leave to defer answers to further questions that I had asked on the indebtedness of public bodies - mutually indebted and we will await his return, Mr. Speaker.

The SPEAKER: Okay, very well Reverend Thwaites.

PUBLIC BUSINESS

The SPEAKER: House Leader, before, House Leader, just hold a second.

Members of the House, two weeks ago during the debate on the Crime Bill, and in the presentation of the Member from Manchester Central, there was a Point of Order raised by the Member from Western St. Mary. During the debate, because of the differences as to whether or not the St. James Civic Centre could be used. I indicated that an apology would have to come from one of the Members, and we would seek further information from the Member from Western St. Mary, from the St. James Parish Council.

Documents were released to me which I have referred to the Member from Manchester Central, indicating my position in relation to them. But today, the Member from Central Manchester asked that it be deferred because he feels that if the policy as indicated by the Member from Western St. Mary exists, it would be in fact unconstitutional.

He, in discussion with me has agreed to bring a legal opinion to that effect, and at the same time, I will also ask for legal opinion from the Solicitor General, whether indeed, the St. James Civic Centre can maintain such a position. And the matter - I see the Solicitor General is here - we can have it as early as next week so that I can make my final ruling on it next week Tuesday. So the request really, is for the delay from today until next Tuesday when I will make my final ruling based on the opinion presented from Mr. Bunting and also from the Solicitor General. Okay, I just want to brief the House on the matter, and next week Tuesday I will make my final ruling on the matter. House Leader.

Mr. HOLNESS: Thank you, Mr. Speaker.

At Public Business today, we will take the two resolutions, notice of which the Prime Minister gave earlier, those being the withdrawal from the Capital Development Fund and the resolution to extend the powers of the State of Emergency. And then we will continue our debate on the Bills commonly referred to as the six (6) Crime Bills.

The SPEAKER: Prime Minister.

RESOLUTION RE: STATE OF EMERGENCY

The PRIME MINISTER: Mr. Speaker, the House will recall nation the 22nd of May His Excellency the Governor-General issued a Proclamation declaring the existence of a state of public emergency in the parishes of Kingston and St. Andrew. The Proclamation was based on the assessment of the Cabinet, conveyed to the Governor-General in the form of an advice that action had been taken or was likely to be taken on such a scale as to endanger public safety.

Members will recall, Mr. Speaker, that at that time several of the streets in Western Kingston were barricaded, some of them the security forces determined had been rigged with explosives. Surveillance confirmed the

presence of heavily armed men who had occupied strategic vantage points and, therefore, the conclusion was that not only was there the existence of a threat to public safety but that there was a threat to the lawful authority of the State.

Members will recall as well that a major security initiative was launched on the 23rd of May. An intense gun battle ensued and continued for a number of days, in the course of which one (1) Jamaica Defence Force soldier was killed, some 28 soldiers and eight (8) policemen injured. The bodies of 73 civilians were recovered in the course of the operations. So far 56 of them have been identified, 17 of them remain unidentified.

In the course of these operations, Mr. Speaker, the police have seized 87 illegal guns of varying calibers, 14 hand grenades and just under 14,000 rounds of assorted ammunition; the majority of them recovered in West Kingston, a few of them recovered during operations in other communities.

The situation in West Kingston has been brought substantially under control and there have been no reports of any exchange of gunfire in recent times.

A strong police/military presence is being maintained and curfew conditions existing from 6:00 p.m. in the evening to 6:00 a.m. in the morning continue to be imposed.

A police post has been established in Tivoli Gardens and every effort is being made by the security forces to effect a transition to a state that would allow for normal community policing.

The operations which are carried out under the State of Emergency have been extended to other parts of the Corporate Area and these have continued up until now. These operations, Mr. Speaker, have had a major impact on the level of crime in not just the Corporate Area but elsewhere.

We must be very careful not to draw lasting conclusions from initial responses and outturns. But we must take some heart and some encouragement in the fact that for the first 20 days of June the level of murders, the number of homicides committed has declined compared to last year by some 35%, not just in the Corporate Area, but by 35% - just under 35% islandwide.

The State of Emergency as Members will be aware can only exist for 30 days, for one month, unless Parliament by resolution determines that it should be extended.

The efforts that are being made, Mr. Speaker, the operations that are being carried out must be continued. The pressure on the criminal forces in the country, the efforts to recover illegal firearms that is not something that we can afford to slacken in any way, that pressure must be kept up.

One month is not sufficient to achieve the results that are required. (Applause) And, therefore, by resolution, notice of which I gave earlier, we are seeking the approval of Parliament for the extension of the current State of Emergency in the Corporate Area for a further period of one month. That will allow the security forces to continue the operations, indeed to intensify those operations; and during that extended period of one month we will keep the situation under constant review and to return to the House at such time, as is appropriate, to determine whether we need to go even beyond the period for which the approval of the House is being sought.

It's important to appreciate, Mr. Speaker, that organised criminal gangs are not confined

to Western Kingston. They are not confined to the Corporate Area. There are other communities, especially in major urban centres, where criminal gangs have become embedded, have virtually taken control of these communities and have effected their influence and their impact on areas far beyond just the communities in which they are embedded.

(HON. OLIVIA ATAVIA GRANGE, (JLP) St. Catherine, Central, Minister of Youth, Sports and Culture, entered and took her seat.)

The situation in St. Catherine has been one of particular concern. For the period January to May, St. Catherine has experienced 170 murders compared with 112 for the corresponding period last year. For the same period they have witnessed 168 cases of shooting compared with 110.

(*Sotto voce* comment by Mr. Bunting)

The PRIME MINISTER: It's not a statement, I have some handwritten notes.

(*Sotto voce* comment by Mr. Bunting)

The PRIME MINISTER: No, for the parish of St. Catherine. For the period January to May last year 112 murders, this year 170; and in relation to shootings for the same period last year 110 cases of shooting, this year January to May 168 shooting incidents.

The Cabinet, Mr. Speaker, having considered that situation and having considered very seriously and very carefully the advice of the security forces, the joint security forces, yesterday gave approval and have today conveyed to His Excellency the Governor-General our advice that a Proclamation be issued declaring a state of public emergency in the parish of St. Catherine commencing at 12 midnight (Applause) and will continue in accordance with the provisions of the Constitution for one month, unless previously revoked or unless extended by resolution of the House of Parliament.

Let me say a word or two, Mr. Speaker, about the thinking that has guided the Cabinet, both in relation to the extension of the State of Emergency for the Corporate Area and in relation to the imposition of a state of emergency for the parish of St. Catherine.

We recognise, Mr. Speaker, we acknowledge that the actions we are taking involve the curtailment of the rights of citizens. But we are determined that these operations must be carried out with respect for the human rights that Jamaicans are entitled to.

In the case of the operations carried out in the Corporate Area as I indicated before, there are 73 civilians whose bodies were recovered. The security forces are of the view that a few of those, perhaps as many as eight (8) of them, were killed in circumstances that had nothing to do with the security operations. That's the advice I have from the security forces.

The Public Defender, as I think we all know, has been undergoing extensive investigations. He has established an office in Tivoli Gardens and I saw to it that appropriate accommodation and furniture was provided to facilitate him and his investigators in the work that they do. I gave the Public Defender the assurance that he was fully authorized to go and employ as many additional investigators as he thought he required in order to be able to conduct the level of investigations that he felt appropriate. I further assured him that he should - that on the basis of the need for independent forensic pathologists to observe

the autopsies on the bodies of these civilians, that the Government would provide the necessary support for him to secure the services of such independent forensic pathologists as he felt he required and in whatever numbers he felt were appropriate. And in this regard I really want to express my appreciation to the United Nations Development Programme and to the Canadian embassy and to USAID, who have all responded very positively in assisting the Public Defender to identify appropriate pathologists and in making the arrangements for them to be in Jamaica to assist the Public Defender in his investigations.

I think Members are aware, Mr. Speaker, that last week the Public Defender expressed concern at the way in which the autopsies were being conducted and he expressed anxiety that the protocol laid down by the United Nations for such activities, were not being adequately adhered to. On being advised of that I got in touch with the Minister of National Security and I instructed him that he was to make arrangement for the autopsies to be suspended until the Public Defender was satisfied that the necessary procedures were being followed. I am assured that that has been done.

The Public Defender has indicated that there are other disciplines, other expertise that he feels he will require, including forensic ballistics experts and again I have assured him, whatever skills you need, whatever expertise you feel that you require to proceed to engage them, the Government will provide the necessary resources to enable you to do so.

Mr. Speaker, we are awaiting a report of the Public Defender. What is very clear is that any action that was taken in the course of the operations that were conducted in Tivoli Gardens that were contrary to law, that involved the unjustifiable taking of life, that involved the abuse of the rights of citizens without cause, any such action, Mr. Speaker, is something for which those who are responsible will be held accountable. (Applause)

In the course of the operations carried out under the State of Emergency, Mr. Speaker - and I can only provide you with data up to Friday of last week - 2,108 persons were detained. Of that number 2,071 were processed and released; 122 persons have been the subject of Detention orders, of that number 31 persons voluntarily turned themselves in after the police had indicated that they requested them to do so.

I make that point because part of the concern that has been expressed about the imposition of the state of emergency, or the extension of the state of emergency, has been the fear that this is something that was going to be used in a wide-scale reckless manner, to lock up and detain people to deprive them of their rights.

We know, and I'm not seeking to score a political point here place, but we know that in the case of the last major state of emergency operations in 1976, hundreds of persons were detained and were kept detained for prolonged periods of time. That's not the intention of the security forces in this operation. Persons are detained because of the nature of the operations, the nature of the threats and based on the intelligence that they have. Every effort is made to process them as quickly as possible and to determine those in whom they have interest, those for whom there are charges to be proffered.

And in the case of the 122 that have been detained, are the subject of Detention orders, a number of them have been charged with very serious crimes, I apologise to the House for not being able to give you the specific number, but a number of those have already been charged and in relation to others, investigations are continuing to determine whether they ought to be charged.

In the Regulations governing the operations of the State of Emergency which were approved by this House and I don't know how many Members took note of it, I don't think the media did. We were very careful, Mr. Speaker, to exclude from the Regulations, control over the media. In 1976, the media was subject to control of the competent authorities. There's an article - a column in one of the papers today, which gives some indication as to how that was exercised at that time. We were very deliberate not to include any restrictions on the media in the provisions under the current state of emergency.

(HON. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service, entered and took his seat.)

Let me make one other point, Mr. Speaker, which is important. I indicated to the House already that as important as the law enforcement operations are, they are only part of the response that is required of us to deal with the level of crime and particularly, organised crime that we as a nation, as a people have to confront. And therefore I indicated at that time, the work that had been done up to then, to develop the outline and to do more than outline to provide substantial detail and direction in terms of the social intervention initiatives that we must provide; not just as a companion measure to the law enforcement measure, but in order to fill that vacuum that existed, which was occupied by criminal elements, and to get into these communities to reassert not only our authority, as the State, but to reassert as well our responsibilities to these communities.

(Applause)

I mentioned, Mr. Speaker, the support that we have so far received, preliminary though it is, from multilateral and multilateral partners. And I'm particularly grateful for the expressions of support and commitments of support that I've received from Heads of Government both within the region and beyond the region.

It is not without some significance that I will leave the island on Thursday to attend a special outreach session of the G-8 Summit in Canada, focussing on issues related to transnational crime and the measures that need to be implemented to deal with it. Included among the special invitees are - there are three of us from this region - President Preval of Haiti and President Uribe of Colombia and there are seven (7) Heads of Government, Heads of State from Africa. And the agenda includes a serious focus on how can we as countries that are all involved, all affected by transnational criminal organizations, how can we collaborate more effectively to assist each other in addressing this problem. It is something that is urgent.

I mentioned in this House some time ago, the need, while we try to redouble our efforts to deal with the domestic problems that we are confronting, that there would be very little drugs passing through Jamaica if there was not a market for those drugs beyond the shores of Jamaica.

I made the point as well, Mr. Speaker, that if the guns that we had to concern ourselves with were all the 'made in Jamaica type', our problem would be relatively manageable. And that we need greater cooperation, particularly from those sources from which the majority of guns emanate, we need to collaborate more closely, we need to find new and better ways of supporting each other to confront this problem.

We have commenced the initial work in the West Kingston area and in the various communities there in terms of the cleanup operations, in terms of trying to assist those persons who were affected, and many were. Many persons had their homes damaged; many persons lost personal effects, or have them damaged. The Ministry of Labour and Social Security in collaboration with the Ministry of Youth, Sports and Culture through the SDC, have completed a survey of those who were affected. They've identified the needs, and we are going to see as much as possible how we can assist.

The Ministry of Housing has determined the damage that was done to some of the houses, some seven (7) houses were completely destroyed, we are making efforts to see how we can assist where those persons were persons who, in a sense, were unavoidably and inescapably affected by the operations.

CORONATION MARKET/DIGICEL

We commenced work yesterday, Mr. Speaker, on the repair of Coronation Market. And I want to express my appreciation to Digicel for the tremendous contribution they've made... (Applause) …$100 Million, which is something that they have done before this incident. Before the recent operations I took the Chairman of Digicel, MR. DENNIS O'BRIAN on a tour of Coronation Market some months ago, and he had given a commitment at that time, he has brought that commitment forward to help us to respond to the current situation. I want to express my thanks to him. Work started yesterday, we hope that the initial phase be repaired so that we can put the market back into operation and we can get the vendors back in some reasonable condition plus doing some incremental improvements, paving certain areas and improving the sanitary facilities. We hope to complete that before the end of July, so that that should be completed in time for the normal burst of activity surrounding Independence.

Finally, Mr. Speaker, I think we as a country have an opportunity, which perhaps we did not - ourselves design and create. Maybe it is an opportunity that has presented itself because of the flow of events and circumstances, but we have an opportunity to address in a way that we have not done before, a problem that has bedevilled this administration and previous administrations for many, many years. The security forces today, have the upper hand. They have an advantage that we cannot afford for them to lose. The criminal underworld is shaken, they're not completely routed, they're not yet defeated, but they are shaken. They have seen a resolve on the part of not just the State, but the society at large that they have never seen before. And they are now confronted with something that, if it is to be sustained, if it is sustained, is going to cause many of those who engage in criminal activity to seek to find safer, less hazardous pastime.

But it's going to be a long campaign. Let

no one believe that this is something that can be done in a month, or even two months, or even six (6) months, it is going to be a long campaign that has to be sustained. It may take different forms, it may at this stage have to be severe and aggressive, done under the auspices of a state of emergency, at other times it may take different forms and it may be done under different aegis, but it must be sustained.

We are guardedly, guardedly optimistic, Mr. Speaker, on the basis of the recent indications we've had about the economy's turn, a turn that we've not seen. This country is looking at interest rates now that are the lowest in 28 years. (Applause) We are now having to respond to the pleas of the exporters and the hoteliers, that we are to do something to prevent the dollar from gaining anymore.

(Applause)

I received my fortnightly briefing from the Minister and his team on Wednesday, of last week as regards the performance of the economic programme. We have a quarterly test that will be upon us within another week, and while we don't celebrate until after the results are announced, I will only say to you that having received the briefing of the Minister ...

Opposition MEMBER: Run him wey!

The PRIME MINISTER: ...I am awaiting the June test without trepidation.

(Applause)

Government MEMBER: Very good.

The PRIME MINISTER: But we still have a long way to go. We still have a long way to go, because it is a long way we're coming from...

MEMBERS: Yes.

The PRIME MINISTER: ... and when you make that turn in the road it is almost as if the journey just begins, because it's a new path that you are on.

But no matter how well that economic programme does, Mr. Speaker, no matter how many targets we meet, if we don't deal with this problem of violence, the level of crime that not only makes business difficult, but makes life itself difficult, if we don't deal with that we're not going to be able to achieve the kind of sustained growth and the kind of growth and new opportunities that we want.

And therefore, in asking the House to extend the current State of Emergency by a month, in conveying to the Governor-General our advice for the declaration of a State of Emergency in St. Catherine, these are elements of that overall strategy. It's a situation where there is no one single fix, it's a matter of calibrating all of the initiatives, all of the responses that we have to give in order to put this country in a position where we no longer have to argue and quarrel and worry about its performance. I want to see us get to a stage where the discussion is going to be whether or not we should slow it down, whether or not it's likely to overheat, whether or not we are going faster than we as a people and our institutional arrangements can support. That is not beyond us. That's not something that we must simply dream about. There are other countries that were not as fortunate as we were years ago that are there and beyond, and there is no reason, Mr. Speaker, why we can't get there as well. That's the commitment that we make, that is the goal to which we aspire and it is in the achievement of that goal that I ask the House to approve the resolution I have presented.

(Applause)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker, permission to speak from a seat other than my own?

The SPEAKER: Permission granted.

Mr. BUNTING: Thank you.

Mr. Speaker, while the conditions that warranted the declaration of a State of Public Emergency...

(Inaudible comment by Mr. Shaw)

Mr. BUNTING: You better hope it's not, you better hope it's not.

(Heckling)

Mr. Speaker, should I give the Minister more time to embarrass himself, to show that he is not paying attention, that he is not here? Is all right, Audley.

Mr. Speaker, while the conditions that necessitated the declaration of a State of Public Emergency for Kingston and St. Andrew clearly no longer exist in these two parishes, the Opposition will nevertheless give critical and cautious support to the extension of the State of Emergency for 30 days. And we do this in recognition, first of all, that while the conditions no longer exist it is only fair and effective to give the security forces time to complete the operation that they started and we would not want to prematurely bring an end to the operation.

However, Mr. Speaker, we signal here that our cooperation with extensions will not be automatic. We believe each extension should be very, very, very carefully applied for and full justification should be provided. We do not want the State of Emergency to become the norm for policing either in these parishes or in St. Catherine.

(Applause)

I'm not going to speak to the declaration or the intended declaration of the State of Public Emergency for St. Catherine. That does not require approval by Parliament in the first instance, so I'm going to focus on Kingston and St. Andrew.

The Prime Minister pointed to the reduction in murders in particular islandwide, as an encouraging sign. However, he was cautious and it is well that he be so. Because when we actually disaggregate the figures for the first 20 days for murders - this is the JCF'S figures - what we see is that for the first two weeks or 13 days to be exact, the murder rate fell by almost 50 per cent, a very dramatic reduction. However, by Week Three the reduction in rate had gone from almost 50 per cent to 15 per cent. So what that suggests, Mr. Speaker, is that the initial operation, the disruptive effect in particular of the initial operation, be the shock and awe, the disorientation and discombobulation it caused for the criminal organization at the pyramid of organized crime and criminal gang activities in Jamaica clearly they were routed.

But while the security forces may have won that battle, it's much too early for us to determine if they have won the war. And the fact that the murder rate is starting to return, starting to return to the norm that we have seen over the past few years, suggests that the conditions of the State of Emergency by itself will not be sufficient and we should not become complacent and think that all we need to do is to rest and relax once the State of Emergency is out there, crime and particular violent crime and murders will be automatically reduced.

Mr. Speaker, I had hoped and l had signalled to the Prime Minister last week that he would have tabled some documents, 1 tried

my best to follow the figures he was giving, but giving a little more substantial report on the outcomes that we would have had a chance to study. I would have liked to have heard from him more on the operations of the Review Tribunal.

We are concerned not just with the imposition or the extension of the State of Emergency in and of itself, what we are particularly concerned with is to ensure that any activity or any incident which occurred which was contrary to law is identified, first of all is minimized if it can, if it can't be avoided all together, they are minimized. That where they occur the security forces are transparent with the information and those who made either the error in judgment or they were in procedure that they be held accountable.

We are concerned that there be no abuses and we would hope that we could have got a report from either the Public Defender or any unit that the JCF themselves have set up to monitor the carrying out of this operation, could have given us some report.

We are concerned that these measures not be applied in a discriminatory manner to any community. We don't take any comfort in the fact that because it's focused primarily on West Kingston, that doesn't give us any comfort, Mr. Speaker, we want to ensure that it is applied in a manner that's totally nondiscriminatory.

And, finally, Mr. Speaker, we must be assured that the continuation of these extreme measures, because that's what a State of Public Emergency is, it is an extreme measure and should only be used in extreme circumstances and as sparingly as possible. We want to be assured that this tool continues to provide the necessary and effective support to the security forces.

Through you, Mr. Speaker. Prime Minister, we have a National Security Council meeting I believe, scheduled for later this week, I assume we will get more information from the security forces at that time which will further justify their request for this extension, but we in the Opposition want to use this opportunity, Mr. Speaker, to reaffirm our complete and total support for the lawful activities of the courageous men and women in our security forces.

(Applause)

And we continue to urge them to keep the momentum going and to root out the criminals wherever they find them.

Mr. Speaker, just in closing I want to indicate that some of those concerns that we pointed to, the Member from Central Kingston is going to elaborate a little more on those matters.

Mr. WARMINGTON: Mr. Speaker.

The SPEAKER: Mr. Warmington, I think Mr. Peart had indicated first, unless you want to yield Mr. Peart?

Mr. M. PEART: I will yield.

The SPEAKER: Very well.

Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, thank you very much, Member.

I have no difficulty with the spirit or a declaration of a State of Emergency or its continuation, but I have some very serious difficulty with the way in which aspects of the State of Emergency was executed or was prosecuted as such.

There are reports of serious atrocities that took place. When the Government gave

permission for the State of Emergency to be declared it was not the intention of the Government to give licenses to rogue members of the security forces to carry out brutalities and atrocities against law-abiding citizens. One of my concerns basically, is the report that 73 persons were killed in the first three days of the operation and in those three days the reports were that four (4) guns were found. My concern is, if the persons who were killed were gunmen, can we have 73 persons, fire four guns? If there are four (4) guns, what were the other 70 persons firing at the time? Secondly, there were houses burnt. Am I to learn that the houses were burnt by the citizens themselves? There are some very serious reports coming out of what took place as such outside of the legal operation.

Mr. M. PEART: Read one, read one.

Mr. JACKSON: They are loose.

Mr. WARMINGTON: My position is, that if these reports are correct, that people were taken out, young men and slaughtered, if these reports are correct I do not believe we can have Peter investigating Paul or Peter investigating Peter. I don't believe that the Public Defender or the Political Ombudsman is competent enough to investigate these cases if they are so. It needs more than this. And no Commissioner or Commission of Enquiry can bring out the truth. We have had these operations over the years and there have been many Commissions of Enquiries and nothing came of it. There are persons who were charged, for example, up in Mocho, they went before the Court and they were found not guilty even though they brought in, what his name was, SHIELDS from abroad to investigate and gave credible testimony in the Court, up in Kraal. So I have grave doubts that we can have full and completeness in these types of investigations.

Less than what - the report coming out if they are correct we need to find out if these atrocities took place. And these atrocities that took place are worse than what we are hearing coming out of Darfur. And the International Criminal Court of Justice in the Hague, investigated those cases and brought people before the War Crimes Tribunal in the Hague. I believe that if this is the case in Jamaica, if this took place, the investigation should be done by the International Criminal Court in the Hague.

(Opposition Members applaud/*Sotto voce* comments)

Mr. WARMINGTON: And if what is being said is correct, the members of the military that did these, if it is so, ought to be brought to trial. There were decent - from what I was told, there were decent people inside there. Some of the members of the security forces operated in an honourable fashion, but you have a few rogue officers, I understand, who went beyond the call of duty. And I believe if this is so - I don't believe our criminal system here can deal with anything like that. The Criminal Court, the War Crimes Tribunal is the appropriate place for these persons to be tried if they are guilty of these types of atrocities.

Now that the State of Emergency is being extended to St. Catherine...

(*Sotto voce* comment from Mr. Vaz)

Mr. WARMINGTON: I don't ask for permission to speak, neither do I ask for licence to speak.

(Opposition Members applaud/laughter)

Now that the State of Emergency is extended to St. Catherine, I do believe and I

hope, I hope, in other words, I hope that it will be carried out in a professional fashion. I hope those who are in charge will be blind to any political favoritism. If you go into St. Catherine and you do your stuff, you do it lawfully. I have no problem with the State of Emergency, but it must be done in a legal fashion.

Mr. PICKERSGILL: Or else?

Mr. WARMINGTON: Or else, as an officer of the United Nation... (Laughter/applause)... as head of a United Nations governing body - in a few weeds I am supposed to be meeting with the Secretary-General to appoint the new Executive Director, and I am very confident that this is an issue that he is going to broach with me. And if he mentions the issue of the War Crimes Tribunal, this is one person who is supporting that position. If he mentions that in the Hague, I will be supporting it.

Opposition MEMBER: Trelawny Hague? Hague in Trelawny?

(Heckling)

Mr. WARMINGTON: Because of the action of some of these officers...

(*Sotto voce* comments)

Mr. WARMINGTON: You don't tell me when to speak and when not to speak. Because of the action of some of these officers they discredited the State of Emergency.

I am prepared to support the extension of the State of Emergency, but I am appealing to the leaders and those who control the security forces to ensure that those rogue officers who are among the decent ones, do not get the opportunity to go out there and continue the abuse of the citizens of Jamaica. (Applause)

The SPEAKER: Mr. Peart.

Mr. M. PEART: Mr. Speaker...

Mr. PICKERSGILL: Run dem! Run dem, man! Dem can't tell you to keep quiet!

(Cross talk)

The SPEAKER: Mr. Pickersgill, please!

Mr. M. PEART: Mr. Speaker, the level of...

(Comments from Mr. Pickersgill and Mr. Buchanan)

The SPEAKER: Mr. Pickersgill, allow Mr. Peart to speak, nuh..

Mr. M. PEART: The murder rate in Jamaica has been over fifteen hundred for a couple of years now, over fifteen hundred. That by itself is a cause for serious concern. The circumstances that call for the State of Public Emergency has brought into focus the need for us to take drastic action to stem this level of violence in our society. And the results so far have been proven positive.

The Prime Minister mentioned, Mr. Speaker, the rehabilitation of Western Kingston, in particular, Tivoli Gardens. And I would hope that this is not a piecemeal effort of just looking at damaged properties and compensating people for things that were damaged, because we are looking at Tivoli Gardens as almost a separate place from the rest of Jamaica.

Mr. D. PEART: It is. It is!

Opposition MEMBER: It is. Very unique.

Mr. M. PEART: I remember some years ago the matter of the control of the government property, housing property in Tivoli Gardens, when the former Leader of the Opposition was in that seat - in the seat - Honourable Seaga. And I think his solution to the problem was that he would make an offer

to purchase Tivoli Gardens from the Government of Jamaica. And he was very serious about it.

(HON. LAURANCE GEORGE BRODERICK, (JLP), Clarendon, Minister of State in the Ministry of Mining, Energy and Telecommunications, entered and took his seat.)

He would set up a West Kingston Trust that would acquire Tivoli Gardens from the Jamaican Government, and he would run it. Fortunately, that didn't materialize.

(*Sotto voce* comment from Mr. Montague)

Mr. M. PEART: No, this one is on the record. You were still picking bananas over in St. Mary, man. What you talking 'bout?

(Heckling)

Mr. Speaker, the questions that have been asked of me in my constituency are these: Is it true that the people in Tivoli Gardens pay no rent nor lease, or mortgage for any of the Government properties in Tivoli Gardens? So I ask the Prime Minister that question.

The second question they ask: Do they pay any electricity bill...

Opposition MEMBER: Or water bill.

Mr. M. PEART: Do they pay any water bill? And that only does not go for Tivoli Gardens.

(Cross talk)

Mr. Speaker, the Government is trying to sort out the problem of garrisons, and Tivoli is not unique. But we starting from there, but we will look at the others too. But I am just saying, if you have government properties in these communities that the Government has no control over them, local hoodlums are under their control, what do you expect? Will we ever break the back of this garrison problem? (Government Members applaud) So I simply ask the Prime Minister, is it true that they pay no rent, no lease, no mortgage? Do they pay no electricity bill, no water bill?

Mr. D. PEART: And what him doing 'bout it?

Mr. M. PEART: And is it proposed that this matter will be remedied in the programme to rehabilitate Tivoli Gardens? That's all I ask.

The SPEAKER: Reverend Thwaites.

Government MEMBER: Boy, de conga worm is getting worse. It a go from bad to worse. (Laughter)

Rev. THWAITES: Mr. Speaker, a democratic society, such as we insist that we are and are becoming, operates on the premises that the liberty and security of the individual are not donations of the State of any collectivity, but rather, are inherent and God-given rights to all human persons. (Applause) The moment that we forget that the liberty of the subject is the first principle of order, and indeed the first principle of our jurisprudence, we are taking a wrong path, and one which is likely to lead us into difficult nefarious and counter-productive directions.

I stand to offer guarded support for the extension of the State of Public Emergency. I wish to bring to the attention of the public, insofar as this medium allows me, and to the Government, that the circumstances of the last thirty days have warranted extreme concern about these basic principles of our constitutional order. Yes, there has been a temporary surcease of the levels of violent crime to which we had become inured.

I remember, yes, I remember previous instances - other Members here will do so as well - and we recognize that by itself a state of public emergency does not guarantee any permanent reduction in the levels of crime,

because the fundamental causes, therefore, are not in any way addressed by these measures.

During the last thirty (30) days, Mr. Speaker, the writ of *habeas corpus* has been effectively suspended. The treasured right of the western concept to jurisprudence, to which we are all committed, has been in abeyance for those who the security forces chose to place it in abeyance.

Mr. CHARLES: You suspend it for one year!

Rev. THWAITES: The administrative - if that was so - since that was so, Mr. Speaker, it is to be regretted and noted in the same way and without any difference in respect, once seen or the other. We are talking about principles...(Opposition Members applaud) ...we are not talking about the accidents of political action.

And during that period, Mr. Speaker, during that period, the Administrative Review Tribunal which ought to have been in effect and functioning from the first day of the State of Emergency, has not functioned.

Some time ago I asked the Honourable Prime Minister for his assurances in this regard, and he hoped that that would - that in fact it was in operation. So far they have been unable to deal with any of the complaints of those detained. It is a necessary complement. Steps are being taken to put it in into effect, but up to now it remains a blemish on what has taken place, that it has not functioned. And it is to be hoped, and indeed, it's to be insisted that it be put in operation without any further delay.

Mr. Speaker, may I tell you of an actual case of a person who in fact contended for a seat in this House in times past, and who is detained on the basis that his name was mentioned by two other persons who at the time were of interest, but against who no detention order was made. And he is taken into custody; he has not been questioned, not even questioned since being taken into custody.

Mr. CHARLES: I was there for one year! One year!

(Heckling)

Mr. BUCHANAN: Shut yu mout!

Rev. THWAITES: Mr. Speaker, Mr. Speaker, if there is one thing we must assert is that any previous injustice which may have existed does not justify a continuation of injustice.

(Opposition Members applaud)

This is a person whose business has been effectively destroyed, whose reputation has been compromised, without him doing anything or even being asked to answer anything, simply on the basis that he has been named by the security forces, and voluntarily surrendered himself into custody. He has been there for weeks, and there is no indication and no answer that can be given by any competent authority, nor up to now has there been any place to whom he could have review, in order that he might secure his liberty.

Opposition MEMBER: And that is not in the State of Emergency.

Rev. THWAITES: And that is not - the location from which he was taken does not fall within the curtilage, even, of the State of Emergency as has existed up to today.

Mr. Speaker, we have to be extremely careful of what we do. People do not become criminals by being mentioned by the security forces. They become criminals by action of the process of law, which involves the review by a competent authority, and the sentence of

the Court where guilt is established. Mr. Speaker, we do not enhance public safety, we do not restore order by creating incidents of greater disorder.

Mr. Speaker, many instances during the last thirty days give cause for concern. I myself, was witness to a situation on Great George Street in Allman Town in the early days of the State of Emergency, where the police jeep came down, the armoured car came down Great Georges Street firing indiscriminately, yes, towards the houses on either side of the road. Nobody there on the street nobody confronting, nobody opposing. So they do that.

I was in the police station and we were all told to get flat, so we did. But Mr. Speaker, after that, the wrath, the bitterness, the sense of disquiet in the community from law-abiding people, from those who believe that they are under peril, not only from those who have a criminal intent, but also from those who are sworn to protect and uphold them, yes. This is something which we have to be very careful. And I would respectfully underline the sentiments expressed by my colleague from St. Catherine in this regard.

It is not to be pro-criminal when you say these things. It is to speak the truth of our situation. And we must be extremely careful even as we endorse the unlawful behavior, not to create a greater mischief than the one that we are intending to cure. Mr. Speaker, so we shall have a State of Emergency for another 30 days. We appeal for those who have been detained. If they have been detained for this length of time, let them be charged or released. That is the tradition of our law. (Applause) That is a right of every human being. (Applause)

The Member for Western Kingston spoke about his resolve and that of the Government, to ensure that anyone who had been outraged would be compensated. Mr. Speaker, that is good. Remember that the Public Defender alone has registered 700 complaints and more, and the Bureau of Special Investigations still further. These are worrisome statistics and they will not be easily resolved, given even the expanded resources of that Office.

Mr. Speaker, we have to make sure that we appreciate that there will be no peace without justice in this land or anywhere. There has to be more attention to the prosecution of those who are accountable, whether for their crime or whether for their illicit action under the cover of the security forces. I am obliged, Mr. Speaker, to ask that the standard of accountability of which the Prime Minister speaks should be applied to the spirit and the soul of the late Keith Clarke. Weeks after his murder, who has been held accountable? Why is it that it is only the numbers of the security forces that were involved in that that have been disclosed and that they seem not to have been enjoined even to give their names as yet? These are the things, not just the words spoken in this Parliament, as significant as their intent and earnest may be, Mr. Speaker, but it is the actions, it is our actions to see what is done and how swiftly justice can be dispatched that will curb this situation.

One of the main difficulties and reasons for a State of Emergency, one of the main underlying causes for the proliferation of crime is the delays and the uncertainty of the justice system. At the same time as we vote for the continuance of the State of Emergency, let us have the resolution and the resources. Not just to make good what we ourselves in

the name of all Jamaica destroyed, but rather to set up a system of such security and such dispatch and such equity in the justice system that we in fact can gain the confidence of people and the quick conviction of those who outrage our laws and mores. (Applause)

Mr. Speaker, the promise of comprehensive social interventions is one that is welcomed but its realization remains to be seen. And I would say to the Honourable Prime Minister that what we must make sure is that it applies not only to the area known as Western Kingston, I'm not speaking of a constituency, but is applied with equal rigour and amplitude to all of the inner-cities, all over Jamaica, because it is the sense of hopelessness and bitterness which, regrettably, can be even engendered further by a State of Emergency that is not properly managed and lasts too long, that is the greatest encourager of crime in this country. (Applause)

Mr. Speaker, what we are doing now, covers itself with a certain necessity and therefore bespeaks the approval of us all. But Jamaica must not get accustomed, as it once did for too long, to live under a State of Emergency. That is not the natural course of things. Our consciousness and our people are different now. And it is with those reservations that I respectfully support the resolution. (Applause)

Mrs. SIMPSON MILLER: Mr. Speaker, I am not going to be speaking to, I want to ask two questions and to make a recommendation.

Prime Minister, with respect to the regulations governing the State of Emergency, should there be any changes in terms of that, in light of the actual experiences over the past 30 days? And, what of the Review Tribunal? We have heard nothing of them or what is being done by them at this time. And I'd like to make a recommendation that there needs to be a programme of public education, so that the citizens of this country, that Jamaicans will know their rights and understand their rights. And I'm really making this recommendation because if they know their rights, then certainly it could lead to greater cooperation between the citizens of the country and the security forces.

If they do not know and understand and if the security forces also do not understand their role in terms of - and you have some who might deviate from what is given - or the rules, then we could have some serious challenges. I had a serious experience in my constituency. I'll not speak to it here. I'll not mention it here. But I would just - because we are getting lawyers to ensure that that particular matter is dealt with. But, Prime Minister, I think that the public - they need to know, because people do not know, in terms of a State of Emergency, their rights. And tabling the regulations here...

(Inaudible comments by Opposition Member)

...and their responsibility. So, I think that needs to be dealt with.

Thank you. (Applause)

The SPEAKER: Dr. Duncan, you...

Dr. DUNCAN: Thank you, Mr. Speaker.

Later today we are supposed to continue the deliberations on the Crime Bills. We started those discussions on the 2nd of June, almost in isolation and in a way that suggested that it was a kind a 'buck-up politics' that we were dealing with. Today, before the debate later on, which I intend to also make a

contribution, but because of the Standing Orders regulation where you can't make references to certain subjects that were debated in one debate in the following debate, and you may rule me out of order, I take the opportunity to raise some of the questions I would raise - I will raise - later on when we are discussing the Crime Bills.

Part of the problem we have is that we discuss things in isolation and in particular, things which are of national importance. I can't claim any credit for being involved in any great deliberation in any one subject, but what I can claim credit to is that where things have occurred in the past, I try to remember them and not to repeat some of the mistakes that were made in the past.

I say this, Mr. Speaker, because earlier this year, the Leader of the Opposition in her budget debate said: "*We are therefore recommending that we take time to discuss in the Parliament the levels of crime in this country and the actions that as a people we must take. We must send a strong signal to the country"* - this was on April 15 – "*that as a Parliament we are united on this critical issue. This should be done in addition to debates on the Crime Bills which are pending*". We got around to the Crime Bills through some circuitous routes, as I said, 'buck-up politics'. So, as I said, I am therefore placed in this position where I must speak on this issue, hoping to make the link to the other issue to which I'll speak later.

Now, the agreement... what we are being asked to do is to agree for the continuation of the State of Emergency in the Kingston & St. Andrew area.

(Inaudible comments by Opposition Member)

No, we are not being asked to agree to the other one. We have been notified that a decision is being taken to extend it to St. Catherine. In a month's time, we'll be asked to agree whether to extend that or to rescind it.

So, both will come up, unless there is again another extension to Montego Bay; and then the next month, another extension to Black River, and then another extension to Walderston.

Mr. BUCHANAN: Hopewell.

(Inaudible comments by a Member)

Dr. DUNCAN: Yes. Mr. Speaker, the State of Emergency was declared on Sunday, May 23, in response to an attack on the State. The language in the Constitution is clear and is put in the resolution today.

Mr. WARMINGTON: You have the Standing Orders you know. The Standing Orders is not the Constitution....

Mr. PICKERSGILL: You shut yuh mouth!

Dr. DUNCAN: Thank you. "*...what action has been taken or is immediately threatened by any person or body of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community of any substantial portion of supplies or services essential to that..." et cetera.*

The Prime Minister, when he declared it, in his own speech said: "*The decision was taken to declare it as a result of a calculated assault on the authority of the State"*. A calculated assault and we know what that calculated assault was. There can be no doubt at all about it. So there was a specific reason underlying this section as to why it was called. That assault on the State followed the announcement of the intention to execute an

arrest warrant on Christopher Coke, an announcement which is quite unprecedented in extradition cases.

Mrs. NEITA-HEADLEY: Yes, yes, speak yuh thing.

(Inaudible comments)

Mr. PICKERSGILL: Why not.

Dr. DUNCAN: That assault on the State, that assault on the State, was preceded by extraordinary road blocks and preparations for war of a type quite unprecedented in Jamaica... (Applause) ...and unique to one area, Tivoli Gardens.

These preparations...

Mr. WARMINGTON: But he was dead already and dem get permission to raise him again from the dead.

Dr. DUNCAN: ...of the road block had the preparations for war, the roadblocks and the sand bags that we saw on television immediately followed the announcement on the 17th of May that the authorization for the extradition process for Christopher Coke would be signed, would commence. Those were the reasons...

Mrs. NEITA-HEADLEY: Clearly.

Dr. DUNCAN: ...that led to the Prime Minister saying that there was a calculated assault on the State. In other areas of Jamaica criminality abounded and continued in place.

What were some of the outcomes of the action taken on the week of May 24, Labour Day and beyond? The attack on the State was repelled. The para-military force in Tivoli Gardens, internationally known as the Shower Posse, seemed to have its military force degraded. We don't know how much because there are rumours that most people escaped.

We are looking at outcomes. The Prime Minister and the Cabinet set out to achieve certain outcomes. One was to repel this attack on the State which came about as a result of other things. The warrant for Coke has still not been executed. We are told that 73 persons were killed. One member of the security forces in Tivoli, two outside and 36 injured, all regretted and regrettable. Over 500 persons were detained in Tivoli Gardens, over 270 were defined in the Matthews Lane area, over 160 on the third day were detained elsewhere and the process of mass detention continue. The Member from Central Kingston told you about one detainee. He was brought from outside of the emergency area, apparently into the emergency areas and has been deprived of his rights for the last three weeks.

Other outcomes, other outcomes. Jamaica's image was damaged prior to, during and after the declaration of the State of Emergency. Outcome. It costs the Government $870 Million to attempt to repair this image. Two of 14 police stations which were the target of the assault on the State need $58 Million. It was reported to be refurbished. Financial losses according to the PSOJ in the area stand at $100 Million. The Coronation Market we understand $1 Billion is to be spent down there. The destruction, the cost of destruction to the communities is yet to be determined. The cost likely to be accrued by the actions which have to be taken by the Public Defender, example in getting independent pathologists, *et cetera, et cetera* is yet to be determined. It's not on the books.

Mrs. NEITA-HEADLEY: That's correct.

Dr. DUNCAN: What cannot be determined is the extent of the psychological damage in the areas affected especially our children. (Applause) I make these points Mr. Speaker, and remind ourselves of the

immediate outcomes, because you set out to do certain things you are to look at what has happened to guide you in what to do next

(Applause)

Mrs. NEITA-HEADLEY: True, true!

Dr. DUNCAN: Guide you in what to do next. You know, Mr. Speaker, there is a difference between an assault on the State and criminality. The laws of our country presently provide for appropriate responses in either scenario. It allows us to do through the state of public emergency what was done in relation to an assault on the State. The incidents of crime and the high incidents of homicide, especially as it relates to the gun crime, is something that the entire country is afraid of. (Applause) Everybody is petrified and afraid. But I speak, Mr. Speaker - and I am sorry I left your book today to quote from it as to how we deal with matters of this nature. But l say this because despite anything else I have had 45 years of experience in two-party politics, both in its negative aspect and its positive. (Applause)

Mr. HENRY: Three parties.

Dr. DUNCAN: I have lived through a situation where the government, the people and the government as one called for draconian measures in order to deter certain things. We lived through those days to which I will refer later in the debate. But at the end of the day immediately after our Gun Court Act and Suppression of Crime Act in 1974 there was a lull in crime for about six months and then we returned to square one. But let me stay on this issue, Mr. Speaker.

Mr. WARMINGTON: Come on, man!

Mrs. NEITA-HEADLEY: You are doing well.

Dr. DUNCAN: These issues that we are discussing and what we are being asked to do has to be seen within the context of the entire, all of the things that you are supposed to be approving in this Parliament to deal with crime. There is a slew of crime Bills, (Applause) a slew of them and so therefore…

Mr. D. PEART: Not Piecemeal business.

Dr. DUNCAN: …and therefore if as the spokesperson on national security on this side has said, that the Opposition is minded to support the extension on the basis that the police have strongly recommended this, not on the basis of the leadership on that side.

(Applause)

Dr. DUNCAN: Not on that basis, because at the moment a lot of work is needed to repair the lack of trust in the integrity of the leadership of this country for this side to feel (Applause) that after the outcomes, that after the outcomes that we have seen arising out of the assault on the State, that after the outcomes that we can just sit down and say nothing and support anything because it is supposed to be about fighting crime. And in addition to that we would want to know...

Mr. WARMINGTON: Remember in 1983 you carry gun man and shoot….

The SPEAKER: (Gavels) Mr. Warmington please. Mr. Warmington please.

Mr. PAULWELL: Mr. Speaker, the Member has to withdraw that comment.

Mr. BUCHANAN: That's why your pumpkin was ploughed down!

The SPEAKER: Mr. Buchanan, no need to be shouting. Mr. Warmington I didn't hear what you said.

Mr. WARMINGTON: Mr. Speaker….

The SPEAKER: No, no, you had an opportunity to speak, you know. You can't be speaking while another Member is speaking.

Mr. WARMINGTON: What I have said.

The SPEAKER: No, you cannot interrupt while the Member is speaking, Mr. Warmington, please.

Mr. WARMINGTON: What I said the people from his car…

The SPEAKER: Mr. Warmington, please, enough.

Mr. WARMINGTON: I said that he took people and have shot me in 1980, came from his car that shot me in 1980 elections. The people who shot me in the 1980 elections came from his car.

The SPEAKER: Mr. Warmington, please.

Mr. WARMINGTON: He went to court for it.

The SPEAKER: Mr. Warmington, please. It is inappropriate for you to be shouting during the debate. Mr. Warmington!

Mr. WARMINGTON: He was charged.

The SPEAKER: Dr. Duncan continue.

Mr. WARMINGTON: He was charged!

The SPEAKER: Mr. Warmington, if you can't behave yourself you can't stay in here, you know.

(Applause)

Mrs. NEITA-HEADLEY: Him she D.K. send people.

Mr. PAULWELL: Mr. Speaker, it was heard loudly across here the statement made by the Member and I think in fairness to the speaker the Member needs to withdraw the statement.

Mrs. NEITA-HEADLEY: Him seh him send people to shoot him in 1980.

(*Sotto voce* remarks by some Members)

The SPEAKER: The only thing, Mr. Paulwell, I will ask the Hansard Writers to see if they have it and if it's inappropriate then I will rule.

Dr. DUNCAN: It's most inappropriate; Mr. Speaker, but that will not deter me. (Applause) You will notice, Mr. Speaker that I don't speak often.

Mr. PICKERSGILL: That's true. Nor do you interrupt people.

Dr. DUNCAN: And for sure I don't. What I bring to this Parliament is the capacity to provide all of us with the type of analysis which can only come out of a combination of theory and practice. I know where the interrupter is coming from. I can speak, as the Prime Minister has spoken in earlier times, about political tribalism and political violence in the same way that you can. (Applause) But there is time enough for that. There is time enough for that.

Mr. VAZ: Repentance.

Dr. DUNCAN: I spoke on your platform in 2002.

Mr. VAZ: Me?

Dr. DUNCAN: Your Jamaica Labour Party platform then NDM. I spoke on both.

(Applause)

(*Sotto voce* remarks by Mr. Vaz)

Mrs. NEITA-HEADLEY: That's correct.

Dr. DUNCAN: I attended funerals for dead, killed in Tivoli Gardens, people. Ask your Prime Minister and yourself. You know that, you were in the NDM together. (Applause) So we know, I know that when having decided that . . .

Mr. PICKERSGILL: You see what you cause.

Dr. DUNCAN: …that kind of political culture was inimical to the best interest of Jamaica and proclaimed verbally, orally that we want to know, drop it. I took people seriously and I expect them to continue to act the way they spoke. (Applause)

Mrs. NEITA-HEADLEY: This is good.

Dr. DUNCAN: I did not say to the people of Jamaica in 2005 that what is happening in Tivoli is miraculous. That was said by the Prime Minister when he was entering West Kingston. I didn't say to the people of Jamaica that if you say that dons run West Kingston that's a myth. That was the Mayor and Councillor for Tivoli Gardens. I didn't say those things. We know that the levels of political violence arising out of political tribalism, arising out of a long history, which we can go into at another time, which was supposed to be, we were supposed to turn our backs on - whether you are culpable or not turn it because as a country, as a leadership we are all guilty of it.

(Applause)

Government MEMBERS: No, no!

Mrs. NEITA-HEADLEY: Collective responsibility.

Dr. DUNCAN: So, Mr. Speaker….

The SPEAKER: Okay, let us continue.

Dr. DUNCAN: Mr. Speaker, that's why I started this intervention with the factual causes, the history, what caused this and it cannot be denied. And I repeat just before I sit, the causes were one, for two years a drug runner known to all of Jamaica was reported...

Mr. ROBERTSON: Which one, the one in Manchester?

Dr. DUNCAN: …to being investigated by the Americans for drug smuggling and gun running and for two years we sat down and we quibbled and quarrelled about crime Bills.

(*Sotto voce* remarks by Government Members)

Dr. DUNCAN: I will come to that later. But we allowed for those two years to pass when we could act if we were true to our words. We have turned our backs on dons, super dons.

Dr. BARTLETT: You created them!

Dr. DUNCAN: Mr. Speaker, let me say to the Honourable Member, let us assume I helped to create it, it is still a fact that they exist.

Mrs. NEITA-HEADLEY: Yes.

Dr. DUNCAN: And we now that after forty-odd years, it exists. And we know that the reason for the State of Emergency that was declared on the 17th May, was because a prime *don* was about to be arrested, and he was told that they were coming for him. He prepared for the police. This wasn't happening in Spanish Town, in Montego Bay where there is an abundance of criminality. What was happening there was an assault on the State. That area of Jamaica was unique. They, and only they, assaulted the State of Jamaica.

(Applause)

As a result, the State of Emergency was called to repel the assault, which was correct, and was supported - and we support.

Mrs. HAY-WEBSTER: Talk about Spanish Town too.

(Cross talk)

Dr. DUNCAN: Now, before - I will address other matters in the Crime Bill, but what is the concern is that the present template that we see operated out of a particular premise, the premise for Tivoli is not the premise for every other community, or every other 200 gang-area in the country.

(Applause)

And there are laws in the country. There is - you can put in curfews, cordon and searches, all kinds of things. So, we are saying, the police, the security forces, having advised - we are assuming - the Cabinet, that they need one

more month for this particular specific operation, let's give them that support, the police.

(Applause)

But, to put the Government on warning that during the course of this month - and when it comes for the renewal, it has to be absolutely clear that all conditions precedent to that kind of action have to be in place, have to be in place.

We have to seek for the - not using the extraordinary to become the norm, but to develop the capacities that we have now, with our present laws, to help to bring to an end, the scourge of crime.

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. DUNCAN: So, Mr. Speaker, in essence and in summary, what I am saying, we have to be careful. From where I sit, from where I stand, from the vantage point of my own history, I have seen these things before; they lead to a particular set of outcomes.

Mr. WARMINGTON: You were part of it.

Dr. DUNCAN: Albert Einstein has already warned us: "*We cannot solve problems by using the same kind of thinking we used when we created them*."

(Applause/*Sotto voce* comments)

So, once we approve this for the month, it ought to be known that this is temporary, as a State of Emergency ought to be.

(Applause)

And we as a people have to sit down and look at what are the less shorter term, the medium and longer term, plans that we have to tackle this problem of crime, not only in Tivoli Gardens, but across the country.

Thank you, Mr. Speaker.

MEMBERS: Hear, hear!

(Applause)

Dr. RHODD: Mr. Speaker...

The SPEAKER: I think Dr. Rhodd had indicated before you, Mr... Yes, Dr. Rhodd.

Dr. RHODD: Mr. Speaker, I am – my intervention will not be too long, but l have a few concerns, and I would like to ask also, the Honourable Prime Minister - I see he has left the Chamber - but I would like to ask some questions.

Mr. Speaker, this matter is a matter of great national importance. I am a little concerned that some of the Members in the Chamber have not given due respect to other Speakers, bearing in mind how important, how urgent this matter is. And I will just appeal to my colleagues, on both sides, that we treat this matter with the greatest importance. The nation is watching us, not just here but even in the diaspora, and this is a problem, Mr. Speaker, that we all have to join hands on. Regardless of whatever critical support we may give to the measures being proposed, it's a matter that we have to find some common ground in moving forward, because this matter has to be dealt with effectively and efficiently. And my concern has to do with how efficient we are dealing with the whole issue of crime and violence during the State of Emergency.

Organized crime is like a hydra, Mr. Speaker, multi-faceted. Criminals are itinerant. And I would like to ask the Prime Minister when he comes back in, in respect to the resources that are going to be provided, the additional resources. I note that the State of Emergency has been extended to - being proposed to be extended to St. Catherine. I support that. But, it has also been said that

there are dens and cells of criminals elsewhere in the country, and it is quite obvious to many that we might not have the resources - and the security forces, I am sure, are better equipped to know that.

What other measures are going to be put in place, Mr. Speaker, that's the question, to deal with the itinerant criminal, the one who moves like a moving target, when he knows that they are coming for him in St. Catherine, and he knows that they are coming for him in West Kingston, when he joins with his paseros elsewhere...

A MEMBER: Im run like a puss.

Dr. RHODD: ...in St. James, or May Pen, or Clarendon, or Manchester or St. Ann, or wherever else...

(*Sotto voce* comment by Members)

Dr. RHODD: ...or Portland, or St. Mary, or St. Thomas, wherever he goes or she goes, what measures are going to be put in place to deal with that? I would like to ask the question of the Prime Minister, is it going to be cordon and search or other measures? What additional resources will the security forces be provided it, the technological tools they have been asking for? What is going to be the call on the Budget? And the Minister of Finance is here and I look forward to, as a Member of this House, to see what substantive financial call there is going to be on the Budget, because there has to be some significant financial implication.

And, Mr. Speaker, I am saying this because we have seen a reactive approach, costing the Government billions of dollars. And we have been putting off, for some time, dealing with a proactive approach, dealing with a comprehensive take, a comprehensive embrace of dealing with, not just crime and violence, law and order, but justice and peace.

(Applause)

And therefore, l am saying to the Government and I am asking the Prime Minister to tell us - in fact, when I spoke on the Crime Bills last week, or two weeks ago, 1 proposed that we have a comprehensive debate, a debate to deal with the comprehensive measures, to deal with, not just crime and violence, law and order, but justice and peace...

A MEMBER: Hear, hear!

Dr. RHODD: ...overall. When are we going to see, in this House, a substantive debate so we can involve, not maybe only Members of this House but we begin a debate in the community at large...

(Applause)

...because this monster that we have has to be dealt with by all of Jamaica, led by the Parliament. And the piecemeal approach that we are taking, reacting with the billions of dollars which is needed now, but which... we can avoid spending this in the future if we have a more proactive approach towards dealing with this monster, Mr. Speaker.

The Crime Bills is a part of the solution, not a panacea, so we need to deal with this. I am asking the Honourable Prime Minister to tell us, how are we going to deal with this in a comprehensive manner? What is going to be the financial implications? The Parliament needs to know, the country needs to know. We have heard about what is being spent now. What is the proactive approach and the implications, financially.

Mr. Speaker, as I said before, I won't be speaking long on this matter but I would also suggest that a Ministry Paper be brought, if

not a Resolution, to deal with this in a comprehensive way.

Thank you.

(Applause)

The SPEAKER: Thank you. Mr. Fitz Jackson.

Mr. JACKSON: Mr. Speaker, I feel quite compelled to make a couple comments on this matter. Before us, Mr. Speaker, is a Resolution, moved by the Prime Minister, in respect of the State of Emergency. We have been here before when the Prime Minister first advised us of the Cabinet's decision to impose a State of Emergency on the recommendation of the security forces, and many Members have already spoken about the circumstances that gave rise to that situation. And there are many antecedents to that situation. And I won't go over that. We are where we are. We are where we are.

And l rise, Mr. Speaker, because I feel a little bit distressed. In Jamaica the number one problem facing our country is not the economy, it is crime and violence, the threat to people's lives and safety - honest hardworking Jamaicans. In my own constituency, I spend a lot of time trying to impress on young persons the importance of education as a vehicle to break the cycle of poverty, and all the other virtues that come from it. Our many persons who are distressed, you try to encourage them. The problem I have, Mr. Speaker, is, how do you encourage these persons to work hard and make sacrifices when their lives are threatened on a day-to-day basis, and the uncertainty of realizing the fruits of their sacrifices and their labour?

(Applause)

The threat of crime and violence, it is the number one problem that has faced our country, not since a month ago, but for a number of years.

(*Sotto voce* comment)

And more. Twenty years if it satisfies you to say twenty years, I will say it. Because, Mr. Speaker, that's where I have a problem. When I sat over there, and now when I am sitting over here, the problem of crime and violence, we place it at the foot of one side or the other, rather than taking collective responsibility for it.

(Applause)

And while we pat ourselves because we can make some point-scoring points - score some points to blame the other, the country is reeling in crime, and our people's lives are distressed.

A MEMBER: Yes, true.

Mr. JACKSON: When we come here and we make all of this chat and behave in hypocritical ways, it doesn't help the situation it, it doesn't help the people who we claim to be representing out there.

(Applause/Sotto voce comments)

I am confronted by my constituents from time to time, who express distress about our own behaviour in here when it comes to matters of importance that affect their lives. I saw it here today.

Mrs. HAY-WEBSTER: And you see it continuing now.

Mr. BUCHANAN: And you see it continuing now.

Mr. JACKSON: It is continuing. Mr. Speaker, what has happened - I said I was not going to go over much of what had been spoken about, what happened in Tivoli Gardens, and the dismantling of that gang headquarters - it has happened. And what has come out of it? There is a sense in Jamaica...

there is a sense in Jamaica, that there is an opportunity for things to be different and things to be better.

MEMBERS: Right, yes, true!

(Applause)

Mr. JACKSON: This is an opportunity for all of us on both sides of the political aisle...

Mrs. HAY-WEBSTER: To work with that spirit now.

Mr. JACKSON: ...for the first time, perhaps, let us just put that... put the partisanness aside.

(*Sotto voce* comment by some Members)

Mr. BUCHANAN: But they can't do that, you know. They can't do that.

Mr. JACKSON: Let us, for the first - Jamaica has an opportunity now. Jamaica has an opportunity now.

(Applause)

It is not about what the Government has done or is doing and what the Opposition is doing, it must be on what Jamaica is doing.

(Applause by both sides)

Our security forces have made us proud. I feel personally proud. (Mr. Jackson hit his chest in gesticulation)

(Applause by both sides)

Because the security forces have demonstrated to criminals that there is a force, the State that you have to answer to, and no force is stronger than the force of the State.

Mr. Speaker, what I see transpiring here this evening dampens my hope and my enthusiasm about tomorrow. The security officers who have sacrificed their lives, one of them in my own constituency, right, they have sacrificed their lives. I know the family of that particular one who is without their loved one and they feel proud. When I spoke to the wife of MR. HENRIQUES and his children, even though they regret his passing, they are proud in the circumstances of his death. He gave it for Jamaica, that's what gave value to it. And what I am seeing transpiring, Mr. Speaker, again I am most distressed.

Mr. Speaker, the second point I want to comment about. In respect of the first point, I give my full support to the security forces to succeed in their endeavour, (Applause by both sides) but as a couple Members have said and even the Prime Minister himself have indicated, there are areas that we must have some concerns about. There need to be - in the midst of it, we don't throw out the baby with the bath-water so to speak, so there must be some sense of responsibility in it all.

My concern too, Mr. Speaker, while I'd support the extension and I am going to vote in support of it, I don't want the State of Emergency to be the crime solving tool, because I have lived through a portion of the Suppression of Crime Act that had become a lifestyle for an extended period of time, because we wished or we intended or it to solve the problem, it never happened and it continued for as long as it lasted. So my concern is that we are very measured and very deliberate in a very conscious way about the extent to which we carry this for an extended period and even to other parishes.

I am one of nine (9) Members of Parliament in St. Catherine, and if the security forces by virtue of their intelligence deem it necessary to extend it to St. Catherine, if, if the security forces deem it necessary and imperative, they have my support. They have my support.

(Applause by both sides)

But in the same breath and in a more parochial

way I must make this point, Prime Minister, before the State of Emergency and before the incursion in Tivoli Gardens, there are sections of my constituency where murder was almost a daily activity. And in the instant case, from the information from the security forces, the perpetrator of those murders is behind bars, not to be apprehended where a State of Emergency will assist the security forces to apprehend such criminals, in that instant case, the highest level of murder in my own constituency is being perpetrated by someone not out there in the loose. So I put that on the table. I welcome it. I am not so certain if extension there will assist my own situation.

So in closing, Mr. Speaker, I end where I started. I beg, I beseech my colleagues here, on both sides - they say none of us are without faults, some might be greater than others, right - but for heaven sake, the opportunity that we have now, let us make the best use of it for Jamaica's sake so that posterity will record that we seized this opportunity.

(Thunderous applause by both sides)

The PRIME MINISTER: Mr. Speaker, there are a number of points that have been made and issues that have been raised which 1, for reasons of brevity would wish to address when we return to the Crime Bills because they are perhaps even more relevant to the thrust that is embodied in those Crime Bills, but I want to make a couple of general comments.

No one ever suggested, indeed I was at pains to point out that the State of Emergency is not the crime fix, the Crime Bills are not the crime fix. It is going to require a concerted attempt that is going to involve several different initiatives, several different measures, some of them relating to law enforcement, some of them relating to social transformation; and, therefore, there is no disagreement as to the fact that you need - call it a holistic, call it a comprehensive, call it a multifaceted approach to dealing with this problem.

We don't have the luxury, Mr. Speaker, certainly not when we are charged with the responsibility, we don't have the luxury of supporting but opposing. We don't have the luxury of criticizing every aspect of the State of Emergency but then saying we are going to support it. There are times when you have to make decisions. The country is at a point and the country faces challenges and we need every resource that is available to us.

There are provisions under the State of Emergency that are national provisions, but are provisions which in other countries have become standard provisions since 2001. Since those countries have been faced with a threat to the security of the State and the safety of their citizens that require extraordinary measures, they have responded. We are not suggesting that this should become permanent, although, although, as we are seeking to do through the Crime Bills and as we are going to have to deliberate when we get to the Organized Crime Act. We have no legislative power now that is effective in tackling criminal gangs, because all of the Statutes that we have deal with the individual commission of crime. So you either do the thing or you aid and abet someone in doing it. And those statutes are not sufficient to deal with the kind of networking that now takes place.

The Member for South St. Catherine spoke about someone who is incarcerated and, I hope I understood him properly, is incarcerated but even in incarceration he is

conducting his criminal enterprise. I happen to know about it. I had to order additional security to be assigned to one of my Ministers because his assassination was ordered by that individual. And it's a reflection of the kind of networking that exists where you don't have to be near the scene of the crime. You don't even have to have been engaged in any way in the commission of the crime, but once you are part of an endeavour that creates the capacity and supports the inclination, what we are saying is that we are going to have to come at you with the appropriate laws and if we put you before the court and you are convicted you are going to have to be punished. The notion of *'it wasn't me'* is something that we are going to have to address.

So I want to make the point, you see, because we spend so much time speaking passionately about notions of, you know, rights of citizens which is something that we have to take seriously. We speak about that the police must act in a certain way in dealing with the crime situation that is out there. We know we have problems with police misconduct; we have misconduct in the JDF as well. Do we simply say that because of that now we mustn't take any action, we must wait until we have a perfect police force, we must wait until we have everything that is in place? We won't survive that long, the criminals will destroy us long before we get there. And I am going to return to some of that.

The Leader of the Opposition raised a couple of issues, let me just respond to them. The Regulations that are now in force come to an end tonight. New regulations have been gazetted which will take effect immediately when these come to an end. Those regulations are pretty much the same as the ones that have expired. The important difference is that the new regulations will cover the operations both in the Corporate Area and St. Catherine. And those regulations, as I said before, place no restriction in terms of freedom and so on, it makes the standard provision for recourse to the Review Tribunal.

The Review Tribunal has been established. You know the membership. They have been housed at Camp Road. They have met. There are so far only four (4) complaints that have been submitted and I am advised that the first of those complaints, that perhaps more of them are scheduled to be heard commencing Monday morning.

The Leader of the Opposition asked too about a public education programme. We did mount one initially when the State of Emergency was first declared. 1 will speak with the relevant government agencies to say now that it's being extended to St. Catherine, and because some people may not have heard and because the St. Catherine people may not have been minded to pay attention since it didn't apply to them, to see if we can get that programme up and running again.

Mr. Speaker, I was encouraged by the remarks, by both the content and the tone of the remarks, of the Member for South St. Catherine because we do a disservice, we do a real disservice if we adopt a posture which suggest that it is your fault or my fault, that it belongs either that side or this side. I mean, if we wanted to sort of get into the numbers and I would argue that the only time since independence where the murder rate has been stable was between 1980 and 1989 when the murder rate was constantly between 400 and 500, never got over 500, dipped below 400 only once, but stable between 400 and 500, I

could argue that. But what purpose would that serve. I could argue in response to the Member for East Portland. I could argue in relation to the Member for East Portland that yes, justice reform has to be part of it, yes; it's a whole heap of things. But then the murder rate got over 1600 in 2005 with all of the concerns that should have existed at that time about the need for justice reform. There is no point in our getting into that argument. We have a problem. We have a problem that other countries have faced other countries have had to deal it. I got a call from President Uribe who told me that look, we went through this, this is where we went to, we got on the brink, this is how we pulled back. Right now we are in discussions with them about sending some of their officers here to work with our police and military, since they have the experience in terms of how you deal with this kind of brazen, aggressive narcotics-related criminal network. We have a problem. And in dealing with - we have a resource problem as well.

It's not a simple matter of saying to the Minister of Finance look, we have a crime emergency now so look, just cuttle the economic programme, bust all the fiscal deficit target and just put enough money behind the security forces. It's not as simple as that. We have to draw on the resources, we have to try and get resources from wherever we can.

We're expecting to arrive very shortly, a significant level of resource support from the United States, which will include armet carriers, it will include additional mobile equipments for the military, and for the police protective gears and so on. We are getting additional assistance from some other of our bilateral partners. The recently boosted regional security initiative by the US, which was expanded based on the announcement of Secretary of State Clinton, in Barbados recently, is going to be able to provide some assistance for us. And we are developing a programme now to try to access it, but it's not a simple matter of saying to the Minister of Education look, we had tightened your budget already because we had to meet certain targets, we're going to tighten it some more because we now have to shift, otherwise all you'll be doing is creating another crisis in education that is going to lead to another crisis in crime down the road. We have to focus on it.

Some concerns have been expressed about what is the basis of the continuation and the imposition of a new State of Emergency in St. Catherine, when initially it was to deal with what was a challenge to the authority of the State, a threat to constituted authority. We have to be careful that we don't see that as it's some isolated something, as if it is just some men who have some AK-47 who decide that they're badder than the State and they're going to just gather to confront the State. That is simply a manifestation, it is symptomatic of a deeper endemic crime problem that is embedded in places right across Jamaica and it may have manifested itself in its brazenest form. But understand that there are elements of that kind of criminality all over the country. We have a national problem and we're going to have to confront it as a national problem. And it's tied in with a deeper social problem.

The Member for South Manchester raises the question about people who pay for water and pay for electricity. The numbers in West Kingston are atrocious, in terms of those who pay. Interestingly enough, I think it was three

or four months ago, I had a meeting with the JPS officials led by MR. DAMIEN OBLIGIO and his team, and we were putting together a programme to try to get people metred and registered. They have a new tamper-proof system that they've introduced and we had started it in Denham Town and we had arranged sensitization meetings and so on. The conversion they say were going to take four or five months, we were working towards that.

Water is a bigger challenge because water needs metres. We tried a flat rate system sometime ago, it doesn't work because some people pay other people don't pay and when some pay and others don't pay how do you cut of, because you punish the good and the bad. That's a challenge, but, but let us not give the impression in this House that that is something that is peculiar to West Kingston.

I'm going to ask the Minister of Water and Housing, I'm going to ask him to produce for the benefit of this House, a schedule of the payments to the Ministry of Housing for government houses, community by community, right across the Corporate Area and let us see who are the Members of Parliament for all these communities. I'm going to ask the Minister of Energy and Mining to get from JPSCO, what is the performance in relation to electricity theft, community by community, lay it out nuh man, let us see it.

(Applause)

MEMBERS: Yes.

The PRIME MINISTER: Because the impression given is that this is West Kingston badman business, when that is not so.

Mr. WARMINGTON: What about Jungle?

The PRIME MINISTER: That is not so.

A MEMBER: Hypocrisy, that's your problem.

The PRIME MINISTER: It's a situation that exist right across and it's a situation that all of us going to have to find a way how we're going to deal with it, right.

(Applause)

A MEMBER: Yes.

The PRIME MINISTER: I think it is unfortunate for anyone, particularly those who have as much association with, and as much involvement in the politics of this country as I have had, I think it is so disingenuous...

Mr. MAIR: Yes, inappropriate.

The PRIME MINISTER: ...to give the impression that the problem of the connection between politics and 'donmanship' is something that we can put any particular colour on. Unless you've never been in an election campaign in this country, unless you've never faced this harsh reality of some of the ugly underbelly of Jamaican politics. And anyone one of us, including the Member for Eastern Hanover who comes here to give the impression that that is something that is associated with some particular...

MEMBERS: No, no, no!

The PRIME MINISTER: ...some proclamation, some proclamation...

MEMBERS: No! No! No! He never said that.

(The Speaker gavels)

(Inaudible comments/cross talks)

The PRIME MINISTER: I sat here and listened in silence.

(Cross talks/*Sotto voce* comments)

The PRIME MINISTER: I sat here and listened in silence.

The SPEAKER: (Gavels) Enough, enough.

(Cross talks)

The PRIME MINISTER: The day that all of us in this House are prepared to acknowledge that we've all sinned and come up short, the day that we do that...

(Inaudible comments/cross talks)

The PRIME MINISTER: All of us including you.

(Cross talks/*Sotto voce* commentes)

The SPEAKER: (Gavels) Enough, enough.

The PRIME MINISTER: And that is why we find it so hard...

(Cross talks)

The PRIME MINISTER: That is why we find it so difficult, almost impossible for us to find common purpose...

Mrs. HAY-WEBSTER: See-saw politics yu nuh. You can't play see-saw with Jamaica.

The PRIME MINISTER: ...because in finding that common purpose, it must not be at the expense of an advantage that we may be able to hold on to.

I heard, for example, I heard a most trident defence given, because one person who has been detained who surrendered himself when the security forces indicated that they wished him to do so, and a most profound defence is offered because he was a candidate in the last election. There are prominent supporters of my party who have been inconvenienced by this State of Emergency, who have been subjected to embarrassment.

MEMBERS: Yes.

The PRIME MINISTER: None of them have been found to be in any way implicated in anything, but their houses have been searched. A former Member for Western St. Mary was subject to an extensive search of her house...

A MEMBER: A massive search.

The PRIME MINISTER: ...I haven't got up and made a protest anywhere. There's a Member of this House whose premises were searched last weekend, reported to me yesterday. I don't call the Commissioner, l don't call the Chief of Defence Staff and say, but why you go in and searching my MPs premises, why you doing that? We have to be so careful about the signals we send; we have to be so careful. And we have to be careful as well, Mr. Speaker, that we don't give the impression...

(Cross talks/heckling)

(The Speaker gavels)

The PRIME MINISTER: ...that we don't give the impression There are constituents...

The SPEAKER: (Gavels) Just a second, Prime Minister. Members!

The PRIME MINISTER: There are constituencies out there, Mr. speaker- I don't mean political constituents I mean interest - that are opposed to the State of Emergency.

One MEMBER: That's true.

The PRIME MINSTER: There are interests who feel that it is going to be a licence to abuse people's rights. There's also a strong body of people who feel that in our circumstances and given the efforts that have been started by the security forces we need to continue this. I don't mind telling you that the advice that was submitted to us by the security forces was not for an extension of one month.

A MEMBER: True.

The PRIME MINISTER: We indicated in Cabinet, let's go one month and we review

again. And if at the end of the month we feel that it is necessary and appropriate, based on the operations and the results, then it's a matter that we will consider and if necessary we will come back to Parliament and ask Parliament to consider. But we cannot claim the luxury of trying to please all of those constituents at the same time. We cannot enjoy the luxury of enjoying the favour of those who feel that there must be no extension, because this is going to undermine human rights, so we engage their favour, but we also want to secure the favour of those who are saying, but you have to continue this thing because we have to get the criminals. We have to take a decision. We don't have the luxury of deciding that we want the best of both worlds. What we have to seek to do is to ensure that the conduct of operation is within the law, that if there is any abuse that there is appropriate redress, that people are held accountable.

But we cannot, Mr. Speaker, send any ambiguous signal, any weak signal that suggests to the criminal element out there, who perhaps for the first time that I can recall, feel that they have been challenged in a way that they have never been challenged before.

(Applause) We cannot afford to send a signal to them, that we are prepared under whatever kind of pressure to bow, to waiver, to feel that well, maybe we can't stick it out. Because the day that they're allowed to return to a state of complacency is the day that we would not only have lost the battle, it's when we would have lost the war. That's not something, Mr. Speaker, we can afford. I ask the House to approve the Resolution as presented.

(Applause)

Mr. CHARLES: Driver, don't stop at all.

Mr. M. PEART: Yu need a driver, Pearnel.

The SPEAKER: Members, this Resolution require the vote of the majority of the Members of the House, so that the Clerk of the House will now be calling the names of all the Members, in order for the vote. Is that clear? It requires under the Legislation the vote of the majority of Members.

Ayes

Mr. Noel Arscott
Dr. St. Aubyn Bartlett
Dr. Kenneth Baugh
Mr. Laurance Broderick
Mr. Luther Buchanan
Mr. Peter Bunting
Dr. Horace Chang
Mr. Pearnel Charles
Mr. Roger Clarke
Mrs. Dalrymple-Philibert
Dr. Donald K. Duncan
Dr. Fenton Ferguson
Mr. Andrew Gallimore
Mr. Bruce Golding
Ms. Olivia Grange
Dr. Morais Guy
Ms. Lisa Hanna
Dr. Esmond Harris
Mr. Ian Hayles
Mrs. Sharon Hay-Webster
Mr. Lester Henry
Mrs. Maxine Henry-Wilson
Mr. Joseph Hibbert
Mr. Andrew Holness
Mr. William Hutchinson
Mr. George Anthony Hylton
Mr. Fitz Jackson
Mr. Othneil Lawrence
Mr. Desmond Mair

Dr. Kenneth McNeill
Mr. Robert Montague
Mr. Clive Mullings
Mrs. Natalie Neita-Headley
Mr. Phillip Paulwell
Mr. Dean Peart
Mr. Michael Peart
Mr. Tarn Peralto
Mr. Robert Pickersgill
Dr. Donald Rhodd
Mr. James Robertson
Mr. Karl Samuda
Mr. Audley Shaw
Mrs. Portia Simpson Miller
Mr. Derrick Smith
Mr. Ernest Smith
Mr. Rudyard Spencer
Mr. Michael Stern
Rev. Ronald Thwaites
Dr. Christopher Tufton
Mr. Daryl Vaz
Mr. Everard Warmington
Mr. Frankly Witter
Mr. Speaker

Absent

Mr. Edmund Bartlett
Dr. Omar Davies
Mr. Collin Fagan
Mr. Derrick Kellier
Dr. Peter Phillips
Mr. Kern Spencer

The SPEAKER: Members, the vote is that there were six (6) absent Members and 53 yes. Remember we have 59 okay, so 53 yes and 6 absent Members. The Resolution is passed by majority of the House. (Applause) It's unanimous.

Mr. HOLNESS: Mr. Speaker, I would like to move for the suspension of - I want to move for the suspension of Standing Orders, Mr. Speaker, to allow me to recommit the item, Notices of Motions Given Orally.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow for the recommittal of Notice of Motions Given Orally.

Put to the House and agreed to.

The SPEAKER: House Leader.

NOTICES OF MOTIONS GIVEN ORALLY (Recommitted)

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

> Be it Resolved that notwithstanding Standing Orders 76, this Honourable House of Representatives appoint a Committee comprising the following members:
> Honourable Daryl Vaz,
> Honourable Michael Stern
> Mr. Gregory Mair
> Mr. Clive Mullings
> Mr. Peter Bunting
> Mr. Phillip Paulwell and
> Dr. Maurice Guy

to sit jointly with a similar Committee appointed by the Senate to consider and report on the Bill shortly entitled:

> The Protected Disclosure Act, 2010, and to conclude its deliberations by July 15, 2010.

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

The SPEAKER: Mr. Shaw.

GOVERNMENT GUARANTEE - ROAD MAINTENANCE FUND

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

> Be it Resolved with reference to Ministry Paper Number 56/10, dated June 15, 2010, which was laid on the Table of the House of Representatives on Tuesday, June 22, 2010, that this Honourable House of Representatives approve the granting of a Government Guarantee to the Road Maintenance Fund under the provisions of the Approved Organizations and Authorities Loans (Government Guarantee) Act, for a loan amounting to US$340 Million, by the China Export-Import Bank, to facilitate the rehabilitation and maintenance of roads and infrastructure upgrade to certain roads and drainages.

The SPEAKER: House Leader, we are back to Public Business.

The PRIME MINISTER: I believe I... (Inaudible)

The SPEAKER: Yes. You would like to move the motion, sir? Turn on the mike please, Prime Minister.

The PRIME MINISTER: Mr. Speaker, the Capital Development (Withdrawal) Order is a pretty routine measure. You know that each year Budget...

The SPEAKER: Prime Minister, could you just move the motion for the suspension of Standing Orders to take it?

The PRIME MINISTER: That's what I kept asking, Mr. Speaker, I was told it's not necessary.

Can I move for suspension of Standing Orders to enable me to take the resolution.

The SPEAKER: Yes.

Members, before the House is for the suspension of Standing Orders for the Prime Minister to take the matter, notice of which was given earlier.

Put to the House and agreed to.

The SPEAKER: Prime Minister.

CAPITAL DEVELOPMENT FUND – WITHDRAWAL

The PRIME MINISTER: As I was saying, Mr. Speaker, it's a fairly routine measure, it is for the withdrawal from the Capital Development Fund of a sum to be transferred to the Consolidated Fund. The amount that we are seeking to withdraw is $1.4 Billion, or an amount not exceeding $1.4 Billion. It is intended, Mr. Speaker, to draw down that amount.

The Fund at the moment, as at the end of May, rather, stood at $1.5698 Billion. So we are drawing down a substantial portion of what is in the Fund now. It will accrue additional funds, as you know, as the year proceeds.

In presenting the budget, we had indicated that there would be a total of $2.129 Billion that would be transferred from the Fund this year to the Consolidated Fund. What we are seeking to do is to draw down $1.4 Billion of that, which means that for the rest of the year there will be further withdrawals totalling a little over $700 Million.

Mr. Speaker, I beg to move the resolution. As I say, it is a standard resolution. The Member for South West St. Ann has assured me that he is in support of the resolution.

(Laughter) And on the strength of his support, I ask the House to concur.

The SPEAKER: Yes, Mr. Peart.

Mr. M. PEART: Mr. Speaker, once again I rise to speak on this matter with regard to withdrawal from the Capital Development Fund is monies earned from the Bauxite Levy.

Government MEMBER: From St. Ann bauxite.

Mr. M. PEART: And, Mr. Speaker, at this particular time I wish to ask the Prime Minister if any concern is being given to the areas of Manchester and St. Elizabeth that have been adversely affected by the closure of the Kirkvine/Windalco Plant, and the Alpart Plant, that has left something in the region of two to three thousand people - whether employed by the companies or employed by contractors, or casual or temporary workers - any relief. It is a bit disheartening, Mr. Speaker, to find that this Fund earned from the bauxite industry is being utilized to shore up the Budget, but no attention is being given to those affected in the area.

We earlier spoke about people going to be assisted because of the State of Emergency. And we say in these bauxite areas in Manchester and St. Elizabeth, serious economic pressure is being felt by the citizens. They have difficulty paying their rents, their mortgage, their electricity bills, their water bills, sending their children to school.

The question I want to ask the Prime Minister is that there was an arrangement or an agreement that each year there will be a withdrawal from the Capital Development Fund to be put into the Bauxite Community Development Fund, to assist bauxite communities. The question I need to ask the Prime Minister is, since September 2007, has any withdrawal been made that has been directed to the Bauxite Community Development Fund? If so, how much has gone into that Fund and how is it being utilized? Because we are feeling severe hardships, Mr. Speaker, as we speak, in these areas of St. Elizabeth and Manchester, and as the Member from North West St. Catherine reminds me, that the Ewarton Plant, although beginning to come back onstream, was shut down since last year, and those residents in that area have been adversely affected also.

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker, I will just use this opportunity to remark, Mr. Speaker, that we really are long overdue for a comprehensive debate on the state of the bauxite/alumina industry. The House Committee on the Economy and Production did extensive hearings, and tabled a Report, I believe it was in December, 2008. That Report is still to be debated, Mr. Speaker. And I really feel that while we are talking about all the challenges and the investments needed in the inner-city, there are rural communities that are really taking a battering from the closure of the Kirkvine Plant which now appears unlikely to reopen or in the foreseeable future, and the Alpart Plant. Both Plants affect Manchester and Central Manchester employment, in particular, and our economies.

I really think Prime Minister - I know you have made this undertaking on a number of occasions, to have a more comprehensive debate about using the CDF for what was intended. It's been overtaken by events, firstly, with the closures, due to the world economy, and now other urgent matters to do with crime and related matters. But I really would plead, Mr. Speaker, that the House finds some time

to debate the 18-month-old Report. Because of the passage of time many of the statements and recommendations are no longer relevant, but there is still a lot of relevant material that can inform our approach to the future and to the communities that have traditionally relied on the bauxite/alumina industry.

Thank you.

Mr. ROBERTSON: Thank you. Prime Minister, if I may.

Mr. Speaker, let me quickly say to the Member who spoke first, the Spokesman on Bauxite and Alumina and Mining, that the Bauxite Development Councils, the fifteen of them, have been closely monitored over this difficult period. The Ministry of Finance gave an allocation 09/10 of J$100 Million which was specific to keep the community work of the Bauxite Development Councils going and the Jamaica Bauxite Institute. And that worked especially through the droughts where they had a number of water projects that they had to keep going, systems that had been run by the bauxite industries. And I would also want to add specifically there that through the tough periods the operators of Kirkvine and Ewarton, Windalco, they mainlined, and we monitored how they maintained their community outreach programmes, they were not abandoned. And that include the Farming programmes, to Water programmes, to Community centres, a lot of attention was placed there by the Ministry of Mining and Energy, we monitored that.

I want to indicate that two major task forces were put in place by this Administration. One was on Energy and that was in October 2007, and there was a Bauxite Task Force that followed quickly after and both were anchored in the Cabinet Office. The Reports from those task forces which were put together by the Prime Minister have been carefully monitored and most of their recommendations have been implemented. That is why we are able to look forward to the reopening of Ewarton very shortly. We speak conservatively, understanding the reality of Kirkvine, but when I report here that it is even likely and quite possible that we will be seeing activity at Kirkvine, it is not farfetched. I have been properly...

(*Sotto voce* comments)

I am saying, conservatively, and I am saying within six months. Specifically, a lot of work is and has been - and l will share it with you both.

I would want to turn to Alpart. You are both well aware that Alpart was hardest hit by the energy crisis because of the design of the factory. I want to say in July of this year, Hydro and UC-RUSAL will be having a partners meeting in Jamaica. The Jamaica Bauxite Institute will be part of that. The Ministry will be part of that, and we are hoping to be able to speak and to report positively, on what will be the future of Alpart. Let me indicate that the LNG project that was announced recently in this House a week ago, all the companies are looking to this project because of the low capital retooling costs, to be a solution for the energy crisis and demands of those refineries.

Just one more specific point. A week ago we were able to - Glencore put together a fund, an education fund, Glencore, and we refer to it as the Glencore Foundation. It was properly launched, the media was there. And that Fund is a revolving Fund to help children from the bauxite regions to study specifically defining and science areas, at tertiary levels.

And I want to say publicly to Glencore, thank you for that Education Fund that has been launched.

(Inaudible comments by Mr. Bunting)

Mr. ROBERTSON: Pardon me?

Mr. BUNTING: Can you say the cost?

Mr. ROBERTSON: Approximately J$20 Million.

The SPEAKER: Prime Minister, Mr. Smith (E), for the second time would like to make a contribution.

Mr. E. SMITH: Mr. Speaker, perhaps you don't see very well on your right-hand side.

Mr. Speaker, having regard to all the circumstances, particularly the economic circumstances which exist, not only generally but internationally, the Government has no option but to make this withdrawal. I support the withdrawal, but, Mr. Speaker, let me hasten to say that while bauxite mining has ceased in some of the bauxite-mining areas, in South-Western St. Ann, bauxite mining has increased. In fact, only recently, three very well-known contractors were given mining contracts.

Now, Mr. Speaker, no one can contradict me when I say that South-Western St. Ann as a constituency is the longest mining area in the history of bauxite mining in Jamaica. Now, Mr. Speaker, as I've said over the years, and I'll say it to the Prime Minister today, having reaped so much from South-West St. Ann, there is absolutely nothing that any resident of the constituency can point to and say that there is a benefit from the mining of bauxite, the displacement of all the farmers.

So, what I'll say to the Prime Minister today and to the Government is this, if it is at all possible, out of the current withdrawal or out of what remains in the account, for South-Western St. Ann to have just one item, after 60 years, I'd be grateful. For example, I am sure that the Minister of Education is somewhere round. But...

Mr. BUCHANAN: But that don't sound like you. How you sound so humble, compromising, begging?

The SPEAKER: Mr. Buchanan, please.

Mr. E. SMITH: ...up in the Borobridge division of the constituency, there is a need for a technical high school.

A MEMBER: Sen' him outa the House. Mek too much noise.

Mr. E. SMITH: For the time being, Mr. Speaker, I would only ask for, one, a technical high school...

Mr. PICKERSGILL: You know how much money that?

Mr. E. SMITH: ...in the Borobridge division, and two, for the upgrading of the Aboukir High School to a size to accommodate not 400 children, but 1,500 children. That is all I am asking for at this time.

Mr. BUCHANAN: What happen to Manchester?

Mr. PICKERSGILL: What happen to Ewarton?

Mr. E. SMITH: Now, Mr. Speaker, in relation to the enquiries of my friends on that side, I want them to remember that most of the money that is now in the account came from mining from South-West St. Ann. (Laughter) I didn't say all. I said most of, ninety per cent. (90%)

So, Mr. Speaker, I support the withdrawal. And I hope that although the Prime Minister is busy with the Minister of Trade and Industry now, that he has heard my plea on behalf of

the people, and some consideration will be given to my humble request. Thank you, sir.

(Inaudible comments by Opposition Members)

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, I thank the Minister of Energy and Mining for having dealt with those matters that are far beyond my own brief and competence.

I just want to make one comment though in relation to the point that was made by the Member for Central Manchester and perhaps in relation to the concerns that were expressed as well by the Member for South Manchester.

You know that the Ewarton plant is back in operation and I'm due to visit...

(Inaudible comments)

Yes. We have been working, through the Minister, and he has been in regular contact to try to see how quickly we can secure the restart of the other plants, the other two, meaning Kirkvine and Alpart. But let us face some hard realities, hard, hard realities. Both plants are on the bottom-end in terms of efficiency. Way down on the bottom, particularly the Kirkvine plant. The Alpart plant is a gormandizer of energy. And both of them are vulnerable. Any time the price dynamics change, they tend to fall below the level of market competitiveness. Add to that, Mr. Speaker, the wobbliness of their owner. And we know the difficulties that UC-RUSAL has been undergoing for the last couple of years. As to how far out of the woods they are, I can't say. But when you have both the problem of old plant, energy inefficient plant, working in a difficult market, at a time when the principal owner is under stress and having serious challenges, then it is difficult for us to say, well, fine, we are going to be able to get the plant back up in short order.

What is going to make one huge difference, of course, is if we can enable those plants to look at a completely new energy arrangement. And that is why the efforts we are making with LNG are so critical, so absolutely critical, because with that alone, it would make a huge difference. With the other technological changes that are necessary, it will make an even greater difference and certainly the Alpart plant would be able to see a bright new future. We have difficulties with Kirkvine as you know because of the reserves that are available. But that, too, is not beyond technology. And my understanding is that with a combination of cheaper energy and with the introduction of new technology, it is going to require a significant amount of investment, Kirkvine will have a new life. But it is going to require significant investment.

The Member for South Manchester is sufficiently associated and for a sufficient length of time with that plant to know that..I am going to be careful that l am not misquoted especially on the platform. If you wanted to create a museum of what the bauxite/alumina industry has passed through to get to where it is today, there are parts of that plant that would be quite suitable in facilitating that museum. So it's going to require virtually a new plant, virtually, a brand new plant. And if you are going to be requiring new technology in order to deal with - I can't remember the scientific word for it - but the yellow bauxite, which is what they have in abundance.

Mr. M. PEART: Geodetic bauxite.

The PRIME MINISTER: Yeah.

A MEMBER: What's the word for it?

Mr. M. PEART: Geodetic bauxite.

The PRIME MINISTER: If they are going to require new technology in order to process that yellow bauxite which requires more energy and if you are able to facilitate that with cheaper energy, then it will have a future. But as to whether or not all of that is going to be put together in a matter of months or it's going to take a couple of years, depends on so many variables that we can't predict at any this moment. I can only tell you that the Minister loves to be able to walk into my office to tell me I have good news for you. And he did that when he came to announce that Ewarton was being reopened. And I know he's working hard at it. But it's something that we have to work at. I'll make one final comment. I have not myself seen the Report of the Select Committee, the Standing Committee. I would like to have a look at it.

And to just say one other thing. Some reference was made earlier to a suggestion by the Leader of the Opposition about having a debate in here on crime. With the greatest of respect, I don't think that that is such a purposeful approach. I don't know what new earth-shattering, new cutting-edge revelation will come out of a debate.

What I think would make a lot more sense, is if the appropriate Standing Committee of Parliament would take on that issue to look at it in the kind of deliberative way that committees can, and then to do, as was done apparently with bauxite, and to let Parliament have the benefit of its own thinking. I think that that would certainly make far more sense rather than our having an extended version of what we had earlier today and what we are about to embark upon in a few minutes. I think that that would make far more sense.

Mr. Speaker, I ask that the House approve the resolution.

The SPEAKER: Members, before you is the resolution which was just moved and debated by the Prime Minister.

Resolution put to the House and agreed to.

The SPEAKER: The Withdrawal, Capital Development Fund, approved.

Mr. GALLIMORE: Mr. Speaker, it is proposed to continue the debate on the Crime Bills at this point in time.

The SPEAKER: I just wondered, Prime Minister, I notice a number of amendments were circulated on the Crime Bills. I don't know if Members are aware of these amendments circulated?

Dr. GUY: No, no, no!

The SPEAKER: Eh?

Mr. PAULWELL: Well, I certainly haven't seen the amendments. If they are available...

(Inaudible comments by a Member)

Mr. PAULWELL: Well, there are a number of Opposition Members who wish to comment further, and I think the amendments would be very useful.

The SPEAKER: Are you ready, Mr. Smith, to speak?

Mr. E. SMITH: Yes, sir.

(*Sotto voce* remarks)

The SPEAKER: Members, we are going back to continuing the debate on crime Bills. Mr. Ernest Smith will begin this afternoon. Mr. Ernest Smith. (Applause)

Mr. BUCHANAN: You are going to talk like how you beg for the school, humble?

CRIME BILLS (CONTD) BAIL (AMENDMENT) ACT

Mr. E. SMITH: Mr. Speaker, let me first of all make reference to the presentation made during the course of the debate on the extension of the limited State of Emergency by the member from Southern St. Catherine.

(The Speaker left the Chair and the Deputy Speaker presides)

Mr. E. SMITH: Madam Speaker, I must tell you that I was visibly impressed with the presentation of the Member. And it goes to show, Madam Speaker, that there still exists, certainly on that side, persons who are prepared to put Jamaica first rather than the political party that they support. (Applause) It was a very excellent presentation in one which I am sure is going to go a very far way in ensuring that, as it relates to the security of the country, that we can and will be united in the fight against criminals.

Now, Madam Speaker, in order to debate any proposed legislation one must first of all understand, examine, weigh and appraise the mischief which the particular piece of legislation seeks to remedy.

One must of necessity, Madam Speaker, look at other pieces of legislation which touch and concern the proposed Bills and to see in what regard and in what respect the proposals may offend or otherwise conform with other legislation.

Madam Speaker, I have looked at the proposed amendments which the Honourable Prime Minister intends to deal with probably at a later stage today.

So, Madam Speaker, let me start first of all with the Bill entitled Bail (Amendment) Act of 2008. Now in this Bill, Madam Speaker, section 3 (4)(a) speaks to the fact that bail shall be granted to a defendant in relation to offences in the Second Schedule only if the defendant satisfies the Court that bail should be granted. And section 3, Madam Speaker, makes provisions for the Director of Public Prosecutions to appeal against a decision to grant bail by the Court and the subsections (3), (4) and (5) as also (6) deal with the urgency with which such an appeal ought to be dealt with.

Now, Madam Speaker, insofar as section 2 is concerned, you know, and based on my 37 years of involvement at the Bar, I can assure you that it merely seeks to put into legislative form that which has always been the case. Because it states that only if the defendant satisfies the Court that bail should be granted. In almost every case where the accused is in custody during the bail application, unless the Judge or learned Resident Magistrate decides to take it away from the prosecutor or take it from the defence attorney, you must satisfy the Court that in all the circumstances and based on what is on paper in favor of the prosecution, the accused man ought to be granted bail. So I do not find anything offensive with regard to this proposed amendment.

Indeed justice, Madam Speaker, has to operate both ways. Some people see justice only as justice for the accused, they don't see justice as existing for victims and their families, and therefore as an officer of the Court and as a legislator I do not, Madam Speaker, find anything offensive concerning the fact that the Director of Public Prosecutions or her agent is now being given the legislative authority to appeal against the grant of bail. In fact the Bail Act in its present form allows an accused, through his attorney,

who has been denied bail to apply to the Supreme Court, a Judge in Chambers to reverse that decision made by a learned Resident Magistrate. So why shouldn't the Director of Public Prosecutions have the same right? I find nothing offensive and therefore I support it.

Madam Speaker, in relation to the Bill referred to as The Bail Interim Provisions . . .

Mr. PICKERSGILL: What?

Mr. E. SMITH: The Bail Interim Provisions for Specific Offences, insofar as that Bill is concerned it is my opinion that the general public has been misinformed concerning the provisions of this Bill. Why do I say this? What I have heard on the street, so to speak, is that this Bill is giving the police the authority to keep an accused person in custody for up to 60 days. This is not what the Bill says and I am very surprised that - I do not know if it's based on what other Members have said in this House in terms of their contribution why the general public, particularly in the media, has gotten the wrong impression that this is power being given to the police.

Mr. PICKERSGILL: Yes.

Mr. E. SMITH: No, it is not so. No, no, it is not so. Now let us look at the Bill.

Mr. SHAW: Educate them for me.

Mr. E. SMITH: Now section 3, while this Act continues in force the Bail Act shall be read and construed as if the following were inserted in sections 3 (a) and 3(b) of that Act.

Mr. PICKERSGILL: Yes.

Mr. E. SMITH: Now - then section 3 (a) (1) speaks to bail in relation to serious offences. "A person who is charged with" - the emphasis now - "a person who is charged with any offence specified in the Second Schedule" and that refers to like murder, treason and so on,

> "and any offence specified in paragraph 7 to 11 dealing with Offences Against the Persons Act in relation to drugs and so on primarily and who has on a previous occasion been convicted of an offence specified in the (Inaudible) shall be entitled to be granted bail only if a period of 60 days."

Mr. PICKERSGILL: Yes.

Mr. E. SMITH:

> "Shall be entitled to be granted bail only if a period of 60 days commenced on the date on which the arson was first charged with that offence has elapsed and the person satisfies the Court that bail should be granted."

Mr. PICKERSGILL: So it is after 60 days.

Mr. E. SMITH: No, no! Follow my reasoning. The impression that is being given is this is an authority and power that has been given to the security forces, the police to keep a person in custody.

Mr. PICKERSGILL: So what is it?

Mr. E. SMITH: No. It's after the person has been charged and placed before a Resident Magistrate or in the case of a Gun Court offence, placed before the Gun Court offence, then the presiding Magistrate or Judge is subjected to this section.

Mr. PICKERSGILL: Yes.

Mr. E. SMITH: Not the police.

Mr. PICKERSGILL: It doesn't matter.

Mr. E. SMITH: It matters. This is a judicial exercise. This is a judicial exercise and not an administrative function. Now - but it is of fundamental importance also to

recognize that the same proposed legislation carries tremendous safeguards.

Mr. PICKERSGILL: What is it?

Mr. E. SMITH: Okay. Now look at section 3(b).

Mr. PICKERSGILL: Three (b)?

Mr. E. SMITH:

"Any person who is held in custody without bail under Section 3(a) shall be brought before the Court at the interval specified in subsection (2) for the question of application of 3(a) to that person to be reviewed by the Court".

Now there is a proposed amendment to that. This by itself I don't find offensive, but the amendment that has been proposed is even fundamental safeguarding the rights of citizens.

Mr. PICKERSGILL: I don't know about the amendment.

Government MEMBER: It was given to everybody.

Mr. E. SMITH: So the point I am making is that the proposed amendment further qualifies the right of the Court, who has remanded the accused in custody to review the circumstances of the remand and therefore to consider whether or not, having regard to all the circumstances, bail will in fact be granted. But look here; look at subsection (2). Subsection (2) says the intervals at which a person referred to in subsection (1) is to be brought before the Court for the purpose of that subsection, that is to say to review the circumstances of his detention are not more than seven days after the person is fist charged with the offence concerned; and (b) thereafter at intervals not exceeding 14 days until the 60-day period referred to in subsection (3) has expired.

Now the amendment, which will come later, further buttress the fact that every seven days, even within the section 3(a) offences every seven days after the first remand the Court has the judicial authority to review the circumstances of the remand and the Court may in those circumstances change its position. Because the law, in terms of the amendment as I see them, the law has not cancelled the judicial discretion which is vested in the Magistrate or the Judge.

Mr. PICKERSGILL: No. Not as it is, unless you are talking about an amendment.

Mr. E. SMITH: Yes. It has not taken away.

Mr. PICKERSGILL: For the 60 days it has.

Mr. E. SMITH: No, no. It hasn't taken it away because if it had taken it away it would have been absolute.

Mr. PICKERSGILL: But…

Mr. E. SMITH: The provision is not absolute. If the provision was absolute there would be no period of seven (7) days for review. And that is where I think some persons have misconstrued the legislation. It it was mandatory, if the 60 days was mandatory there would not be any period of review until after 60 days.

Mr. PICKERSGILL: For what?

Mr. E. SMITH: The review to consider the circumstances under which the person has not been granted bail.

Mr. PICKERSGILL: That's not clear, Smith.

Mr. E. SMITH: That is what it says clearly.

Mr. PICKERSGILL: The amendment is going to clear it up then.

Mr. E. SMITH: Now, Madam Speaker,

another consideration which I notice that the public has criticized greatly, is the increase of the police force's authority to detain on reasonable suspicion without charging. The current law is that it is 24 hours. But, Madam Speaker, you and I know well, as practising attorneys, that in many instances, when persons are detained as the law stands now, particularly in relation to identification parades, sometimes the identification parade doesn't take place until after one week - sometimes two weeks, sometimes three weeks...

Mr. PICKERSGILL: So, why the necessity for the change?

Mr. E. SMITH: ....four weeks. So, now, because there is a restriction on the time during which he has to go to the Justice of the Peace, because look at the legislation, what it says is that:

> *"Within the... after the first 24 hours, the police officer who had detained the citizen is obliged, under the law, to obtain the authority of a Justice of the Peace to continue the detention. He must be told immediately the reason for his detention, forthwith be taken before a Justice of the Peace, who shall determine whether or not there is reasonable ground for the arrest or detention. And if the Justice of the Peace is satisfied with the arrest or detention, he may have regard to such investigation, or that the person be remanded and then at expiration of the period of remand order that he be taken before a Magistrate. "*

And at the same time, the law also makes provision:

> "*Where a Justice of the Peace is not satisfied that the arrest or detention of any person is reasonably required in the interest of justice, he shall order that the person be released forthwith.*"

So, the fear which I have heard being expressed in this House, and elsewhere, concerning the legislation, in my humble opinion, Madam Speaker, is without merit. Unless we are saying, that our Justices of the Peace are mere rubber stamps of the whim and fancy of the police officer. And in any event, you will notice that in Section 3, subsection (3), Paragraph...

(*Sotto voce* comment)

Yes. That the detention in certain circumstances...

Mr. PICKERSGILL: Which section?

Mr. E. SMITH: Where you have an amendment, section 50(f), that's the arrest and detention, the particular locality where it speaks to the fact that it has to be done by a Divisional Commander, or a member of the force not below the rank of Assistant Commissioner. He is the one who has to be satisfied. So, it's not a case of every police officer who may have a grudge against somebody, just grabbing you and taking you into custody without more.

Under this particular provision, the direction for your detention has to come from a Divisional Commander, or a person not under the rank of assistant Commissioner.

FIREARMS ACT

In relation to the Bill entitled: Firearms (Amendment) (Number 2) Act of 2008, again, Madam Speaker, I lend my support to the Bill. It does not contain any draconian measure. In fact, it speaks, Madam Speaker, primarily to a minimum sentence. Now, we have to make up our minds, as legislators, whether or not we

are going to tackle the scourge of crime seriously: whether or not persons are going to reap what they sow; or whether or not we are prepared to tap the criminal who has just shot and killed a man - an innocent man, your brother, your sister, and let him go.

What this Bill proposes, Madam Speaker, is that in respect of certain offences, there is provision for a term not less than fifteen (15) years. Now, gun-related offences in particular. We would be deceiving ourselves in this House if we do not all agree that the gun has become almost like a curse in this country. We would be deceiving ourselves, Madam Speaker, if we do not appreciate and understand that if we do not send a clear message to criminals and potential criminals that in the event that you are caught, in the event that you go to trial and all your rights were properly protected, and at the end of the day your conviction stands, then this is what you are facing.

So, the potential criminal has two roads before him. It is for him to pick his choice. Either that he is going to continue his criminal ways, or he is going to continue... he is going to change. Pick yu choice. The question of renewal of a firearm licence does not make you in unlawful possession of the firearm. And my friend who is a lawyer ought to know that.

Mr. PICKERSGILL: Then, what it duh?

Mr. E. SMITH: There is an offence called Failing to Renew, and that is what you will be charged for. And in any event, I do not see a situation arising, Madam Speaker, where a person who has failed to renew his firearms licence - maybe just forgetfulness, maybe he went up to Hope Road several times and nobody was there. Now, if he fails to renew his firearms licence and he is charged by a police officer, I am sure that the learned Director of Public Prosecutions, who has the final say on all prosecutions in Jamaica, would never proceed with such a case.

We are talking here, Madam Speaker, about the blatant disregard of our laws. We are talking, Madam Speaker, about the situation of the criminal with an illegal gun. And he has it, Madam Speaker, for only one purpose. He doesn't have it for the purpose of apprehending other criminals.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. E. SMITH: He has it for the purpose of terrorizing all whom he comes into contact it. And in any event it is nothing strange in the Commonwealth for minimum sentences. Several of the jurisdictions within CARICOM. within the Commonwealth, have minimum sentences.

Mr. PICKERSGILL: Example?

Mr. E. SMITH: Antigua, Tortola, Barbados, Trinidad. In fact... can I tell you something, Madam Speaker? Where persons are convicted for dangerous drugs in. like Trinidad, the sentence that is imposed, compared to the sentence that is imposed in Jamaica, Jamaica's sentence is a slap on the wrist. Check it out.

Mr. PICKERSGILL: What is it? In Singapore, it is death.

Mr. E. SMITH: Ah, there you are!

Mr. PICKERSGILL: But we see the results.

Mr. E. SMITH: Now... more people are dying in Singapore?

A MEMBER: So, you didn't vote for the death sentence?

Mr. E. SMITH: And in respect of the Bill entitled: Offence Against the Person Act,

Madam Speaker, I have no difficulty with that.

The Parole Act, even when you speak - it speaks of a...it speaks of a minimum of ten (10) years.

(*Sotto voce* comments)

Now - it is the law now, Madam Speaker that you serve two-thirds of the sentence that you receive. So, in any event, the person who gets fifteen years at hard labour, he's available to be paroled after ten (10) years. So, I do not see the excitement that is being created by these Bills.

But finally, Madam Speaker - and I hate to be rushed when I am making a contribution on matters of this national importance.

(*Sotto voce* comments/Laughter)

Mr. PICKERSGILL: You are the instructing attorney. Get a good instructing attorney.

Mr. E. SMITH: Now, Madam Speaker, the Prime Minister last week, made reference to the fact that consideration must now be given to the dispensing of committal proceedings in the Resident Magistrates Court. Madam Speaker, you know my position on that for years. I am unapologetic. Committal proceedings in the Resident Magistrates Court should have been dispensed with many years ago; should have been dispensed with many years ago, the preliminary enquiry. It's a waste of time. It is also causing accused persons having to pay twice.

Mr. PICKERSGILL: Is now you find out that?

Mr. E. SMITH: I have always said that. In fact, the records will show that on many occasions, as recently as two weeks ago, I wrote to the learned Director of Public Prosecutions requesting that a number of matters in which I appear in the Resident Magistrates Court be transferred by way of a Voluntary Bill into the Circuit Court, so as to deal with a speedy hearing. It is a total waste of time. And it also causes the system, the justice system to travel at a snail's pace. But not only that, some preliminary enquiries do not take place until two/three years after the person is arrested and charged.

In many instances, because of the seriousness of the offence, and the weight of the evidence on paper against the accused, he is not granted bail anyway. That is a fact. I don't know when was the last time my friend from St. Catherine entered the Court as a defence attorney, but it must be 25 years ago. But suffice it to say, that if you check the Resident Magistrate's Court all over Jamaica today, if you get a preliminary enquiry heard and determined within 12 months or 18 months, you are lucky. In the Children's Court, the Children's Court, Madam Speaker, is overwhelmed because they do not get a chance to hear preliminary enquiries because of the number of persons in - children in need of care and protection, probation report, and all these others which you well know about. So preliminary enquiries in the Juvenile Courts or the Children's Court, never get a hearing at all.

Only recently, I had two such matters transferred from the Children's Court to the Circuit Court for hearing. And in respect of both matters - and the DPP complied to my request - and in both instances, the accused persons were acquitted. And the case...

(*Sotto voce* comment by some Members)

Mr. E. SMITH: After trial. And the cases had been going on for five (5) years, when

they were - in fact, they reached the Circuit Court by way of the Voluntary Bill when both accused were adults.

Now, we have a situation, Madam Speaker, where, consistent with the Crime Bills - I agree with the Prime Minister and I said before, if you recall, earlier year, that we need to abolish preliminary enquiries. I carried out a certain research right here at the Parliament, and what I remember was that a Committal Proceedings Act was Tabled in this very House in 2006...

(*Sotto voce* comment by Mr. Pickersgill)

Mr. E. SMITH: By the previous administration. See it here.

(*Sotto voce* comments)

Mr. PICKERSGILL: The Crime Bills?

Mr. E. SMITH: No, no, consistent with the Crime Bills, we must now consider the abolition of preliminary enquiries because of the speed with which matters are to be brought before the Courts and the fact that certain persons bail may be restricted.

Mr. PICKERSGILL: It's under consideration.

Mr. E. SMITH: No, sir. It was tabled in the House but it was never debated, so the Bill exists.

Mr. PICKERSGILL: Who tabled it?

Mr. E. SMITH: It was tabled by a certain previous administration.

Mr. PICKERSGILL: And you opposed it?

Mr. E. SMITH: I never did, I supported.

Mr. PICKERSGILL: Your side.

Mr. E. SMITH: No, it was never debated.

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

Mr. HOLNESS: Madam Speaker, l beg to move for the suspension of Standing Orders to allow the Member six minutes to complete his presentation.

The DEPUTY SPEAKER: The question is that the Member be given an additional amount of six (6) minutes to complete his presentation?

Mr. PICKERSGILL: Give him seven (7) minutes. (Laughter)

Put to the House and agreed to.

Mr. E. SMITH: Madam Speaker, I want to thank the Members for the time which I have been given.

I recall something that was said earlier by the Member from Southern St. Catherine, a statement that I have made in this House on many occasions. Sometimes, Madam Speaker, we take too lightly matters of grave national importance, and at the end of the day, it is we who suffer for that. We take matters too lightly in this House.

Madam Speaker, these Crime Bills have a purpose. These Crime Bills, Madam Speaker, are designed in every respect as the Objects and Reasons show, they are designed to assist, not only the security forces in bringing criminals to books, but it is also designed to send the right signal to criminals.

Madam Speaker, the State, the Government has a responsibility to protect all the citizens of this country. The government has a responsibility, Madam Speaker, to ensure that we live in a state that is free from fear. Right now, we have been a country under seige. The Member from Eastern Hanover spoke earlier and he spoke about assault on the State and confined that assault to what took place in Tivoli Gardens. I disagree with him, in fact, I was very disappointed in his presentation knowing that he can do much better than what he did.

Mr. PICKERSGILL: Yea man, you bound to sey so.

Mr. E. SMITH: Madam Speaker, Tivoli Gardens is only a part of a constituency that is regarded as a garrison. You have constituencies in Kingston and St. Andrew where the entire constituency is a garrison.

Mr. PICKERSGILL: But the police can go in there!

Mr. E. SMITH: Now, the fact is, Madam Speaker, you have other areas in this country where there has been an assault, continuous assault on the site.

Mr. PICKERSGILL: Where? Where? Then why you don't deal with it!

(*Sotto voce* comments by Dr. Duncan)

Mr. E. SMITH: Madam Speaker, my primary disappointment with the State of Emergency is - the limited State of Emergency, my primary disappointment is that I am sorry that we do not have the resources for the assault on Tivoli to have been a coordinated assault on several areas of Jamaica, from Negril to Morant Point. And, Madam Speaker, we will never, ever again get the opportunity clean up Jamaica than now. And we had better clean up Jamaica this time. And as the Prime Minister said earlier, this Government has the will and this Government has the intention of making this country a country that is free from fear, a country, Madam Speaker, where your children and our children's children, your grand-children can feel that we are living in a country where gunmen, robbers and murderers and con-artists, whether it's Cash Plus or this plus, will destroy their lives.

I support the Crime Bills, Madam Speaker, and I encourage my colleagues in this House to do the same.

(Applause by Government Members)

Dr. FERGUSON: Madam Speaker, the debate on the Report of the Joint Select Committee on its deliberations on the six (6) Crime Bills represents a defining moment in history as it relates to dealing with crime and violence in Jamaica.

Madam Speaker, much of the arguments in support of these Bills speak to this special period, which demands waiver of fundamental human and constitutional rights. But, Madam Speaker, it was travesty started with a so-called special period. The Gun Court and Suppression of Crimes Act or Acts of 1974 came about because of a so-called special period. Madam Speaker, history has confirmed that those Acts were bad laws and bad policies. And although it was the Government of the Peoples National Party that introduced these laws under the leadership of Comrade and Prime Minister MR. MICHAEL MANLEY, who I idolized as leader, and from the stands in 1974 when these laws were being promulgated, I might even have given him a standing ovation, based on evidence and scholastic research my position has changed, Madam Speaker.

Madam Speaker, good policies lead to good governance, and equally well, bad policies lead to bad governance. As my friend PROFESSOR WINTY DAVIS would say, any good argument must be evidence based. And, therefore, my argument to support my view will be as such.

Madam Speaker, I invite this Honourable House and the nation to read and study the scholarly work of HYACINTH ELLIS from the University of the West Indies, entitled *The Creation of Laws and their acceptance by Society*, a case study of the Gun Court

legislation, its effects and implication for the Jamaican society.

Madam Speaker, I use this Gun Court Act to put forward my argument in the first part of my presentation. Despite the need for caution in using statistical information, it is difficult, Madam Speaker, to ignore the situation between 1960 and 1980, involving the illegal possession of guns in the Corporate Area as reported by the police. Illegal possession of guns rose from 8 per 100,000 to 90 per 100,000 in 1977. Breaches of the Firearms Act, all areas, recorded by police increased from 3 per 100,000 to 40 per 100,000; shooting with intent in all areas, from 2 per 100,000 to 81 per 100,000.

Madam Speaker, in 1973/74, 65% of all murder cues involving the use of guns and shooting with intent were at the rate of 44 per 100,000 of the population and gun crimes were set to have reached crisis proportion. Madam Speaker, we are talking about 232 murders per year at that time, with 124 being firearms.

Madam Speaker, one of the things that catalyze the introduction of the Gun Court Act in 1974 were the attacks on a number of prominent members of the Jamaica middle-class including one prominent businessman and two attorneys-at-law. Madam Speaker, there was a climate of panic, a crisis situation among the middle and upper-class. There were those who believed, even among legislators, that such a moment should attract similar measures for their resolution.

Madam Speaker, the Act provided among other sanctions: one, abolition of trial by jury; mandatory sentencing, even where no firearm is produced; indefinite detention subject to recommendations by a review Board; guilt by association; trial *in camera*; the classification and treatment of imitation firearms and bullet as firearms under the law; no appeal against sentence.

Madam Speaker, in terms of the Gun Court legislation and crime control, it turned out to be a dismal failure, and the statistics between 1973 and 1978 provide this evidence. Murders in 1973/74, Madam Speaker, 232, 124 by firearms; by 1974/75, 195, 62 by firearm. But as we got to the period 1977 to 1978, Madam Speaker, we were back up to 409, 242 being firearm used; shooting with intent 879 in 73/74. By 74/75, 620 and by 77/78, 1165. Robbery, 3,225 in 73/74; 1,893 by firearm. By 74/75 we were at 2,387, 1,502 by firearm and by 77/78, Madam Speaker, 3,511, 2,182 by the use of firearm. In terms of breaches of the Firearm law, Madam Speaker, 73/74, 305; 74/75, 322, but by 77/78, we were up to 801.

Madam Speaker, the statistics again speaks for itself. And learning from history we cannot afford to have perceived legitimacy of these Bills presently before this Honourable House. Rather than their effectiveness in dealing with the crime, evoke a positive response from the society in general.

Madam Speaker, we as legislators have an obligation not to appear soft on crime, but history is the greatest teacher and we cannot ignore scholarly research or the knowledge of those who experienced these laws.

Madam Speaker, although they had sunset clauses, a whole generation of Jamaicans and members of the security forces lived with these laws as if they were normal.

The Crime Bills, Madam Speaker.

The Crime Bills being debated will have a negative impact, Madam Speaker, on human

rights, the DPP'S Office, constitutional rights such as the right to freedom and could have a destabilizing effect on the whole justice system. With these Bills, Madam Speaker, there are persons who are just thinking that they are only about criminals but the middle-class, upper-class and many others will also be affected. And that is when, in protection of class interest they will rush for reform, as history has taught us. (Applause)

Mandatory Sentencing, Madam Speaker: The question of mandatory sentencing takes away the discretionary powers from our Judges and goes agent the grain, or represent a contradiction as it relates to the recently passed plea bargaining legislation. Madam Speaker, it goes against one of the fundamental beliefs of the Prime Minister in another life that relates to separation of power between the legislator, the judiciary and the executive, a principle he spoke passionately about.

Parole: Madam Speaker, the role of any manuring and developing justice system must be to create a rehabilitation path for all inmates, once they enter the institution. And therefore, political decision which impacts negatively on rehabilitation allows for persons leaving these institutions to be at the mercy of dons, or others they may fall prey to.

(The Speaker returns of the Chair at 6:06 p.m.)

Mr. Speaker, 83% of those who enter our prison system becomes repeat offenders, and therefore the question of justice reform is impatient of debate. But, Mr. Speaker, there's another way. There is the police - the community policing approach, but it must be taken into account in terms of the proper support and also sustainable support.

But my main point here, Mr. Speaker, has to do with social intervention. Mr. Speaker, it is my belief that there must be a strong inter-agency collaboration to deal with the social intervention necessary, to deal with so-called garrisons and other areas that fall within the poverty map. Therefore, Mr. Speaker, discussions with the multilateral institutions cannot only be about the garrison phenomenon, it must also be about poor, underprivileged areas. (Applause)

Mr. Speaker, the treatment of poverty and garrisons is not going to be an overnight work, and it must be structured, organised and planned, taking into account best practices and the many scholarly works that are available.

Our social intervention strategy must be consistent, sustainable and demand greater involvement of trained social workers, along with the private sector, the churches, NGOs, human rights groups and civil society in general.

Science and Technology, Mr. Speaker.

Mr. Speaker whatever the cut, there must be a greater reliance on science and technology in solving crime and dealing with criminality. (Applause) Mr. Speaker, every crime has a material footprint and unless our security forces and we as leaders of this country, whether we were students of science or not, begin to fully buy into this approach, I humbly submit that if we fail to do so we will never be able to conquer this crime monster. (Applause) Mr. Speaker, the technologies are available, the people are available, what is needed now is passionate leaders who are committed and loyal to Jamaica first.

Breaking the Back of Organised Crime: Mr. Speaker, in breaking the back of organised crime, we must now look to new and

innovative ways of dealing with government contracts, big corporations, financial institutions and new investments of a certain size.

Mr. Speaker, in dealing with government contracts in infrastructure works above a certain sum, and those levels are to be determined; the time has now come for a review that will facilitate the breaking of the back of garrisons and the whole notion of political tribalism, by establishing quotas as they relate to workers. And begin in the short term, training of workers in collaboration the Master Builders Association, HEART Trust/NTA, with the relevant ministries or agencies right across Jamaica with a view of getting value for money and equity in the system of work. This approach will take into account gender balance, Mr. Speaker.

As it relates to big corporation, or big corporate Jamaica, financial institutions and new investors of a certain size, the time has also come, Mr. Speaker, for the introduction of our own version of the equivalent of the Community Reinvestment Act of America, especially as it relates to a most vulnerable area. Mr. Speaker, I still maintain, that the greatest antidote to crime and violence and poverty, is education and training and economic liberation through jobs. It is against this background, Mr. Speaker, that I cannot, in good conscience, support these Bills without the recommended amendments. And I hope that history will absolve me, Mr. Speaker, in this regard.

May I thank you, Mr. Speaker.

The SPEAKER: Dr. Duncan.

Dr. DUNCAN: Mr. Speaker, I hope the numbers in here do not necessarily reflect a lack of interest in the subject that we are discussing. But as l said earlier, Mr. Speaker, and the Prime Minister referred to it earlier in his closing remarks on the motion to extend the State of Emergency when he closed on that debate, that it is really very unfortunate that we are debating these Bills, and also as we debated earlier, these things almost in isolation. I know that you can't debate everything at once, but had we been able to begin the process of intellectual discourse with an overview, if this Parliament, not necessarily at the committee level where very few people, as the Prime Minister suggested, very few people hear what their representatives are saying and in those committees there is very little that is done in relation to conceptual thinking, what the country, I believe would want to hear, not necessarily now because there is so much hurt now, there is so much suffering directly related to gun crimes now, but in saner times, I believe, would have appreciated an approach to the discussion of these matters, using a conceptual approach which showed you all the elements of our behaviour in terms of crime in this country and in what direction we should go in resolving the problems that we have.

I regret that that is not so, so therefore we have to try to squeeze in this approach by dealing with the specific things in front of us.

Now so what we have in front of us is the Report of the Joint Committee - the Joint Select Committee which was set up to select to examine six (6) Bills but we are apparently, if I'm correct, Mr. House Leader, we are only considering four (4).

Mr. HOLNESS: All six (6).

Dr. DUNCAN: All six (6) we are considering now?

Mr. HOLNESS: Yes.

Dr. DUNCAN: So that's a change.

(Inaudible comments)

Dr. DUNCAN: No I'm just asking. I was told we were going to - when the Prime Minister introduced the motion on the 2nd of June...

Mr. HOLNESS: If you'll yield. You raised a very important point, Member.

Mr. Speaker, if you allow me on a point of clarification. The technical issue is that we made changes to two of the Bills, we therefore had to withdraw them and retable them.

A MEMBER: Right.

Mr. HOLNESS: We however went on with our debate on the Report from the Committee. Now having withdrawn two of the Bills, the Report from the Committee is on six (6) Bills...

Dr. DUNCAN: That's what I'm saying.

Mr. HOLNESS: ...so we will be moving a motion when the Prime Minister comes, to ask for our support for the Bill - for the Report on the Committee to withdraw those two and to only debate on the four. However, when we go to committee, the Prime Minister will be moving before committee, second reading of the Bills were retabled so that all six (6) Bills will be taken together in committee.

Dr. DUNCAN: Your guess is as good as mine, Mr. Speaker, to what we are doing. But I know we are debating crime at minimum.

We have received the Report of the Joint Select Committee. Mr. Speaker, while we debate, or consider and deliberate on these Bills, I want to draw your attention to a poem - a quotation from a copper miner in Osaka Zambia, which is taken from a book called "*In the River they Swim*," by a gentleman called MR. MICHAEL FAIRBANKS, who appears in a lot of our Talk Shows in Jamaica and is a friend of Jamaica, and I know also he is an admirer of the Prime Minister. He says - that copper miner said: "**The poor can't sleep because their stomachs are empty. The rich have full stomachs but they can't sleep because the poor are awake**." The essence of the crime Bills, Mr. Speaker, is to ask us, let's not pretty it up, we may agree at the end to do it, those who agree, but what it is, is what it is. (Applause) We are being asked, through these Bills, to agree to the abrogation of certain basic human rights, such as the right to liberty and the presumption of innocence. Before you come to whether it's justifiable or not, that is what we are doing. And secondly, we are being asked to reduce the independence of the judiciary in matters of sentencing, where we ask to return to the '70s in relation to the question of mandatory sentencing.

No matter how you hide behind it and pretty it up, that's what it is, that's what it is, right.

The Prime Minister raised...

(*Sotto voce* comment from Mr. Charles)

Dr. DUNCAN: You see, whenever the truth becomes evident, Mr. Speaker, you get a response. So we can count how many times I speak the truth by the interruptions we are going to get.

(Opposition Members applaud)

A noted Caribbean Historian by the name of C.L.R. JAMES - you know the gentleman who wrote *'Beyond the Boundary and Black Jacobins*', and that kind of thing, said - once cautioned:

> "Sometimes it's dangerous to speak, but sometimes it's even more dangerous not to speak."

This is one of the times when it can be dangerous to speak, Mr. Speaker. Why? The

incidence of crime and violence, especially those that are gun-related, have risen - as all have stated here - to an unprecedented high. The country is hurting, the people are hurting. Our security forces are stretched and also are hurting. Emotions run high.

Mr. Speaker, the point I was making in other debates I want to repeat, I have been there, we have done that. I was there when - it is almost a replay of the present situation, except for an aspect which I would like to quickly consider, the point that the Prime Minister raised in relation to what - if I am reading him right - the need for a new paradigm in the way we approach crime. Which essentially means raising the bar in relation to what traditionally we used to see as human rights, and set a new platform or a new bar for human rights, which is something to be considered. But I believe that it's important, if we are to consider them, that we should listen to each other. Those of us - and that's why I say it can be very dangerous to speak, because while some - while we are having the emotions running high across the country, some people - as we did in 1974, as outlined by the Member for Eastern St. Thomas - called for draconian measures, because they honestly think those can work. They honestly believe that. Those of us with another view run the risk of being labelled as 'soft on crime' or worse yet as collaborators who want to delay the action that is needed. The temptation is therefore not to speak.

Mr. Speaker, I will not yield to this temptation. As 1 said, I don't speak often, but on subjects where I think I have a profound... (inaudible/microphone cuts out) ...But as C.L.R. said, it is even more dangerous not to speak. If we do not learn from history, we are likely to repeat its mistakes.

Succeeding Administrations felt that draconian measures could work effectively to eliminate gun crimes. I, myself, was part of that Administration in the Seventies that the Member from East St. Thomas spoke about that tried the most draconian of all. I don't know if you listened to some of the things he said, no bail! I am not talking about sixty (60) days or extending from one twenty-four hours to five, we are talking about no bail! We are talking about a situation where the legislation - we didn't debate the legislation as you are debating them now. They were rammed through, rushed through in those days. I experienced it. That is why I ask to be able to remind you of some of these things in case they can be of guidance to us. (Applause)

For example, if you had one round of ammunition and you are in a bus - if a round of ammunition was in a mini-bus - as we used to call them in those days - all passengers in that bus were moved to the Gun Court, which was red! Talking about symbols, Mr. Prime Minister, that was symbol. Red because it was dread! Life mandatory, because you want obscure the hell out of the - the daylights out of the criminals, right.

Mr. SAMUDA: Bad law.

Dr. DUNCAN: Bad law. Bad law. The Gun Court itself was painted red to send that signal. It ceases to be red, it is still there, but the level of gun crimes continue to be dread. The accompanying legislation, The Suppression of Crime Act, allow the security forces - one of the things that we had tried to do - unfettered access to anywhere, disregarding the rights of the citizens. After

those twin legislation - if you listen to some of the statistics that the Member for East St. Thomas gave - there was a drop, a lull. The Prime Minister warned us, don't be complacent about the lull this time, right, that we have now. There was a lull then, and then we returned to business as usual.

But an unintended - and I say this hopefully - an unintended consequence of the legislation was the curroption of the culture of the security forces, as the disregard for the rights of citizens became the norm. What I am saying, that this part of history may help us in the way we formulate the Bills and the laws that we are talking about, so that when we step up the bar and say that the human rights of the past can't be the human rights of the now, right, because it's a different paradigm totally, we must remember also there are things called consequences, and a lot of times some very serious unintended ones. So if you put in place into normal law which over history has proven to be in the category of extra-ordinary law, after a while you run the risk of not even remembering where you are coming from.

(*Sotto voce* remark from Mr. Samuda)

(Applause)

Dr. DUNCAN: Yes, that is true, that's what they told me, that's what they told me. I was against it in '74, you know, but l was a part of the group, 1 accepted it then because the pressure from the thing was overwhelming, 200 people dying in the year, terrible! Three businessmen got killed in a week. The country mash up! Have to do something. And we put those things in with good intention, I believe.

Now sunset clauses are there. One of the problem with sunset clauses is that when the day is over, the sun rises - the night is over, the sun rises, then another day comes. A year's time we are going to come back here and say, well, it is working, but it has not quite sunk in yet; a new sunset, until you have so many sunsets it becomes the norm. Just a warning that it is a possibility, right.

Now, RICHARD DRAYTON, a professor, writing in the UK Guardian on Monday, June 14, warns us that there is a long-term consequence for democracy in Jamaica, and I quote:

> "...of treating the urban poor as an enemy population to be beaten into submission of the militarization of policing of the expansion of intrusive surveillance of society."

Now, I am not saying - and believe me, I say this sincerely - that that's the intention of anybody in here, to treat the urban poor as an enemy population. But why I made reference to the outcomes of the State of Emergency, both in its immediate origin, I know that's not the total origin of the - of what took place the other day. 1 know of the - we could spend in another forum, give you a lecture on all - on most of the features that - of political tribalism born out of the need for distribution of scarce benefits and spoils which still exist today, which led into para-military activity and what is now called garrisons. We could go into that, we could go into that. But that would take a little time because there are so many stories around those things. Some have this part of it, others have that part of it.

But what I am saying is that to put in our mind what DRAYTON has said about treating the urban poor as the enemy population, you - with all respect to the security forces - and I wish them all the best they are under severe pressure and they have noble intentions to go

there and fight this monster...(Applause)...and they are doing it, right. But if you put in place a situation where this day you grab up five hundred, next day two hundred, and you continue doing that as the business model, the crime business model - I think the spokesperson on National Security referred to it as "net-fishing" - you run some grave risks of turning some people, decent people into criminals in an unintended way. (Applause) You run that risk.

So we would look at it - if this is all you have, you might have to do it, but if you can think about the ways of policing - the Prime Minister, when he spoke referred to a conversation from President Uribe from Colombia - they recently the PSOJ/JMMB had an economic seminar involving important models to look at, let's look at them. But what I am saying, let's look at them in the - let's have an approach to the crime thing which is holistic, and we are not coming here rushing one, one, one, one, and the lawyer is going to tell me that - start to give me all kind of legal phrases which I don't understand - about whether or not it's sixty (60) days or not sixty (60) days, when we know in practice it is going to be sixty (60) days.

Mrs. NEITA-HEADLEY: Yes, or more.

Dr. DUNCAN: Or more. We know that. So when you add that you don't see that by itself - don't be myopic. Look at it along with all the other pieces of legislation, and it amounts to a new paradigm in relation to the abrogation of basic human rights, that's what it does, right. And no amount of emotion is going to - can deny that, right. And as I said in the previous debate, why I think that would have been a better way to go about it, time might have overtaken us, but Einstein reminds us we can't solve the problems by using the same kind of thinking that we used in 1976. Bad thinking. (Applause) We used that.

Government MEMBER: You were a Member of the Cabinet?

Opposition MEMBER: He said so. He said so.

Mrs. NEITA-HEADLEY: But he did say that.

Dr. DUNCAN: No, I wasn't a member of the Cabinet. I was not a member of the Cabinet. No, man, no, man, no man! Me and you is good friends from long time, you know that, you know. But I accept - I am not taking myself out of the picture. I was not a member of the Cabinet.

Mr. CHARLES: You were Minister of Mobilization.

Dr. DUNCAN: Mobilization? No man, get your history right man, 1977, '77. '76 was when them lock you up. But I was part of the PNP so I accept responsibility. (Applause)

Mrs. NEITA-HEADLEY: That's correct. Collective responsibility, yes. (Applause)

Mr. CHARLES: You won the election and became a Minister when I was in prison.

Mrs. NEITA-HEADLEY: Yes. Go on, move on.

Mr. CHARLES: You voted for me to go there.

Dr. DUNCAN: Yes. Okay, I won the elections and you were in prison.

Mr. PICKERSGILL: You score a point now, Pearnel.

Mrs. NEITA-HEADLEY: Goal!

Dr. DUNCAN: Fine, okay. So therefore - so the only point I am making, let's not go back there. (Applause)

Mrs. NEITA-HEADLEY: Don't go back there.

Dr. DUNCAN: Let's not go back there.

Mrs. NEITA-HEADLEY: Correct. Learn from the past. Let's learn from the past.

(*Sotto voce* comments from Mr. Charles)

Mrs. NEITA-HEADLEY: So because it happened to you it should happen to somebody else?

(*Sotto voce* comments)

Dr. DUNCAN: You see, Mr. Speaker, we run the risk of feeling that - of some people who might feel, if they are not objective, that there is some tit-for-tat that could go on, right, if those statements are to be taken seriously. But they are *sotto voce* and maybe not even in the **Hansard** so we will ignore it.

Let me continue, Mr. Speaker. As I said, the approach, in relation to the difficult crime situation, has had a lot of different Bills that have come forward. Prior to this Administration, a number of Bills were initiated, right. There is the Plea Bargaining Act, Amendment to the Evidence Act, the DNA Evidence Act, the Powers of the JDF Act - some were thrown out entirely - Anti-Domestic Terrorism Act, all initiated by the previous Administration. The Jury Act is being debated; the Proceeds of Crime Act was put in place in 2005. We have yet to hear how effective that is.

We - some of us feel - and this is nothing to do with partisan talk - that if that Act had been put in place in 2007 or before when it was taken, then the man who is now locked up today out at Ferry or Dyke Road, would have been demolished without a gunshot being fired, right, without a shot being fired.

So Mr. Speaker, when we speak - when we talk and we say that there are existing provisions, there are existing provisions under the Jamaica Constabulary Force, which are under-utilized - but if you want it - this is now for the last debate - if you want another month to do the mopping up until you can get these things in place, let us see them - this package put together.

We have the Whistle Blower Legislation. Now, in this - the Leader of the Opposition, the Opposition Spokesperson on National Security, the former PNP Minister of National Security, as well as other members of the Opposition have spoken. Proposals have been made to address the problem. Not all agree with details of the Crime Bills, but everybody is agreed that we need action on crime, that cannot be doubted. (Applause) We are all agreed on the objective. We need to think through our methods critically, we need the kind of leadership that we can trust.

Now, on the question of thinking through the methods, the Report that has come before us for adoption to be discussed, was born out of an attempt, an attempt, at this trust-building, and coalition-building at the Vale Royal Talks which began in December 2007.

Prior to that, in September 2007, the Prime Minister himself had committed in his swearing-in speech that two of his major priorities were: **firstly**, the protection of the human rights of the Jamaican people and **secondly**, creating a secure and peaceful place for Jamaicans. That's two of about seven (7) priorities in September. By December, the attempt for both parties at the Vale Royal Talks began. Months elapsed. Out of that came the Joint Select Committee in September. Lots of time elapsed.

So I'm saying, unless these Bills at this time, which I believe we'd be much better off if we had consensus, if you have to push them through, it then makes you again begin to

think about the question of trust. You have to think about it. (Applause) And it is not meaning that you hate anybody.

Mr. CHARLES: But it's true, trust? Can we trust you?

Mrs. NEITA-HEADLEY: Can we trust you?

Mr. CHARLES: Can we trust you to work with us?

Dr. DUNCAN: The questionnaires on both sides.

Mr. CHARLES: Can you trust us to work together?

Dr. DUNCAN: So allow me to put my question of trust to you and you can put your question.

(Inaudible comments by Mr. Charles)

Dr. DUNCAN: That is my job. That's major

Mr. CHARLES: My job is to... (Inaudible)

Dr. DUNCAN: Yes, yes, yes.

The SPEAKER: Ignore.... Stop the cross-talk. Please!

Dr. DUNCAN: So what I'm saying...

Mr. CHARLES: Power, power!

Mr. BUCHANAN: That's why you put the Labour Party before.

(Cross talk)

Dr. DUNCAN: Mr. Speaker, we are saying that we must push through these Bills tonight. Seventeen months elapsed between the tabling of the Report and the beginning of this debate on June 2, 2008, seventeen months. I don't know who is to accept responsibility for this delay. But it is the Prime Minister who speaks to this House on matters of national security.

(Inaudible comments by Mr. Charles and Mr. Buchanan)

And although on certain other issues he said that the economy had become an...

Miss HANNA: Mr. Speaker.

Dr. DUNCAN: ...albatross, almost an albatross around the neck of governance and policy-making...

The SPEAKER: (Gavelling) Mr. Charles. (Interruptions)

Dr. DUNCAN: ...the fact is that 17 months elapsed, a lapse between the tabling and the beginning of the debate.

Mr. BUCHANAN: That's why them lock down the island.

Dr. DUNCAN: We are now discussing them almost in a life-and-death way. So we are being asked to rush the Parliament as a whole, because the Joint Select Committee...

(Inaudible comments by the Prime Minister)

Dr. DUNCAN: No you're busy reading, Mr. Prime Minister. You didn't hear what I said. I said...

(Inaudible comments)

Dr. DUNCAN: I said that. I said that. I'm telling you that the rush is because of certain things that happened recently.

A MEMBER: No.

Dr. DUNCAN: The rush is not the natural course of things.

(Cross talk) (Inaudible comments by Mr. Gallimore)

Dr. DUNCAN: That is my view. It is a view. Just go through... Mr. Prime Minister, you listen. September 2007, December 2007, the Vale Royal . September, let's assume the PNP walked out.

Mr. GALLIMORE: As usual.

Mr. MONTAGUE: Walking out today? (Inaudible comments)

Dr. DUNCAN: 2007 in December the

talks began. Some of the same concerns what the PNP has then, they have now because they were fundamental concerns. They were no run-of-the-mill concerns. They were fundamental concerns. When you are talking about the abrogation of people's rights, people hold fundamental concerns longer than they hold the little foolish things that you can easily dispense with.

Mr. CHARLES: The victim don't have no rights?

Dr. DUNCAN: These are part...

Mr. CHARLES: The victims don't have no rights? The children who were being murdered...

The SPEAKER: (Gavelling) Mr. Charles, Mr. Charles, please! Hold nuh, hold nuh.

Mr. CHARLES: The criminals have rights and the victims nuh have no rights.

Mr. JACKSON: Irrelevant, irrelevant, irrelevant now.

Mr. CHARLES: I am sorry for the policemen them.

The SPEAKER: Mr. Charles, Mr. Charles, please!

Dr. DUNCAN: You see why I say, Mr. Speaker, sometimes it's dangerous to speak. Because it's very easy to say if you ask for a probing analysis of these Bills for people to run go out there in the country and say them man wan' criminal fi come kill you. That's what you're saying. And understand it; I know that's what you're saying.

Mrs. NEITA-HEADLEY: Yes.

(Inaudible comments by Mr. Charles)

Mr. PICKERSGILL: Yes, criminals have right.

(Cross talk)

Dr. DUNCAN: It's at the heart of the issue, part of the heart of the issue of which I speak. Is there room for genuine concerns to be put on the table? Right.

Mr. MONTAGUE: Of course.

Dr. DUNCAN: And if we put them what will be done with them. I'm saying that in December 2007 to whatever time that the Vale Royal Talks were there, committees were set up. There were discussions. There was a divide on some fundamental issues. So it is not a matter of delay. It is that those issues were not resolved. Eight months later the Joint Select Committee was put in place and the same issues were brought up in that committee which are before us now. So it means that there is a problem. But during that time…

(Inaudible comments continue)

…Same issues. But during that time a number...

Mr. MONTAGUE: And the Opposition walked out again.

Dr. DUNCAN: And during that time there were a number of other things that have arisen.

Mr. MONTAGUE: Such as?

(Inaudible comments by Mr. M. Peart)

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

Mr. MONTAGUE: Give him more time. Give him more time.

Mr. HENRY: Why didn't you bring it forward for debate?

Mr. M. PEART: Good question.

A MEMBER: Give him ten.

Dr. DUNCAN: I'll take about ten. I don't want to feel...

Mr. MONTAGUE: No, sir, give him more time.

(The Member's time for speaking having expired a motion was moved for the suspension of the Standing Orders to

extend the speaker's time by a further ten minutes to allow him to complete his presentation).

Motion put to the House and agreed to.

Dr. DUNCAN: I want to put it to my colleagues, especially on that side, that if they ignore the question of trust you ignore it at the peril, not just of you, but all of us. All of us. (Applause) While those things were going on and for whatever reasons the Bills were delayed to be tabled here, other things were happening the society. Some of which were spoken about in the previous debate on the Suppression of Crime Act extension. So things were not happening in isolation. If you… what concerns me personally most, which I was trying to convey to you, to the Prime Minister, through you, Mr. Speaker, without any acrimony. It was nothing personal. He's a man I admire. I worked with him. I was his chief organizer and campaign... I followed him because of the confessions that we shared about the role of political tribalism. The role of political violence in the society. We, and a number of my colleagues over there were on that train.

(Interruptions by Mr. Buchanan and Mr. Montague)

Dr. DUNCAN: So, I'm speaking not in any sanctimonious way. So I'm saying that if you get a chance, you are Prime Minister and you have a chance, you knowingly know, it doesn't mean that the things don't happen in other areas, that you don't have criminals in other areas.

Mr. MONTAGUE: It is happening in other areas.

Dr. DUNCAN: But if a man drop in yuh lap, the biggest criminal that this country has ever seen, a gun runner, which is the basis of these Bills to fight gun crime, why it tek so long to wrap up this man? (Applause)

Mr. WARMINGTON: Oonuu walk out a de meeting.

Dr. DUNCAN: Eh?

Mr. WARMINGTON: Oonu walk out a de meeting.

Dr. DUNCAN: Eh?

Mr. MONTAGUE: You took 18½ years.

Mrs. NEITA-HEADLEY: Aw, aw, aw!

Dr. DUNCAN: That may be true. Okay.

Mr. MONTAGUE: Eighteen and a half years...

Dr. DUNCAN: Mr. Speaker, don't take this out of my time. It is dangerous sometimes to speak.

Mr. MONTAGUE: An' oonu walk out a de meeting.

Dr. DUNCAN: Which meeting?

Mr. MONTAGUE: The Vale Royal meeting and the meeting last week.

Mrs. NEITA-HEADLEY: Oh, no, no!

Mr. MONTAGUE: You're hypocritical.

(Inaudible comments by Mr. Warmington)

(Laughter)

Mrs. NEITA-HEADLEY: Hear that again.

Dr. DUNCAN: Mr. Speaker, you didn't hear that one? Did you hear him, Mr. Speaker?

Mrs. NEITA-HEADLEY: Da one deh can't pass... No, Phillip, Phillip!

The SPEAKER: No, Mr. Warmington. (The Speaker gavels) No, no, Mr. Warmington. I just heard you made a comment, withdraw it.

Mr. WARMINGTON: Mr. Speaker...

The SPEAKER: Withdraw the comment.

Mr. WARMINGTON: ...what are you asking me to withdraw?

The SPEAKER: You made a comment there and I don't want you to repeat what you said. Withdraw it.

Mr. WARMINGTON: I cannot withdraw unless I repeat what I....unless you tell me what I said.

The SPEAKER: No, no. You made a comment. I heard it. Many people heard it...

Mr. WARMINGTON: What are you asking me to withdraw, Mr. Speaker?

The SPEAKER: The comment you made when you walked there to your seat.

Mr. WARMINGTON: You have to tell me which comment I am to withdraw.

The SPEAKER: Yes, I heard it.

Mr. WARMINGTON: But you have to tell me what comment I am to withdraw.

Mr. JACKSON: The comment that you made.

The SPEAKER: The comment you made I heard it.

Mr. WARMINGTON: In reference to 1980?

The SPEAKER: Yes.

Mr. WARMINGTON: Well, in 1980...

The SPEAKER: I said withdraw it. I said withdraw it. (Laughter) Withdraw it now!

Mr. WARMINGTON: In 1980...

The SPEAKER: I don't want to hear an explanation.

Mr. WARMINGTON: In 1980, a supporter was killed in my car...

The SPEAKER: No, no, Mr...

Mr. WARMINGTON: ...I was shot and the Member from...

The SPEAKER: Mr. Warmington...

Mr. WARMINGTON: ...Eastern Hanover knows. He was there, Mr. Speaker...

The SPEAKER: Mr. Warmington, I don't want to hear it. I want a withdrawal of the comment. I want a withdrawal of the comment.

A MEMBER: What you want to say, he was in action? (Inaudible)

(Cross talk)

The SPEAKER: No. Mr. Warmington, Mr. Warmington....

Mr. BUCHANAN: You are disrespectful.

Mr. MONTAGUE: Shut up, country boy?

(Cross talk)

The SPEAKER: No, no. I want a withdrawal of the comment.

(Cross talk)

The SPEAKER: Just withdraw the comment you made.

Mr. WARMINGTON: Let me respect the Speaker, please...

The SPEAKER: And withdraw the comment.

Mr. WARMINGTON: Country man, will you allow me to... (Inaudible) ...please.... Mr. Speaker, before l withdraw, can I ask you one question?

The SPEAKER: No, no, no! Withdraw the comment. I heard it.

Mr. PICKERSGILL: And the withdrawal is not conditional.

Mr. WARMINGTON: But it is a fact, he was charged for it.

The SPEAKER: I said withdraw the comment. I heard the comment.

(Inaudible comments by Mr. Warmington)

The SPEAKER: Mr. Warmington, withdraw the...

Mr. WARMINGTON: Mr. Speaker, what must I withdraw? Mr. Speaker, I apologize to have said it in the House.

The SPEAKER: Very good. Sit down!

Mr. WARMINGTON: But he was

charged and sent...(lnterruptions)

The SPEAKER: I don't want any further.... (Laughter)

Dr. DUNCAN: Mr. Speaker, the first time was a joke to me. The second time is serious.

Mr. WARMTNGTON: Didn't you go to court?

Dr. DUNCAN: He's a liar.

Government MEMBER: Point of order.

Dr. DUNCAN: What is the point of order?

The SPEAKER: No, no!

(Interruptions)

Dr. DUNCAN: He's a liar. I did not go to any court for anything like that.

The SPEAKER: Dr. Duncan, continue.

Mr. WARMINGTON: Mr. Speaker, he went to court in Spanish Town and was tried for it. He went to court in Spanish Town and was tried for it. He went to court in Spanish Town. So you can't tell me I am a liar. He went to court and was tried for it.

Dr. DUNCAN: That is a lie.

The SPEAKER: Mr. Warmington...

Mr. WARMINGTON: His three bodyguards shot me and killed.... (Inaudible) and he was charged for it...

(Heckling/shouting) (The Speaker gavels)

Dr. DUNCAN: I was not tried for any such thing.

The SPEAKER: Mr. Warmington, please, can you control yourself.

(Inaudible comments by Mr. Buchanan)

The SPEAKER: Please, Members, Dr. Duncan, could you please continue.

Dr. DUNCAN: No, I'm asking...

Mr. E. SMITH: Mr. Speaker, on a point of order. Aren't you gonna ask him to withdraw the statement?

The SPEAKER: No, continue, Dr. Duncan.

Mr. MONTAGUE: No. That's unparliamentary language. That's unparliamentary language.

The SPEAKER: No….

Mr. BUCHANAN: Montague, sit down.

Mrs. NEITA-HEADLEY: All now him nuh apologize.

Mr. MONTAGUE: Mr. Speaker, where's the proof that the man is a liar? You can't do that.

Dr. DUNCAN: Because the… I have never gone to court on any such charge.

Mr. MONTAGUE: Mr. Speaker, I'm awaiting...

The SPEAKER: Dr. Duncan.

Dr. DUNCAN: Yes.

The SPEAKER: The use of the term, kindly withdraw it.

Dr. DUNCAN: Pardon?

The SPEAKER: Kindly withdraw it. It is unparliamentary to use...

Opposition MEMBERS: No, no, no!

The SPEAKER: It is.

(Heckling)

The SPEAKER: No, no, you'd have to prove it.

Opposition MEMBER: To whom?

The SPEAKER: And you can't prove it in here.

Opposition MEMBER: Who is to prove it? Who is to prove it?

Government MEMBER: You!

The SPEAKER: No, no!

Dr. DUNCAN: I must prove that....?

(Shouting)

The SPEAKER: Dr. Duncan, Dr. Duncan, I think it is unparliamentary to be

calling the man a liar here. (Heckling) It is unparliamentary.

(Heckling)

The SPEAKER: Members, Members, Members, please! Dr. Duncan, please just withdraw it and continue.

Mrs. NEITA-HEADLEY: No, no, no!

Dr. DUNCAN: So, Mr. Speaker...

The SPEAKER: Yes.

Dr. DUNCAN: He has destroyed the truth. That's better?

The SPEAKER: I asked him to withdraw. He did.

Dr. DUNCAN: No, he didn't.

The SPEAKER: He did.

The SPEAKER: (Gavels) Members, Members please? Dr. Duncan, please just withdraw that statement you made.

Dr. DUNCAN: So, Mr. Speaker, he destroyed the truth.

The SPEAKER: I asked him to withdraw and he did.

Mr. PICKERSGILL: In a funny kind of way.

Dr. DUNCAN: He did?

The SPEAKER: Yes.

Mr. WARMINGTON: Yes, I did.

Dr. DUNCAN: Mr. Speaker, I want to finish the presentation. I withdraw. But, no Speaker, for a point of clarification.

The SPEAKER: (Gavels) Mr. Warmington, you know, in all fairness, well, things that have happened and you shout these comments in the Parliament, not only is it inappropriate, unparliamentary, abusive, but it brings the whole Parliament into…

(*Sotto voce* remarks by Mr. Warmington)

The SPEAKER: No, with due respect, it doesn't sound good, Mr. Warmington.

However it may have happened for you to be shouting these allegations in the Parliament and in all sincerity, Mr. Warmington, whether or not you can prove it and say it, the way you are behaving in terms of shouting at the Member allegations that really should be done on the street, it's not appropriate in here. I am saying, Mr. Warmington, you are not to do it, sir. And quite frankly, if you do it again, l have…

Mr. WARMINGTON: Speaker…

The SPEAKER: I have given you enough warning. Mr. Warmington, sit down and let… Dr. Duncan continue.

Mr. WARMINGTON: Mr. Speaker, I accept your admonition but the wound is healed but the scar is there.

The SPEAKER: I am not going to have you continue . Dr. Duncan, continue.

Dr. DUNCAN: Mr. Speaker, can I ask for one point of clarification?

The SPEAKER: Answer in the affirmative.

Dr. DUNCAN: Did you say he withdrew the statement?

The SPEAKER: He withdrew everything he said.

Dr. DUNCAN: Right. So my with...

(*Sotto voce* remark by Mr. Gallimore)

The SPEAKER: Please continue.

Dr. DUNCAN: No, this thing is going to go in **Hansard,** so I want to be clear what goes into **Hansard**. So when I say I withdraw, I withdraw the use of the word liar as unparliamentary, not withdrawing in the sense that I agree with him.

MEMBERS: No!

The SPEAKER: Dr. Duncan, no.

Dr. DUNCAN: Mr. Speaker, the country is united.

Mr. WARMINGTON: You cannot accept that. He was charged.

Mr. BUCHANAN: Let me see what you are going to do, Mr. Speaker. Display your action.

The SPEAKER: One word more, I am going to ask you to leave for the rest of the day.

Mr. BUCHANAN: No, no, Mr. Speaker. That's a weak position.

Mr. SHAW: Mr. Speaker, deal with that bushman down there for me.

The SPEAKER: Continue.

Mr. HENRY: On a point of order, Mr. Speaker.

The SPEAKER: Will you please continue.

Mr. HENRY: If my colleague will yield, Mr. Speaker.

The SPEAKER: Please, Mr. Henry, no. Dr. Duncan, could you continue your presentation.

Mr. HENRY: Mr. Speaker, on a point order. Many of us here are suffering great wounds from some of these decisions and my colleague should know that it is going to take a little bit of forbearance to appreciate that. So I am merely trying to bring some order back to this position.

Mr. PAULWELL: What is the point of order?

Mr. HENRY: The point of order is I am waiting on him to withdraw.

The SPEAKER: Now, Mr. Henry, l accepted the withdrawal from Dr. Duncan.

Mr. HENRY: If not I can speak to a lot of issues.

The SPEAKER: I have accepted the withdrawal. He withdrew his comment. Continue, please, Dr. Duncan.

Dr. DUNCAN: Mr. Speaker, I have tried to address the fundamentals of the Bills as distinct from an examination of the details, hoping that that would help guide us to exploring either the withdrawal of some of the Bills for more effective recommendations for framing the Bills in another kind of way, because we are all united around this national objective of eradicating this monster of crime. What concerns some of us is that if the recent business model that has been rolled out is the model that's going to be used across the country, there are some genuine concerns on several fronts. One, if the government use its majority to pass these Bills without further consultation, not just in here but more importantly in the wider society, has it thought through the planning and financing of the infrastructure that is going to be necessary as immediate consequences? That is additional lockups, additional prisons, additional correctional officers, additional court facilities and personnel among other things, apart from that list which I gave in the other debate.

What is the thinking on the comprehensive approach about this issue that's being discussed about the dismantling of garrison? Is the May 24 business model the model to be used in that regard? Are the crime Bills being used to further enhance this model? In a highly tribalized-political process who is going to provide the leadership and the new type of management that is required for the massive social and economic intervention that is necessary for a genuine transformation model, not a public relations model? Is the May 24 business model effectively a practice run for the 200 areas targeted by the soon-to-be-tabled anti-gang legislation? Is there hope for a transformation model instead, which

could include all other areas of similar socioeconomic profiles that need the new kind of social intervention to prevent them from becoming breeding grounds for future crime and violence? On what basis and by whom will these decisions be made? Where is the trusted leadership that is necessary for the mobilization of the people of Jamaica around these objectives? Let us consult...

(*Sotto voce* remarks by some Government Members)

Dr. DUNCAN: I can go anywhere I want. Let us consult with the people in our search for solution.

Mr. SHAW: How you like trace so, man.

Dr. DUNCAN: The rights of our people must never be undermined. The people must be consulted before fundamental decisions are made. While we endorse strong, effective and respectful use of force by the security forces to be established stability and order in our society, we are clear that they have sufficient powers under current legislation to do what needs to be done in the immediate future, assuming the will is there, and I believe it is.

Mrs. NEITA-HEADLEY: Yes.

Dr. DUNCAN: Let us move on multiple tracks in a thoughtful and creative way this time around. Let us truly grasp the opportunity to facilitate an inclusive process. Let us align on the range of anti-crime laws and socioeconomic interventions that will effectively get to the root of the scourge that still faces us.

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. DUNCAN: If some of the issues I have raised, Mr. Speaker, raised the concerns, to put it at its least, of certain Members in this House, it would seem to me that we are still at the stage where we cannot come to grips with our history and our past in a sensible way to discuss it and learn from the lessons that we need to learn from it. That is my purpose of bringing forward my own experience in these matters. Others have their experiences to tell and will tell them. Maybe...

(*Sotto voce* comments by Mr. Vaz)

Dr. DUNCAN: I said that me and you were in the NDM and follow Bruce. That's what I said.

(*Sotto voce* by Mr. Vaz)

Dr. DUNCAN: Let us therefore, Mr. Speaker, if we…

Government MEMBER: Is not a personal thing.

Dr. DUNCAN: It's not personal. Let us if possible, let us if possible set some forum some time, some place where some of these issues can be discussed with civility.

(*Sotto voce* remarks by Government Members)

Mrs. NEITA-HEADLEY: And sincerity.

Dr. DUNCAN: I am not talking about the Crime Bills in this effect. I am talking about the political process and some of the lessons that can be learnt from it to help us guide where we are.

In closing, Mr. Speaker, I repeat the quote from Einstein, "**We cannot solve problems by using the same kind of thinking that we use when we created them**". (Applause) Thank you, Mr. Speaker.

The SPEAKER: Mr. Pickersgill.

Government MEMBER: Bobbie, you spoke already.

The SPEAKER: (Gavels) Okay, Mr. Pickersgill.

Mr. PICKERSGILL: Thank you, Mr. Speaker. Let me first deal with the question of trust. I think I have made three attempts to

intervene in this debate and for one reason or the other they were frustrated. I did speak with the House Leader but he said the Prime Minister wants to finish this evening. That being so I will make my presentation.

Government MEMBER: Be short.

Mr. PICKERSGILL: I will not be short. It is not my intention, Mr. Speaker, to be repetitive in my intervention. Suffice it to say, however, that I too would like to join the Opposition Leader in conveying my sympathy to the innocent citizens who have lost their lives. I would like to offer my condolences to the members of the security forces who have been killed by these terrorists and simultaneously congratulate them for the job that they are spearheading.

Regarding the Bills, Mr. Speaker, much has been said and certainly I am in support of what has been said from this side and certainly from what I heard from the Member from St. James on that side. I don't know that I want to really support going to The Hague to deal with war criminals.

(*Sotto voce* remarks by some members)

Mr. PICKERSGILL: I ask myself the question, Mr. Speaker, I ask myself the question and it is a serious question, what would be the change in the *status quo* if we all agree to these proposed Bills in relation to the fight against crime? I submit Mr. Speaker, that we would be merely marking time. What appears to be obvious to me is that ordinary poor Jamaicans without the wherewithal to defend their rights would be at a distinct disadvantage and unless until I can see how the implementation of these Bills will advance the fight against crime, I cannot over my support.

Mr. Speaker, let me quote from a former Chairman of the Jamaica Labour Party. And this is what he said, and I totally agree:

"*The proposals for changes for bail are to be read along with Section 20 of the Constitution*."

And section 20 is what the Minister of Agriculture tried to deal with. And, of course, I disagree with his treatment of it;

"*The provisions to secure the protection of law. These proposals are made with respect to a person charged and they seek to:*

(1) prevent a Court from granting bail for 60 days; and

(2) they place an onus on a person charged to prove that he is entitled to bail; and,

(3) the Director of Public Prosecutions is given the right to appeal against the grant of bail."

The first proposal usurps the jurisdiction of the judiciary to determine the right to liberty for however limited a period. In this regard, Mr. Speaker, it alters the Constitutional provision at Section 20, subsection (5). And, Mr. Speaker, that one is well known to us because as I said - let me just quote:

"*Whenever any person is charged with a criminal offence he shall, unless the charge is withdrawn, be afforded a fair hearing within a reasonable time by an independent and impartial court established by law."*

As I said, the Minister of Agriculture tried to say that 60 days was a reasonable time. Never have we ever heard that as being a reasonable time.

(*Sotto voce* comment from Members)

The second proposal also offends against the presumption of innocence where it has long been accepted in deciding cases at the highest level, that it is unconstitutional to place an onus of proof on a defendant in criminal cases. That is well known to you, Mr. Speaker.

The *proviso* to the presumption of innocence at Section 20, subsection (5) is regarded as a burden to adduce evidence, as distinct from a burden to prove innocence. *Mutatis mutandis*, Mr. Speaker, the...

(*Sotto voce* comments by members) *mutatis mutandis* - the necessary change is being made. The right to liberty enshrined at Section 13 is abridged by the proposal for a person to remain in custody as a prisoner for sixty (60) days before conviction unless he can prove otherwise.

The third proposal that gives the DPP a right to appeal the grant of bail is not regarded as inconsistent with the fundamental rights so as to require a special Act of Parliament.

> "*These proposals are incomprehensible where they are accepted as inconsistent with the provisions in the Constitution without altering the provisions."*

I agree with distinguished Queen's Council former Chairman of the Jamaica Labour Party when he said this. And I adopt it as my own.

Mr. Speaker, as I said, I do not intend to be repetitive. My just question is, who, Mr. Speaker, who is proposing these 60 days? It is certainly not the police. It is not the police. And that has alarmed me and continues to amaze me. Indeed, Mr. Speaker, on the contrary, what the police has been asking for is speedy trials. They never asked for any 60 days. And, Mr. Speaker, to back me up with that, at a meeting held right in this Parliament - at a meeting held right in this Parliament ACP Ellington, and I quote... said he:

> *"Thank you, Madam Chair. What we asked for was speedy trials for certain offences, gun offences, because we have a situation where there are over 23,000 gun- attacks on our citizens in the last ten years, over four murders per day, for shootings per day."*

He goes on to say, Mr. Speaker,

> *"We never asked for sixty (60) days detention before bail is to be granted. What we are asking for is speedy trials*."

That's ACP Ellington, right in here. And he was questioned - a lot of questions were put to him and he said they didn't ask for it. I was amazed. I was sitting across there. And if it is the view of the Court that those persons need to be remanded for a week, two weeks, a month...

(*Sotto voce* comments)

...it takes to them... whatever it takes to try them on these offences, that is what we are supporting - never asked for it. And, Mr. Speaker, it went on...

A MEMBER: So, who asked for it then?

Mr. PICKERSGILL: ....with Senator Nicholson:

> *"We have been deceived. Led us down the garden path and then come to want to rope us in. Don't bother with that. You can't seek to secure people's interest and carry them wide. You can't do that, that is the continuation of the debate about the sixty (60) days."*

They never asked for it. So, I don't know where it is coming from.

And, Mr. Speaker, what is informing the logic of this request? With the present *status*

quo, Mr. Speaker, both the police and the prosecution have a very free and flexible hand. Mr. Speaker, let me once more refer you to the same meeting where this matter was ventilated. Let us hear from none other than the DPP herself. She was responding. And this is what she said:

"*Madam Chair, may 1 have your permission to have my tongue drawn by Senator Finson.* "

And she went on to say that, really, this is policy - a matter for the Parliament. But when she was pressed as to how long it now takes, this is what she said - Miss Lewin - Llewellyn:

"*Because on occasion, as 1 have experienced and my colleagues have told me, as 1 said very open, the thrust of counsel is really - and the accused is to get bail. So, what may happen is that the matter is put two, three times. First of all, we have to set the representation so it may take two/three weeks before counsel is either retained or counsel is assigned. So, three/four weeks are gone. The Crown will try to get the matter ready, maybe because of a lack of proper dates. Then we have a situation where another two weeks are set for bail application, then we have a situation where, because of lack of proper dates it may take another two or three months."*

That is over ninety (90) days. So...

(*Sotto voce* comment by some members)

Mr. PICKERSGILL: I coming to point. You following me. A coming to that.

So, Mr. Speaker the police have said they didn't ask for sixty (60) days, and the DPP is saying that it can go up to one hundred (100) days. So, now, what I want to know is, what is informing the logic of this request when the present *status quo*, both the police and the prosecution, have a very free and flexible hand.

Mr. Speaker, let me once more refer you to that meeting. Why then would the Government want to interfere with the citizens' liberty to achieve an objective that is, at best, illusory? Because if you cannot achieve it now in this unfettered situation, Counsel, over 90 days or more, why do you think that within the constraints of 60 days, you will?

(*Sotto voce* comment by Mr. E. Smith)

Mr. PICKERSGILL: If you can't do it now when you don't have the... you can go up to one hundred (100) days - why you want to put it to 60? I would like to have that answered. The question remains, what will happen after these 60 days, if your target objective is not achieved? Mr. Speaker, let....

(*Sotto voce* comment by some members)

No, that's not what I have before me.

Mr. Speaker, let me remind everyone about this hallowed phrase.

Mr. E. SMITH: You read but you don't understand.

Mr. PICKERSGILL: Let me remind everyone about this hallowed phrase.

"Those who give up liberty for security deserve neither."

(Applause)

Those who give up liberty for security deserve neither. And as was said here before, "*there will be no peace without justice*". And that is so. What this quote is signifying, Mr. Speaker is that as the poet had said, we are all born free. And that right must be jealously, zealously and meticulously guarded.

You see, Mr. Speaker, as a former Governor in New York said:

"We ought not to campaign in poetry and govern in prose."

And that's what we are experiencing, with all those promises that were made. A case, Mr. Speaker, as you know - generally, a case, Mr. Speaker, is never generally elementary. It is always evidentiary. And if that being so, Mr. Speaker, what we need to do is to use all possible measures to speed up the preparation of cases and that is the exclusive responsibility of the prosecution and the police. And what they are saying, we need speedy trials. It is not the responsibility of the citizen, save and except where the citizen has some relevant information.

Let me suggest that, regarding the Act, Mr. Speaker, to make interim provision in relation to the grant of bail in specified circumstances, I would like to ask, regarding Section 3(a)(1)(b), what time period will there be before the person is first charged, since the section states:

"*Shall be entitled to be granted bail only if a period of sixty (60) days, commencing on the date on which the person is first charged with that offence has elapsed and the person satisfies the Court that bail should be granted."*

Mr. Speaker, if some of these draconian measures are implemented, they will break the spirit of many young, unfortunate Jamaicans; young men who are usually scraped up in droves to be processed, and thereafter the majority of them is released, quite frequently after bitter experiences, sometimes a broken leg, a broken arm.

But, Mr. Speaker, as you very well know, you being the professional that you are, you can fix those. But what you can't fix, Mr. Speaker, there is no prosthesis for an amputated spirit. No prosthesis. And I wish you would bow in agreement, Mr. Speaker.

(*Sotto voce* comment/Laughter)

You know otherwise, you know otherwise.

Mr. Speaker, just a couple days ago, I heard Assistant Commissioner Robinson in charge of what.. Area 3? I heard him on public radio saying to the Commissioner that jails in May Pen and Mandeville - in May Pen, the jail is intended for 30, it had over 70; and in Mandeville it is the same. And he is asking what is going to happen. That's what the previous speakers have been saying. What you do with these guys? You just scrape them up, you just have them... can you imagine a prison for 30, and you have 70 inside there? And you want to keep them for 60 days and sometimes more.

Mr. Speaker, in an article entitled: "**Even A Dozen Crime Bills ls No Fix**" written by the *Financial Gleaner* columnist WILBURN PERSAUD. He said:

"Along with remedies and punishments for flouting it, the law provides a set of rules to govern behaviour. Human behaviour conforms to a set of norms that are not always static. These norms are adaptive and they can change with circumstances, particularly to the extent that they affect people's life chances."

People's life chances - that's what we are talking about, these young fellows who you lock up.

What is the impact of Gun Court rules in the face of the garrison community as a norm? The impact is that, often, individuals without influential connections whose behaviour is of little consequence to the overall system, bear the brunt of punishment with no true impact on positive change of the behaviours the

legislation aims at. He continues, Mr. Speaker:

"*Former United States Supreme Court Justice David Soutar, in his recent Harvard commencement speech argued that:*

We want order and security and we want liberty; and we want, not only liberty, but equality as well. These paired desires of ours can clash. And when they do, a Court is forced to choose between them. Perhaps, however, the more important point he made was the fact that...

And he was speaking of the US Constitution.

…Constitutions contain values that may well exist in tension with each other, not in harmony. This is the crux of the matter."

He continues, Mr. Speaker.

"legislation shall not solve the crime problem we face."

The SPEAKER: (Gavels)

Mr. GALLIMORE: Mr. Speaker, I beg the suspension of Standing Orders to allow the House to continue past 7:30 p.m. to conclude the business of the day.

The ACTING SPEAKER: The question is that the House move to suspend Standing Orders for the House to sit beyond 7.30.

Put to the House and agreed to.

Mr. PICKERSGILL: Thank you, Mr. Speaker.

Government MEMBER: Not more than five (5) minutes.

Mr. PICKERSGILL: No, I am going more than five (5) minutes.

"Legislation, Mr. Speaker, cannot solve the crime problem we face. Legislation and rules merely set a framework."

I am still quoting.

"Once we are agreed and admit of Justice Soutar's values that may well exist in tension with each other, not in harmony, then we as a society can go about righting the wrongs we have accumulated over the years. Crime and its association with garrisons, political parties and governance did not develop overnight. It will not be defeated by six (6) Bills passed in a six-hour debate by Parliament, of which many members owe their seats and ability to participate in that debate, in any debate for that matter to the cancer they now wish to force into remission.

Legislate; yes, but understand these tensions that exist among liberty, equity, equality and security, understand the fundamental and systemic biases our society perpetuates and seek to remedy them. Behaviour cannot be legislated and just as the militia under slavery could never guarantee security similarly, draconian law and a well-equipped police force shall not. Until our people, all of our people see and feel a reasonable chance of success too many shall remain prey to those who benefit from luring them into support for or anticipation in forever morphine forms of criminal enterprise."

Mr. E. SMITH: What are your views now?

Mr. PICKERSGILL: Mr. Speaker, let us remember that our Bail Act came into existence in the year 2000. And let me quote for you what was said by the then HONOURABLE MR. JUSTICE HIBBERT, at a Judges seminar held at the Grand Lido in March of that year. I quote:

"Whether or not bail should be granted has always been a vexed question in

> Jamaica as indeed in other common-law jurisdictions. As bail applications depend so much upon their particular facts and are really the subject matter of a report, an attempt was made to correlate published materials in order to extract a set of principles which could provide a guide in the consideration of bail applications"

He then referred to ALEX SAMUELS in his book entitled *'Bail Principles'* published in the New Law Journal. And it says, Mr. Speaker,

> "anyone or more of a number of factors may assume a greater or lesser importance in any particular case and the following factors appeared to have been considered by the Judges as being of possible relevance, the likelihood of appearance at the trial, the nature of the accusation, the nature of the supporting evidence, the likelihood of conviction, the likely. sentence upon conviction, the previous record of the accused, the likelihood of further offences if bail is granted, the possibility of interference with potential witnesses and juror, any previous failure to answer to bail and the substance and reliability of any persons offered as sureties."

These are the principles, Mr. Speaker, and these principles are used by Judges. Let us not attempt to take that away from them. These factors identified by Alex Samuels are those which have been mostly considered in deciding whether or not bail should be granted. In Jamaica it was, however, believed that the exercise of the discretion to grant bail lacked uniformity, hence Parliament enacted the Bail Act, as you know, Mr. Speaker.

Let us now, Mr. Speaker, move to mandatory sentences. I would like to refer you once more to the flip-flop approach to governance by this Administration; and hear me out. I refer you to a sitting of the Senate in June '07 during the passage of amendments to the Representation of the People's Act dealing with open voting. This is what the then Attorney General and Minister of Justice, the Honourable A. J. Nicholson stated.

(*Sotto voce* remarks by Mr. E. Smith)

Mr. PICKERSGILL: Yeh man, yuh gwine...

(*Sotto voce* remarks by Mr. Warmington)

Mr. PICKERSGILL: Mr. Speaker, this is what he said: The use of mandatory sentences was recently discussed in Parliament in June '07 during the passage of amendments to the Representation of the People's Act dealing with open voting. During that debate the then Attorney General and Minister of Justice, the Honourable A.J. Nicholson stated, and I quote:

> "The trend across the Commonwealth certainly in Canada, the United Kingdom, in the Caribbean, the trend is that mandatory sentences are frowned upon." He continued, "the trend is also against placing any real fetter on the discretion of the Judge in this regard. It is meant to signal to the world that the would-be offender would if this offence is committed that the Courts are to consider that it is a serious offence."

That is the intention. But listen, Mr. Speaker, what the present Attorney General said then and listen carefully.

Dr. BARTLETT: Another quotation?

Mr. PICKERSGILL: Yes. In the same debate SENATOR DOROTHY LIGHTBOURNE,

then in Opposition, stated:

"The view and the continuing trend worldwide is that mandatory sentencing contains the discretion of our Judges."

She is the person who has signed three of these Bills.

"We here pass laws and the Judges carry out the effect of our laws. They try the case. They have persons in front of them. They hear the evidence. They see the witnesses. They ask for social enquiry reports. They ask the background, circumstances."

That's what she said in keeping with what the Honourable Hibbert said.

"What is being proposed is the maximum sentence and that Madam President, will indicate how seriously-we take- the offence, that the offence is serious and so the Judge having heard all the evidence can say this one is really serious."

And she goes on.

"And so Madam President, minimum mandatory sentences really have a negative effect on the justice system."

Mr. BUNTING: This is Dorothy?

Mr. PICKERSGILL: Yes. The same person who is proposing these things.

Mr. BUNTING: What! What year was that?

Mr. PICKERSGILL: 2007.

"In fact it has repercussions all the way down because if there must be minimum mandatory sentencing it increases the prison population",

…same thing A.J. said,

"and our prisons are overcrowded as it is and it takes away the Judge's discretion to go into the mitigating circumstances, the circumstances under which the offence was committed, the circumstances of the offender, was the offender a person of previously good character. This offence is out of character, the whole circumstances of the offender, the age of the offender. But Madam President when you have a pre-determined minimum sentence regime you cannot cover all the circumstances and that can really result in somebody being unfairly and unjustly punished."

Mr. BUNTING: Her words.

Mr. PICKERSGILL: This is the Attorney General saying this, two years ago,

"and so we need to take that into account if we are going to have a fair and just justice system."

Why this flip-flop.

"And one of the things also that the minimum mandatory sentence does, Madam President, is to remove persons giving guilty pleas".

And you understand that right away, Mr. Speaker. All right. You are not nodding, Mr. Speaker?

"There is an incentive sometimes to plea guilty but you know that if you plea guilty the Judges hands are tied"

not me seh so, the present Attorney General said so two years ago –

"…the Judge's hands are tied and this is the sentence the Judge must impose and so that again clogs the judicial system, clogs up the court diaries, it's time consuming, it's costly. We give the flexibility to the Court, to the Judge to impose a just, what I would say is a just sentence in all the circumstances".

And Mr. Speaker, I could go on. You should have heard her. She is totally against it.

Mr. E. SMITH: Were you there?

Mr. PICKERSGILL: You know, Mr. Speaker - Mr. Speaker, there is a saying a foolish consistency is the hobgoblin of small mind.

(*Sotto voce* remarks by Mr. Smith)

Mr. PICKERSGILL: Yes. You are consistently foolish and it's the hobgoblin of a small mind.

Mr. SHAW: Why are shouting?

Mr. PICKERSGILL: Mr. Speaker, you know this is from the Senate and if you doubt me go and check it. Mandatory sentences are also discussed in Lambert Watson *versus* the Queen. The Privy Councillors have said it, Mr. Speaker, and I don't have to remind you because you are *au fait* and aware.

Mr. Speaker - I hope you see, Mr. Speaker, what I mean when I say this Administration has a flip-flop attitude approach to governance.

Mr. Speaker, what I would like to propose is that we proceed to implement the proposals and the recommendations emanating from the Wolfe Report, the MacMillan Report that they said would have solved many of the problems. I don't know how far they reach with that.

(*Sotto voce* remarks by some Members)

Mr. PICKERSGILL: The Justice Reform Report. But if you are convinced about it, use it. The Justice Reform Report, Mr. Speaker, and the PERF Report, the Police Executive Research Forum, the PERF Report, Mr. Speaker. They have those Reports, use them.

Mr. Speaker, what l would further like to see...

(*Sotto voce* remarks by Government Members)

Mr. PICKERSGILL: We move steadily with them, with what we had. Mr. Speaker, what I would further like to see is that we move to strengthen our relationships with other countries in the transnational fight against crime. (Applause)

Mr. Speaker, I am aware that in our time we had appropriate officers posted in other jurisdictions to facilitate the conviction of criminals, in particular those who operated internationally and indeed transnationally.

Mr. Speaker, I venture to say - and I want you to listen to me, sir. I venture to say, Mr. Speaker.

Mr. SHAW: Him never practise in court one day.

Mr. WARMINGTON: Forty-odd years a lawyer and you have never won a case yet.

Mr. PICKERSGILL: You have been warned by the Speaker, you know.

Mr. PICKERSGILL: Mr. Speaker… Mr. Speaker, I venture to say…

(*Sotto voce* comments by Mr. Shaw) (Laughter)

Mr. PICKERSGILL: Mr. Speaker… Mr. Speaker. . .

Mr. SHAW: The Speaker must give you his undivided attention…

Mr. PICKERSGILL: Yes, he is a lawyer.

Mr. SHAW: …while you read your speech. (Laughter)

Mr. PICKERSGILL: Yes, he's a lawyer, he'll understand. Mr. Speaker, I venture to say, and listen…

(*Sotto voce* comments by Government Member)

Mr. PICKERSGILL: I venture to say, Mr. Speaker, that were it not for the Extradition Treaty, criminals like JIM BROWN, VIVIAN BLAKE, RAMCHARAN, NEMBHARD

and DONOVAN WILLIAMS to name a few, and this list is not exhaustive would not have been convicted, they would still be here with us plundering and murdering, were it not for the Extradition Treaty. Why do I say that, Mr. Speaker?

These notorious criminals were convicted based on the painstaking and disciplined efforts of the countries that requested their extradition. And, Mr. Speaker, what does this tell us? Certainly to me, it means that until we are able to develop those capabilities of intelligence gathering and cogent information, we will need to rely and seek more international help to deal with this crime monster that we have in our midst.

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

Mr. ROBERTSON: No more time.

Mr. HOLNESS: Mr. Speaker, I move for the suspension of Standing Orders to….

Mr. SHAW: Five minutes.

Mr. PICKERSGILL: No, I need more than that. When I reach that I'll tell you, I need more than that.

Mr. HOLNESS: …extend the member's time by 10 minutes to complete his presentation.

The SPEAKER: The motion before the House is….

Mr. WARMINGTON: Mr. Speaker.....

The SPEAKER: Yes, can l just move this first, Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, Mr. Speaker, before you extend the Member's time for the five or ten minutes that he wants to extend, you have not really instituted or stuck with…

The SPEAKER: What's the Point of Order though, Mr. Warmington?

Mr. WARMINGTON: .....32(11), and I have noticed the Member has read his speech consistently. (Applause) And regardless that it has happened before, Mr. Speaker, it is about time that you use or really, you know, see to it that 32(11) is enforced in the House, regardless that it has been broken from time to time.

The SPEAKER: Okay.

Mr. WARMINGTON: Thirty-two (11) says:

> "*That a Member shall not read his speech but he may extract from a written or printed*…"

The SPEAKER: I know the section, Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, you know the section but you are not observing the rule of the law here. I am asking you, I am calling on you to institute 32(11), see that the Member speak without reading his speech, Mr. Speaker. It is about time you institute this part of the Standing Order! Please, I am begging you!

Mr. SHAW: And he's having an illegal beverage as well! (Laughter)

The SPEAKER: (Laughter) The motion before the House is for the Member's time to be extended by a further 10 minutes to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Mr. Pickersgill.

Mr. PICKERSGILL: Thank you Mr. Speaker.

As I was saying, Mr. Speaker, those notorious criminals were convicted based on painstaking and disciplined efforts of the countries that requested the extradition. And I ask what does this tell us?

Certainly to me, Mr. Speaker, it means

that until we are able to develop those capabilities of intelligence gathering and cogent information, we will need to rely and seek more international help to deal with this crime monster that we have in our midst.

Let us face it, Mr. Speaker. All attempts by us to have successfully convicted any of these men met with failure, either from witnesses not showing up, intimidation of witnesses, the murdering of witnesses or witnesses through fear, changing their stories and the list goes on.

Mr. Speaker, I have no doubt that we need help and I am not at all attempting to belittle the efforts of our local security force and our crime fighters. It is just that victory continues to evade us, Mr. Speaker, and there is no doubt that these countries in the matter of crime fighting are very favourably disposed towards us. Ask and it shall be given, Mr. Speaker. Instead we have our most recent experience which is, that despite the pains-taking evidence produced by the requesting state in response - we at the highest level dither, wavered and vacillated for nine (9) months. . .

(*Sotto voce* comments by Government Members)

Mr. PICKERSGILL: …we vacillated for nine (9) months, Mr. Speaker, which has plunged the country into the unfortunate and unprecedented state that we have found ourselves in. And in the meantime, Mr. Speaker...

Mr. MONTAGUE: Same ting D.K. sey.

Mr. PICKERSGILL: …It has opened up and exposed a den of iniquity, the like of which this country has never experienced. And to add insult to injury, our hard-working taxpayers money, as we are now discovering, has been used to facilitate this criminal kingdom with its pernicious tentacles all over the world.

Mr. Speaker, I heard, I am sure, that the Minister of Tourism, the funds given to him moved from US$10 Million to US$20 Million?

Government MEMBER: So what? So? So?

Mr. PICKERSGILL: To invite people to come to…

Mr. SHAW: ....because you don't know the figures, stick to reading then.

Mr. PICKERSGILL: That's what I heard. You will have the opportunity to contradict me.

Mr. SHAW: You might as well read weh yu have in there.

Mr, PICKERSGILL: Let us not now in attempt, as my colleague said, Mr. Speaker, to reshape images and to make false claim, respond in this knee-jerk fashion.

Mr. Speaker, the test of the pudding is in the eating. Already some on that side were rejoicing about the lull in criminal activity since the State of Emergency was imposed, only for us to hear in subsequent broadcasts that the murderers were on the loose once again.

Mr. WARMINGTON: Mr. Speaker, a Point of Order.

Mr. PICKERSGILL: We should all take note, Mr. Speaker . . .

Mr. WARMINGTON: On a point of Order, Mr. Speaker.

Mr. PICKERSGILL: …of the headlines in the newspaper.

Mr. WARMINGTON: On a point of Order!

The SPEAKER: What's the Point of Order?

Mr. WARMINGTON: Point of Order.

Mr. SHAW: Sit down!

Mr. WARMINGTON: I have drawn your attention to 32(11), which you have not ruled.

The SPEAKER: Yes, and I am…

Mr. WARMINGTON: And the Member continue to read his presentation, 32(11)!

The SPEAKER: Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, you need to rule!

The SPEAKER: Mr. Warmington, if you read the rule it allows you to look at your - it allows for him to look at his notes.

Mr. WARMINGTON: But he is reading!

The SPEAKER: Continue, Mr. Pickersgill.

Mr. PICKERSGILL: Mr. Speaker, we should all take note of the Bill Johnson Poll in an edition of the Gleaner which said: "We are doomed." The findings are very revealing, Mr. Speaker.

I know, I know that you being the kind of lawyer that you are would not really vote for these Crime Bills. Some of what is happening in our country, Mr. Speaker, is outright raw and vulgar terrorism. And as a former US Secretary of State said, Mr. Speaker, and I quote:

> "*Terrorism is not an entity, it is a technique. "*

So, Mr. Speaker, it cannot be fought by soldiers and bullets. It has to be fought by unchallengeable evidence secured by scientific intelligence not by legislation aimed at locking up young men in droves without bail.

Mr. Speaker, the country is now at a crossroads in this attempt to find a solution for the crime problem, which is sustainable. By this I mean a comprehensive solution which brings the criminal to justice, while at the same time preserving the human rights and dignity of every Jamaican, irrespective of his or her station in life.

Mr. Speaker, there is a number of truths which we as a people must accept if we are to be honest about our efforts. What are these truths, Mr. Speaker? **One**, the police alone cannot fight criminality successfully. **Two**, any solution cannot be sustainable if it is going to compromise the rights of the Jamaican people. **Three,** the method which we have used past and present are woefully lacking in the rate of success of convicting criminals including murderers. The clear-up rate of solving crimes moreso murders has been disheartening and disappointing, Mr. Speaker. We have relied on statements by witnesses, some of whom have been intimidated, murdered, bribed or just failed to appear because of fear.

(*Sotto voce* comment by Government Member)

Mr. PICKERSGILL: Mr. Speaker, this is so notwithstanding the introduction of the government's Witness Protection Programme at great cost to the government. When all of these truths are taken into account, Mr. Speaker, only a flip-flop approach would continue on a path which obviously has failed miserably.

Mr. Speaker, the truth is, that every criminal activity, every criminal activity, every crime, every dysfunctional action always –

Mr. SHAW: You are reading out a legacy, that's what you are doing!

Mr. PICKERSGILL: …let me repeat for

emphasis, Mr. Speaker - always leaves behind a material footprint. Why have we been unable to identify the material evidence in this footprint to convict criminals, Mr. Speaker?

The reality is that we have failed to apply the science to inform ourselves of the material evidence to convict the criminal. We have continued down a road of reliance on the subjective factor for evidence, rather than the reliance on the use of science or what is described as objective evidence.

Mr. Speaker, the criminal can shoot the witness, bribe the witness, intimidate the witness and subvert the course of justice. However, Mr. Speaker, the criminal cannot shoot, intimidate or bribe material evidence, can't shoot or do that. It is decidedly very difficult if not impossible, Mr. Speaker, to compromise material evidence and subvert the course of justice.

Let us all get real in this Honourable House, Mr. Speaker. The final truth is that the missing essential link in our fight against crime is and has been our failure to utilize modem scientific methods in our fight against crime. This is the only way that we will have any hope of solving crime in a sustainable way.

The use of modern scientific-based methods, Mr. Speaker, is the surest way for us to solve, not only the crime problems but also simultaneously to protect the rights and dignity of our people while doing so. And, Mr. Speaker, that should be evident. You can't shoot material evidence.

We must be able . . .

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

Mr. PICKERSGILL: Five more. Five more.

(*Sotto voce* comments by Government Members)

Mr. WARMINGTON: No, no, you can't get five minutes.

Mr. HUTCHINSON: No! No!

Mr. HOLNESS: Five minutes. Mr. Speaker, I move for the suspension of Standing Orders to extend the Member's time by five minutes to wrap up his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Member a further five minutes to complete his presentation. And, as best as possible, Mr. Pickersgill, make sure you are using notes rather than reading.

Mr. PICKERSGILL: Yes, Mr. Speaker.

Mr. Speaker, Mr. Speaker, we must be able to…

Mr. WARMINGTON: Just a minute. Mr. Speaker, you did not put it to the House to say you are extending….

The SPEAKER: Sorry.

Mr. WARMINGTON: …you must put it to the House for those to say Aye or Nay.

The SPEAKER: Yes, I am…

Mr. WARMINGTON: I am saying Nay! So put it to the House!

The SPEAKER: Those in favour? Those against?

Mr. WARMINGTON: No!

(Laughter by all Members)

The SPEAKER: The ayes have it. Mr. Pickersgill, continue.

Mr. PICKERSGILL: That is not subtracted from my five, you know.

(*Sotto voce* comments by Members)

Mr. PICKERSGILL: Mr. Speaker, Mr. Speaker, we must be able to - you know, Mr. Speaker, I want you to hear this because you

understand. We must be able to transform information into intelligence - and we are not doing that - that can eventually be used as unchallengeable evidence.

Mr. Speaker, you know, this CSI Programme on TV is not far-fetched, you know, sir, that's what countries are doing. So when you go to court, you don't depend on I see witnesses, you depend on science.

Mr. Speaker, this is the fundamental principle that we as an Opposition will be looking at. And, Mr. Speaker, until and unless it can be explained to me what is it that we are trying to achieve by the introduction and implementation of these Bills that our existing laws are unable to achieve... What is it? Because as I pointed out the sixty (60) days - they now enjoy a hundred, more than a hundred days. The police didn't ask for this, so who did?

Certainly, Mr. Speaker, it is not a State of Emergency, not a cordon, not a curfew, not the ability to search, seize and detain not more time for case preparation. All of these provisions, Mr. Speaker, are now within our grasp and gift. So for heaven's sake, let us use them.

Mr. Speaker, I am acutely aware that all of this costs money, but Mr. Speaker, we have often said - and I think the Minister of Education has reminded us - if you think education is expensive, try ignorance.

Mr. SHAW: And you are the good example.

Mr. PICKERSGILL: What I would like to put beside that, Mr. Speaker, if we think that justice is expensive, try anarchy. We need to find the resources. Right now, Mr. Speaker, we have a clear example that the unfortunate situation brought on us. And, of course, I mentioned that already. Because to me, Mr. Speaker, the US$20 Million being spent to attract tourists here is not going to be really well spent. But that's a decision the Government has taken.

Mr. SHAW: Your five minutes are up now.

Mr. PICKERSGILL: After all, Mr. Speaker, there is no doubt that all Jamaicans consider crime to be our number one problem; and the Bill Johnson polls published...

Mr. SHAW: Oh, that's why you are...

Mr. PICKERSGILL: ...has indicated that that is so.

There is absolutely no doubt that the criminality that we are experiencing has substantial - the people who are involved in it, Mr. Speaker, they have substantial financial resources; and one way of getting rid of these criminals is to cut off the source. We must therefore proceed to immediately confiscate the assets of these leaders of organised crimes. This, I gather, can be done under the Civil Recovery Orders and can be placed before the Courts. The Financial Investigation Division needs to speed up the work in preparing these Orders and we should move to provide whatever additional resources that may be needed to speed up the process.

Mr. Speaker, we must immediately terminate existing contracts with dons. That should not be difficult to do, because it is really laughable that we are using taxpayers' money to support these criminal enterprises. We should immediately move to place a stop order on current and pending contracts and perhaps moreso on subcontractors to these Mafia-type entities.

Mr. Speaker, one way to stop this type of criminality is to cut off the source of money,

because the most recent celebrated criminal that's what he had in abundance. We should also instantly begin to subject contractors, starting with what I would like to describe as questionable entities registered with the NCC to fit and proper tests, subject them to fit and proper test and see how many can pass, supervised by the relevant agencies. We are to proceed to weed them out, Mr. Speaker. Without the ill-gotten gains they cannot survive.

Finally, Mr. Speaker, as you have heard from my other colleagues, there must be comprehensive social interventions accompanying these measures and recommendations. The six crime Bills as I said, Mr. Speaker, I don't know what they are going to do, because everything they are proposing to do we can do now. And until and unless I see what it can do, Mr. Speaker, I cannot support these Bills.

May it please you, Mr. Speaker.

The SPEAKER: Thank you.

Prime Minister?

The PRIME MINISTER: Mr. Speaker, the debate which has been quite lengthy has essentially revolved around two issues. One is the concern that the measures will have the effect of eroding the rights of Jamaican citizens. And the second is what is perceived to be the unwarranted, ill-advised interference with judicial discretion. Now those are the two broad issues in relation to the thrust of the Bills. There are other issues that have arisen: the risk of abuse by those agents of the State, the members of the security forces whom we are entrusting with more power, the lack of trust in the security forces, the question of the inefficiencies in the court system as being the area where we ought to be focusing more attention rather than increasing the powers. There was a point that was raised about the impact this would have on the Plea Bargaining Regulations that we approved recently. And then there is the other issue about the need for social intervention and a recognition that that has to be part of the approach that is to be taken.

Mr. Speaker, the comments that have been made are not to be taken lightly. And I want all the Members of the House who have spoken, from both sides, to appreciate that even where we may disagree it doesn't mean that we are dismissive. It doesn't mean that we are taking the issues that have been raised lightly at all. All of us swore on oath in which we committed ourselves to upholding and defending the Constitution of Jamaica, and that naturally must include the protection of the rights of the people as are provided for in that Constitution. And it is because of that commitment and because we are not unmindful of the concerns that have been raised, we are not contemptuous of them, even when they have been expressed in rather aggressive and harsh measure.

We have in fact identified areas where we feel the Bills can be improved through amendment. And when we get to the presentation of the Bills themselves, we will be proposing amendments which address some of the concerns. As I said before, will not address all. And I am talking about amendments further and beyond the amendments that made it necessary for us to withdraw two of the Bills and introduce redrafted Bills.

But let it be clear, Mr. Speaker, that upholding the human rights of individuals in the society and securing the rights of the

society of individuals are not absolute positions. We just don't have the luxury of making well-prepared presentations which give the impression that it is one or the other. That we must decide well, we are going to support the individual human rights without recognizing that in doing that you have to ensure that the rights of the society which comprise many individuals are not compromised. It's not given to us, Mr. Speaker, to choose one or the other.

I have recognised before there is an inescapable friction between human rights and maintaining in a society, the kind of order that will ensure a safe society. There is inevitable friction. We are not going to avoid it. And it's not peculiar to Jamaica. It exists in virtually every country. It is because of this action that you have an American Civil Liberties Union; it's because of that friction that you will always have an organization like that. It is because of that friction that you have a Jamaicans for Justice, and you will always have an organization, if not Jamaicans for Justice, organizations that are dedicated to watching, to monitoring that and to sounding the all when human rights are violated. We are not the only country that has had to wrestle with this.

I made the point that 9/11 changed more than just the convenience with which we can traverse airport. It changed the attitude of the entire world towards certain principles of jurisprudence, certain concepts of rights that were considered inviolable. But as a result of 911 societies had to say well, what do we do in the face of this new phenomenon that we have never experienced before. When we were crafting our laws, when our forefathers were laying down our Constitution they didn't contemplate that we would have to face this kind of situation.

There are armies, powerful armies in the world that still have not found out how do you deal with a suicide bomber. You make certain assumptions about your enemy, you make certain assumption that they will put their lives at risk, but there is a threshold that they won't cross. So you can then calculate how do you reckon with that enemy. But armies are now befuddled, how do you deal with somebody who is prepared to strap themselves with explosives or walk up to you and give you a wonderful embrace. And all of a sudden all the rules of military engagement have had to be revised.

It's the same thing that we face, Mr. Speaker, in terms of how we secure a nation, how do we keep the people safe against the kind of threats to which we are today exposed; and how do we do that whilst still recognizing that we can't arrogate to ourselves the right to take away the people's rights in order to protect the people. And how do we find that balance is something that nations all over the world have had to be struggling to establish. We are at such a time and we are faced with such a circumstance.

There are societies, Mr. Speaker, where violent crimes is a rarity, is an aberration. I can't remember the name of that town in... was it Scotland, two weeks ago where some man went ballistic and shot eight or nine people. They have never witnessed anything like that before. I mean it's a quaint, placid, peaceful little area that everybody gets up and everybody lives happily with each other. And the biggest crime that they would have there is breaking a red light, and all of a sudden they came to face squarely, this new aberration. But

for them it's an aberration. Eight people being shot in one day is something that we have had to live through many days. And therefore we have a particular phenomenon that has to be addressed.

Societies like those can laws that are benign and then they can devote all the resources that they need to devote when they have this aberration. That's not the nature of our society. We have had to live with one of the highest murder rates in the world. It is not something that we can live with on a permanent basis.

Now the point has been made, Mr. Speaker, so often, almost as if it's a point that has to be driven home, when it's a point that I have myself acknowledged. We are not of the view that tough laws and tough enforcement by themselves are going to fix crime. Nobody ever suggested that. It's just that you are faced with something that requires every resource that you have, every ingenuity that you can find. There is no one fix. There is no social transformation alone that is going to fix it without tough policing. I have seen some social transformation measures; I have seen some social intervention measures. Some of them carried out by governments, agencies, some of them carried out by non-governmental agencies that have had the effect of only going in there and institutionalizing the gangsterism even more, because it's captured by the criminal network. So there is no one button, there is no one tool. It's going to have to be a combination.

What is clear is that we are not going to arrest this current trend without tough measures. And secondly, secondly let me make the point, because I believe some of us are misguided into thinking that you have to sequence your response in a particular way. So you have to look at the causes of crime and then you have to address those causes and then look at your law enforcement as the last stop. So we have a problem with parenting, irresponsible, reckless parenting. So we have to fix the parenting problem.

But you have a problem with the schooling as well and notwithstanding the improvement that the Minister has quite justifiably claimed this year, we have many children that are leaving school not able to read and write; so we have to fix the schooling problem as well. Then if you even manage to get them through school in reasonable shape, you need to find jobs for them, so we have to fix the employment problem as well.

And then, forget, that you have a police force where you still have some people who are corrupt, you still have some rogue elements in the police force, that has to be fixed as well. And then you have a court system that is far from what it ought to be, so we need to go fix the court system.

We cannot say, Mr. Speaker that fix the parenting problem first, then when you manage get through that then you fix the education problem, then you go fix the problem with the economy that will provide the job, fix all of those and just tolerate the high level of crime while you set about fixing those. If you don't deal with the problem of crime, Mr. Speaker, it will never allow us to achieve any of these things. To fix these fundamental things that we have to address, we have to tackle it on all fronts at the same time.

We acknowledge that some of the measures that we are proposing are extraordinary. As a matter of fact, so

extraordinary and so much acknowledged by us, that in relation to two of the Bills, we have imposed a sunset clause that says that this automatically goes out of existence at the end of one year, unless Parliament intervenes. Which means that we don't have to come back to Parliament to expire it, it automatically expires at the end of one year unless Parliament feels that we cannot afford to allow it to expire and therefore, we have to take steps to extend it.

Now let me just go through very quickly, Mr. Speaker, in responding to the points that have been raised, go through each of the measures, and I won't be long, and to indicate where we propose to make amendment - to propose amendments to address some of the concerns.

Insofar as the restriction on bail is concerned, I want to remind the House, Mr. Speaker, that first of all this is limited to specified offences. It's not a general restriction on bail; it only relates to specific offences that we consider to be at the heart of the violent crime that we have been experiencing. That's one. Secondly, in relation to those offences we are shifting the burden. We are saying that, this automatic entitlement to bail, is not something that is going to apply to these people charged with these specific offences. We are going to shift the burden. You are going to have to demonstrate, having been charged you will have to demonstrate that it is safe to give you bail. That the court in granting you bail won't have to worry that the society is at any risk.

And we haven't gone as far as some countries have gone. You know what India has done? India has identified certain offences and says these are non-bailable offences; the question of bail does not arise once you're charged under those - for those offences.

We are not saying that, we are saying that we are shifting the onus to you and in addition to that, if after we have done that, if you are able to persuade the court that it is proper for you to be granted bail, we are giving the Director of Public Prosecutions the right to appeal, to appeal against bail.

The related Act - the related Bill, Mr. Speaker, which has the sunset provision, is the one that says that you won't be entitled to bail before 60 days. That raised several issues of concern and they were expressed both in the House and outside. We therefore rework that Bill to provide for judicial review, 7 days in the first instance and 14 days after that. And we made it clear as a result of a concern that was expressed by one of the Members, I can't quite remember who, but they expressed some concern as to what is the focus of the review that the Court will undertake, because there was a view that the way it was worded the Court could only be looking at the process. And we've made it clear in an amendment that we will be bringing when the Bills are presented, that is not just the process the Court will look at, the Court will look to see whether there is any justification for the persons continued denial of bail.

And then as I said, Mr. Speaker, that particular provision relating to the 60 days is one year, sunset disappears. Some assertions were made in this House, certainly by the Member for Central Kingston and I believe by others, claiming that we are barking up the wrong tree, that people are not getting bail it's the hardest thing to get bail, and we are here trying to prepare legislation, as if courts are giving people bail. Well you know, Mr.

Speaker, let me give you some hard figures.

Take the Gun Court, and l have figures here for the enter term this year; 119 people charged for gun related offences, 78 of them granted bail, 41 in custody.

(Inaudible comments by a Member)

The PRIME MINISTER: Seventy-eight, but it doesn't stop there. Let's look at the Circuit Courts, both Corporate Area and across the country: 597 persons charged for murder, 286 of them on bail, 310 of them in custody, murder. Talk about rape, 121 charged for rape, 91 on bail, 30 in custody. Carnal abuse, 138 charged, 123 on bail, 15 in custody and the Court has exercised its discretion.

Let us look a little bit to see now what goes on when they are on bail, let's look at few cases. I won't call the name of the persons accused. Arrested and charged with murder in 2007, granted bail, charged with shooting with intent in 2009, granted bail currently in custody charged with illegal possession of firearm. Another one, charged with a double murder, granted bail, now arrested for another murder of a policeman. Give you another one. Charged for the murder of CONSTABLE RICHARD ALEXANDER, at Junior Crescent, May Pen, Clarendon, granted bail. Charged subsequently with shooting with intent at a police party, granted bail. Again, charged with the illegal possession of firearm, bail again.

A MEMBER: The third time, a what kind a foolishness that?

The PRIME MINISTER: Another one, hear another one. Arrested and charged for murder, granted bail, arrested again for another murder, another one, arrested for possession of firearm granted bail, subsequently arrested for robbery, granted bail, arrested another time for robbery and illegal possession for firearm, granted bail again. This other one, arrested for murder, granted bail, arrested for murder again. And, Mr. Speaker, I could quote but it would take too long. It's all well and good we say that that must be within the discretion of the Judge, that's all well and good. Judges interpret laws, Judges don't make laws. That responsibility is given to us here. (Applause)

The Firearms Act, Mr. Speaker, the Firearms Act, we have not interfered; we have not sought to interfere with any of the offences there. What we have sought to do is to impose minimum mandatory sentences. I pointed out before, I don't need to spend much time of on the same point again, that we are not some crazy set of people. The United States does it, Canada does it, the United Kingdom does it, Australia does it, they have minimum mandatory sentences. Why is it being made out to appear as if we are going off the deep end somewhere?

Mr. CHARLES: And we have more murder than them, answer that nuh, answer that.

(Cross talks)

The PRIME MINISTER: And you know what is more, you know what is more, Mr. Speaker, you know what is more, it is not something new to our statutes either, not new.

Mr. PICKERSGILL: They tried and failed. The Gun Court was light, no bails.

The PRIME MINISTER: Well you know, much more recent since the Gun Court were amendments to representation of the People Act, piloted in this House in December of 1996, by the person who is now the Member of Parliament for East Central St. Andrew, where we introduced mandatory minimum sentences on convictions, either

fines not less than so much, or if it is imprisonment not less this so much. That is why for example, for certain election offences, if we are found guilty, the penalty is disbarment from contesting an election for Parliament for not less than seven (7) years in some instances not less than 10 years. And you can go through the whole of that statute and it has repeatedly, not less than, not less than; and in piloting that measure - let me just quote what the Member for East Central St. Andrew said:

> "There are also provisions regarding the penalties for election the offences which are generally raised to accomplish two things: to make them more in keeping with present day currency values and at the same time, Mr. Speaker, to convey to the society at large the seriousness with which this House, and which the EAC and which the entire country should view electoral offences. If you're found guilty you are going to be sent to prison for not less than so many years."

That was the Member for East Central St. Andrew in December of 1996. And you know, so let us not give the impression that this is some strange, corrosive something that is being brought into our statute. It is something that that side did when they felt it was important to send a signal that the integrity of the electoral system is not something you must play with and if you decide to compromise it then you must understand if found guilty, you're not going to be left to no discretion of any Judge, we are going to put you away for a time.

We find ourselves, Mr. Speaker, faced with a serious problem, and we feel it is important to send a signal that if you decide to use a gun to go and commit a crime, to go and take life, to go and drive fear into the hearts of people, we want to send a clear signal, that if you found guilty on that you are going to be punished. You are going to be put away for a while. Tell your folks at home that they can come and look for you at the penitentiary, but they're not going to see you for a while because you have done something that has put the entire society under stress and we are not going to put up with it.

Now, some interesting points were made in the course of the debate. A point was made, for example - again, these assertions have to be checked. A point was made by the Member for Central Kingston, well, they are getting heavy sentences already. Well, you know, we have come cross some strange, peculiar sentences - man found shooting with intent found guilty, eighteen months. We had a case the other day where a man was found with - how many illegal guns, I can't remember, two - and got a suspended sentence. Suspended.

Mr. SAMUDA: Suspended sentence!

The PRIME MINISTER: Suspended. Suspended sentence!

Mr. SAMUDA: Ridiculous!

The PRIME MINISTER: He was told to 'go home and behave yourself'. This Parliament cannot afford to allow that sort of... (Applause) ...but there was a very valuable point that was made, and it was made - l think the first person who made it was the Member for South East St. Elizabeth, but others have subsequently made it - and that is the situation where somebody is found, they are in breach of the law, but sometimes it is through inadvertency. You know, rain is falling and

you see some people they flag you down and you give them a lift, and some gun drop out of somebody's pocket and the policeman stop you and find you with it, and you are guilty, because you are in possession. And we looked at that, because what we didn't want is to end up with something that was so inflexible - bearing in mind that we are taking away the Judge's discretion, in terms of sentencing - that in those circumstances where somebody was not on any criminal mission, that was not the purpose, it's just that they got caught.

And therefore, we propose to introduce an amendment when the Bill is taken, to remove section 20, which relates only to possession, and therefore, what will be retained is possession with intent to commit a crime. But just simple possession, we are going to delete that from the provisions of the Bill.

(Applause)

The Offences Against the Person Act, Mr. Speaker, we are proposing there, minimum mandatory sentence, 15 years for shooting with intent, or 15 years for wounding with intent where the wounding is committed with the use of a firearm.

The Parole Act, we seek to place a restriction on eligibility for parole from ten years, bearing in mind that you are talking about a minimum mandatory sentence of 15. So we are saying where you get that sentence - I want to make sure that I am guided here rightly - where you are sentenced to 15 years, the parole would not - you would not be eligible for parole until 10 years, so you would have to serve a minimum of ten. So it doesn't rule out the parole, it simply says that where you are on one of these serious offence charges and you get the minimum mandatory of 15 years, parole does not trip in, cannot trip in until you have served ten. And remember that that relates to specific - specified offences involving the use of a gun. It's not an across-the-board thing, it's not for all offences, it is for those offences that we are targeting, especially to deal with the current threat that we face.

The point was raised, Mr. Speaker, about the impact that this would have. I remember it was first raised by the Member for Central Manchester about its impact on plea bargaining. Since that time we have looked at it and we are satisfied that we can amend - we can make an amendment which would ensure that minimum mandatory sentence would not be a bar to plea bargaining. And there is in fact an amendment which we are preparing, in this case an amendment to the Plea Bargaining Act - whatever it is that they call it - to make provisions for Judges to have the discretion to award sentences - hand down sentences that are below the minimum mandatory in cases where either, (a) the person pleads guilty, or (b), there is a plea bargain.

A lot has been said, Mr. Speaker, about the need for social intervention. I have already made reference - sorry, no, no, one other Act that I want to speak to, The Constabulary Force Act, the provisions for cordon and curfew increased from 24 hours to 72 hours, and the ability to detain for that period, persons who are outside the cordoned area, but whose activities have something to do with any breach of law that may have taken place within the cordoned area.

But bear in mind again - and this is something that I don't think has been appreciated in the discussion - this is something that we are saying cannot be done by any constable or corporal, or even sergeant

or even inspector. This can only be done at the level of the Divisional Commander, who is normally a Senior Superintendent, but may be a superintendent, or through an ACP. So it's either the divisional commander for that particular area, or it has to be at the level of an Assistant Commissioner of Police. I was disappointed to hear one Member suggest that all they do is just rubber stamp whatever the constable wants.

Now, I know we have a challenge, we have a problem with the police force and with trust and so on. But my good heavens, if we are not prepared to at least place some reliance on the authority of somebody at that level in the police force, then, Mr. Speaker, we may as well move the adjournment right now and don't bother come back to Parliament. We may as well just shut down everything.

The SPEAKER: The Prime Minister's time for speaking has expired.

Mr. HOLNESS: Mr. Speaker, I move for suspension of the Standing Orders to allow the Prime Minister sufficient time to complete his presentation.

The PRIME MINISTER: Fifteen minutes.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Prime Minister sufficient time to complete the conclusion of the debate on the Report.

Put to the House and agreed to.

The SPEAKER: Prime Minister.

The PRIME MINISTER: I thank you, Mr. Speaker, and I thank the House. I won't trespass too far on the generosity of the House.

(Mr. Vaz laughs)

The PRIME MINISTER: What you find so funny?

(*Sotto voce* comments)

The PRIME MINISTER: There were some other issues that were raised, Mr. Speaker, one is the risk of abuse, the lack of trust. I have acknowledged the problem, but we must also acknowledge that things are being done about it. Last year over 60 policemen were arrested and charged for corruption, the highest number in any one year before.

The Police Commissioner is pursuing a rigorous programme now of non-enlistment of police officers, unless they are satisfied that these are persons who the force would welcome back into the fold. So that where policemen have caused the management of the force to have serious questions, serious doubts about their suitability to continue, they are not being re-enlisted, and there is no right to re-enlistment. When you serve whether it is five years, whatever it is, it is the Commissioner's call whether or not you should be re-enlisted.

We are putting in place - and I have a letter from the Attorney General on my desk, which I got just this morning on the matter - a rigorous programme of security vetting for policemen, for police officers, which includes polygraph testing, a rigorous programme. And the Attorney General's Department is looking to make sure that it conforms with certain constitutional provisions and is in keeping with other laws.

You know, Mr. Speaker, that the House has recently approved legislation for the appointment of a Special Independent Commission of Investigation. And I believe that consultations are now taking place. The appointment is to be made by the Governor-General, and I am hopeful that that appointment will be made in short order.

We still have more work to do, don't get me wrong. But what do you do? Do you go on living with 40 murders a week until you get the kind of police force that you want? Or do you decide that you have to tackle that even as you build the police force that you want?

We have an inefficient Court system, we acknowledge that there are challenges, but effort are being made, Mr. Speaker. We have challenges with infrastructure, but we have made provisions to provide additional courtroom space. We have provided more Judges. The introduction of case management - and we don't claim no credit for it, it was introduced during the previous Administration - is helping to address the problem of the backlog. The revised Rules of Court are also helping to smooth through the process. We will have a far way to go. The Ministry of Justice has recently engaged the services of a retired High Court Judge who is working very hard to help to streamline the process to try to get the system moving to identify bottlenecks.

We are going to get there, it's going take us time. Because the fact of the matter is that we just don't have the resources to pump into - we need more court houses, we need more facilities, we need more staff, we don't have the resources to provide all of what we have, we have to work with what we have now, and as soon as situation will allow we expand it. But we can't say, well, until we can do that, you must go on living with it.

Many of the speakers - I wouldn't say all, it would not be fair - but many of the people who spoke were critical, they criticized from Chapter 1 to Chapter 11, and very few suggested, well, this is what you should do. Almost as if, well, don't do this, don't do that, go on living with 60 murders a week. We are not taking any - we are not taking the reduction that I referred to earlier as if that is something that is so concretized that is - it's going to take a lot more work. And the Member for Central Manchester made the point that the figures for the first two weeks were far better than the figures for the third week. I don't have that breakdown, I will certainly ask some questions tomorrow.

But we have to be careful how we - that we don't look at it on the basis of one week against the other, because what I found significant was that in the first week of the State of Emergency - that's the week from the 23rd to the 30th - there were 60 murders. In one day alone, between the 24th and the 25th, in one day alone there were 19 murders in Spanish Town, in St. Catherine, most of it Spanish Town. So it's going to be a long haul, it's going to be a long haul. But I am so convinced, based on the briefings that I get from the Minister and the security forces, I am convinced that we cannot afford to ease up.

Government MEMBER: Absolutely! (Government Members applaud)

Mr. SHAW: They have no solution whatsoever, except...

The PRIME MINISTER: We are going to have to do a lot more about in-court management. . You know, for the period - I don't have for the whole year, but for the period August last year to January this year, 13,542 cases in Court were postponed, were adjourned; a lot of them because some critical person to the process not there, whether it's Defence Attorney not there, Prosecutor not there, sometimes the accused not there, witness not there, police not there. That's not something that we can legislate, that's something that is within the management of

the Chief Justice. It is within the administrative apparatus of the Court Services Agency that we are setting up.

But we are going to have to insist that the treatment of cases doesn't become an optional protocol. When you are before the Court and you are supposed to be tried on a particular day, the people who are supposed to be there to facilitate the trial must be there, and you must be dealt with. And if we – I believe that if we were to be more rigorous, in terms of insisting on that, then a good portion, not all, but a good portion of the delays that we now have to live with could be fixed.

There is, Mr. Speaker, the question of plea bargaining. I mentioned that before. And finally, the issue of social intervention.

I told the House already about the concept paper that has been developed. I'm quite impressed with it. Very impressed. We have circulated that to critical shareholders, the bilateral agencies, the multilateral agencies. I have shared it with the Leader of the Opposition. I have invited her comments. We have shared it with the Private Sector leadership, the umbrella Church organizations. We face resource constraints. And therefore, in that concept paper, we are going to have to do two things in terms of meeting the resource needs. We are going to have to redirect some of our own social intervention programmes. And it is not going to be all celebrated, because what it means is that we are going to have to identify those communities where this kind of intervention is most needed and we are going to have to re-direct programmes there.

But we are also going to have to seek from our multilateral and bilateral partners as much grant funds as possible. We cannot jeopardize our economic programme to go and ask for more space to borrow more money. One of the reasons why interest rates are coming down is because we are not borrowing as much as we used to borrow in the past, and we are not going to go back to that borrowing drunkenness. We are not going there at all. And therefore, we have to be trying to see how we can get grant-funding, given the importance of the programme and the support that has already been indicated by the multilateral and bilateral agencies.

We need the private sector support as well. I am pleased with the kind of response that we've got. I mentioned Digicel and Coronation Market. There's a company whose name I can't call yet because that arrangement is not yet signed off on. But there's a company that has made a proposal to the Minister that they would be prepared to recruit and train people from some of these challenged communities. The company has actually specified a number, quite a significant number. They will actually recruit them, not themselves; they will go through the process, so that if a transformation team is working, the transformation team will identify the persons in these communities. They will train them and they will employ them, but they need some government support. And we are working with them to see how can we provide the kind of support that you would need for that sort of programme.

All of these efforts, Mr. Speaker, whether it is the Crime Bills, whether it is the security operations being conducted now in three parishes under a State of Emergency, but being conducted across the island in terms of the resolve of the security forces, whether it is the social intervention programmes, whether it is the improvements in the court’s system that

we have to continue, notwithstanding the constraints to bring about, all of these, Mr. Speaker, are initiatives that have to be pursued. And they have to be synchronized, they have to be coordinated.

What we can't afford to do is to sit back and believe that we have to fix one before we can fix the other. We don't have that luxury. We are called to the task that we have to fix all of them at the same time. We have to juggle all these balls at the same time. We have to manage all of these things within the limited resources that we have. I don't think that we have any choice. I think we have an opportunity. We have no guarantee. And it may very well be that our resolves will not sustain us. It may very well be that we make errors and because of the errors we make, the whole process is brought under pressure and discredited.

I want us to try to avoid that because I don't think that we have the luxury of failing. Not this time. Not when, for the first time the criminal element in this country has been given cause to question their own ability to continue to hold a nation at ransom. We cannot afford, Mr. Speaker, to lose that advantage.

(Applause)

And I ask the House to support the resolution, the Report of the Committee, as presented, subject to an amendment which has become necessary, because of the changes that we have made to two of the Bills. And therefore, the Report of the Committee as presented - and we can't change the Report of the Committee, we can only amend the resolution. And therefore...it has been circulated, I believe?

The SPEAKER: Is that the amendment to the Report?

The PRIME MINISTER: Eh?

(Inaudible comments)

What it says here, Mr. Speaker, is:

"*Whereas the Report of the Joint Select Committee set up to consider and report on the Bills shortly entitled and..the Bills are all identified;*

Whereas they were laid on the Table of the House on the 9th December, 2008,

And whereas the Bill shortly entitled: The Bail (Interim Provisions for Specified Offences) Act of 2008, and the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2008, were withdrawn" - because remember l had withdrawn the Bills - "to facilitate the tabling of Bills of the same name, with new provisions.

Be it Resolved that this Honourable House approves the recommendations contained in the Report of the Joint Select Committee, in so far as they relate to the Bills shortly entitled: The Bail (Amendment) Act, 2008, the Firearms (Amendment) (Number 2) Act, 2008, the Offences Against the Person (Amendment) Act, 2008 and the Parole (Amendment) Act, 2008."

And can I just point out, Mr. Speaker, that there were some amendments that we had already circulated, arising out of the recommendations of the Joint Select Committee. To those amendments we are adding some further amendments that I referred to, those I alluded to, which arise out of consideration of the debate that has just taken place on the Report. And when we get

'to the stage where the House is considering those Bills, we will present all of those amendments in the appropriate order.

The SPEAKER: Members, we have to go through a few procedures. First, I want to put the amendment to the Report as presented by the Prime Minister, shortly, the amendment to the motion adopting the report.

The motion as amended put to the House and agreed to.

The SPEAKER: I now put the motion to adopt the Report as amended.

The motion to adopt the Report as amended put to the House and need to.

The SPEAKER: Now, Prime Minister, we need you to ask for second reading of the latter two Bills, to ask for...

The PRIME MINISTER: Mr. Speaker, the last thing that I would ever want to do now is to have a full dress debate on those, so...I think we have discussed all of those provisions.

A MEMBER: Yes.

The PRIME MINISTER: The Bills were already circulated and therefore I beg to move for second reading of the Bill.

The SPEAKER: The question is that the Bills be read a second time. The two Bills, the substituted Bills, *Constabulary Force (Interim Provisions) for Arrest and Detention,* and also, *the Bail Act (Interim Provisions) for specified offenses.*

Motion put to the House and agreed to.

Bill entitled:

''AN ACT to make interim provisions extending the powers of arrest and detention under Sections 50(b) and 50(f) of the Constabulary Force Act",

read a second time.

Bill entitled:

"**AN ACT to make interim provisions in relation to the grant of bail in specified circumstances** ",

read a second time.

The SPEAKER: The House will now resolve itself into a Committee of the whole House to consider the six (6) Bills clause by clause.

COMMMTTEE STAGE

The CHAIRMAN: Members, we are going to consider the six (6) Bills in this order, if you don't mind: AN ACT to Amend the Bail Act, first.

The PRIME MIMSTER: Chairman, I need the original amendment.

The CHAIRMAN: I can go through and then repeat. First, *AN ACT to Amend the Bail Act,* then *AN ACT to Amend the Offences Against the Person Act*, then *AN ACT to Amend the Parole Act,* then *AN ACT further to amend the Firearms Act,* and then the fifth, *The Constabulary Force (Interim Provisions for Arrest and Detention),* and finally, *the Bail (Interim Provisions) for specified offences.*

So, the first one we will deal it, Prime Minister, is *AN ACT to Amend the Bail Act.*

The PRIME MINISTER: Yes, Mr. Chairman, there are two (2) amendments that we wanted to propose. In Clause 3...

Mr. SHAW: In the Bail Act.

The PRIME MINISTER: In the Bail Act, yes. In paragraph (b), in the new subsection (2), (3) and (5), delete the words, '*Director of Public Prosecution'* and substitute therefor in each case, the word "*prosecution*". The reason being that in some instances the Prosecution is going to be represented by the Clerk of the Courts. And

while it is the intention for the Clerk of the Courts to become part of the DPP'S Department, that has not yet been done. So, by using the word "Prosecution", it becomes, for want of a better word, generic.

And, secondly, in clause 3(b), insert in the proposed subsection (6) of Section 10, next after the words, '*public general Act'*, the words, "*or such longer period as the Court may in any particular case consider appropriate*".

And let me just explain quickly. We are requiring that where the DPP is appealing against the decision of the Court to grant bail, the DPP must give notice of appeal, I think immediately, or within 24 hours. And they must commence the appeal within ....72 hours we had said. And it was felt that that was too rigid. We need to give the Court the latitude that if the Court, if it's not convenient for the Court to commence hearing on the matter within 72 hours, the Court would have the power to extend that. So, the intention here is to say within 72 hours, or such longer period as the Court may in any particular case consider appropriate.

Mr. BUNTING: And this is the Court hearing the appeal, or the originating Court?

The PRIME MINISTER: It would be the original Court.

Mr. BUNTING: The original.

The CHAIRMAN: Very well.

Clauses 1 and 2 put to the Committee and agreed to.

The CHAIRMAN: I put the amendments to Clause 3 as noted by the Prime Minister.

Amendments put and agreed to.

Clause 3 as amended put to the Committee and agreed to.

Clauses 4 and 5 put to the Committee and agreed to.

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

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with two (2) amendments. Amendments put and agreed to.

The Bill as amended put to the Committee and agreed to.

The CHAIRMAN: We will now deal with "*AN ACT to Amend the Offences Against the Person Act*".

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.

I now move to "*AN ACT to Amend the Parole Act".*

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

Put to the Committee and agreed to.

The CHAIRMAN: I now move to, "*AN ACT to further Amend the Firearms*" - sorry, "*AN ACT to Amend the Firearms Act*".

The PRIME MINISTER: This is where, Mr. Chairman, we are proposing some amendments. I spoke to them awhile ago. We are going to be deleting the reference to Section 20, which is the one that deals with simple possession. We are going to be excluding that from the provisions of these

amendments which would require deletion of Clause 5 and the re-numbering of Clauses 6 and 7 as Clauses 5 and 6. And then, in the Memorandum of Objects and Reasons, to delete paragraph D and re-number paragraphs E and F as paragraph D and E, which is really just tidying up in view of the removal of the reference to Section 20.

A MEMBER: That is correct.

Dr. GUY: Prime Minister, you indicated that Section 5 will be deleted as per the amendments.

The PRIME MINISTER: Yes.

Dr. GUY: And that refers to the minimum mandatory sentence of 15 years for simple possession.

The PRIME MINISTER: For simple possession, yes.

Dr. GUY: Are you saying, therefore, that possession of firearm or ammunition with intent to injure, Sections 24 and 25 still carries the minimal mandatory...

The PRIME MINISTER: Yes, with intent to injure; with intent to - if you look in the Bill.... I am almost sure, if you look at section 20...

Mr. WARMINGTON: You are a doctor not a lawyer.

Dr. GUY: So, you shouldn't be here then.

The PRIME MINISTER: Essentially, it would still - it would impose the mandatory minimum on firearm offences that were clearly, either possessed or used for the purpose, or with the intention of committing a crime.

The CHAIRMAN: Okay.

Clauses 1, 2, 3 and 4 put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 5 which was originally Clause 6.

Mr. WARMINGTON: New Clause 5.

The CHAIRMAN: I put Clause 5 as amended - deleted.

Put to the Committee and agreed to.

The CHAIRMAN: l now put the new Clause 5.

Put to the Committee and agreed to.

The CHAIRMAN: I now put the new Clause 6.

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 PRIME MINISTER: Do we have to do anything about the Memorandum...?

The CHAIRMAN: No, no because Clause 5 removed it.

The question is that l do report the Bill as having passed Committee Stage with one (1) amendment.

Put to the Committee and agreed to.

(The Marshal attempted to reposition the Mace and he was instructed by the Members to leave it in place)

The CHAIRMAN: Now, there are two remaining Bills. We now go with the Constabulary Force (Interim Provisions for Arrest and Detention)

(Cross talk/Laughter)

The PRIME MINISTER: I want another copy of that Bill there. Do you have a copy of it? No amendments?

The CHAIRMAN: No amendments. Very well.

(*Sotto voce* comment by the Prime Minister)

Clauses 1 and 2 put to the Committee and agreed to.

Dr. GUY: Chairman, chairman... Prime Minister...

The CHAIRMAN: We are on Clause 2.

Dr. GUY: Three.

The CHAIRMAN: Okay, Clause 3, yes.

Dr. GUY: Prime Minister?

The PRIME MINISTER: Yes, go ahead.

Dr. GUY: I spoke to this particular section when I made my brief contribution, Section 3(3)...

The PRIME MINISTER: Which section is that?

Dr. GUY: Section 3(3) - three, subsection (3). Arrest and Detention, 50(a). I spoke to it because I foresee a potential operational challenge there. It is, "*where no person shall be arrested or detained under powers given by this Part unless a Divisional Commander or a Member of the Force not below the rank of Assistant Commissioner is...*"
and then it continues.

From what I understand, most Divisional Commanders are Superintendents or Senior Superintendents. What happens in a situation where you have a Superintendent who is a Divisional Commander? You have a Senior Superintendent who is not part - an Assistant Commissioner has not been so designated by acting in that particular position, but he may be part of the team. You are saying, therefore, that he would not have the authority, because he is below the rank of Assistant Commissioner.

The PRIME MINISTER: The intention here was to recognize, essentially, two levels of operatives. The person who is in charge of the Division, which is really a parish. So, if an operation is being carried out in St. Mary, it would be whoever is in charge of St. Mary who may, as you say, be a Supt. or it may be a Senior Supt. But to allow that, there are certain levels of operation where...

Dr. GUY: Area.

The PRIME MINISTER: We aren't even going into the area so much; we are going to the Assistant Commissioner. What informed it, I will tell you, was this concern that I spoke with a while ago, that we don't want any corporal or sergeant exercising... So, what we are saying is, it has to be - we had originally proposed Assistant Commissioner. I think the police in - in discussions with the police I think they pointed out that it would not be particularly useful if we didn't also put in the Divisional Commander. I don't know, would you want to...

Dr. GUY: My concern...

The PRIME MINISTER: The way we could address your concern is to remove Assistant Commissioner and put Senior Superintendent.

Dr. GUY: No, no, no, what I would address this particular thing... in my estimation, would be that 'unless a Divisional Commander, or a member of the Force above the rank of Divisional Commander'.

Mr. HOLNESS: But that's what is there, you know.

The CHAIRMAN: That's what is there, you know.

Mr. HOLNESS: That's technically what is there now.

The PRIME MINISTER: No, no, the point he is making is that, as it is now, it would exclude Senior Superintendents.

Dr. GUY: ...Divisional Commander for an area.

Mr. HOLNESS: In that case then, the Assistant Commissioner would have to be in charge.

The PRIME MINISTER: I am inclined to accept your proposal. I am inclined to.

(Consultation between the Prime Minister and Members)

Dr. GUY: And I raised it because it potentially may create a problem.

The PRIME MINISTER: And I see the point you make. The concern that my colleague has, is whether we are not extending that power too widely because what the effect of this would be is that this power would now be exercisable by Superintendents and above, essentially. And that may be wider than what the original intention was. I know we are kind of holding it up, but I am still thinking it through in my mind as to whether it is something that - can we return to it? Are there any other issues here, Mr. Chairman...

The CHAIRMAN: No, no, this is the only issue in this particular Bill.

(*Sotto voce* comments by some Members)

The PRIME MINISTER: Suppose we were to say "Divisional Commander, Area Commander, or a member of the Force not below the rank of Assistant Commissioner?" It would allow whoever is...

A MEMBER: Active.

The PRIME MINISTER: ...in charge of the area...

Dr. GUY: But sir, you have some areas where you have the Assistant Commissioner of Police, you also have a Senior Superintendent in that area as well who is not the Assistant Commissioner, who is not acting, and you have a Divisional Commander of the parish, or the area, as in Kingston and St. Andrew.

The PRIME MINISTER: The formulation that I was proposing would ensure that it is not every Senior Superintendent who would be able to exercise this power. It would be only those Senior Superintendents who might happen to be Area Commanders. And in relation to those areas that have Assistant Commissioners as their Area Commanders, they would be covered anyhow. So, the only roving rank would really be at the Assistant Commissioner level, whether it is Portland or it is St. James, an Assistant Commissioner would have the authority.

Dr. GUY: Let's say, for example, then, let's look at a practical situation. A branch of the Force, not necessarily a Divisional Branch, a branch of the Force that deals with some, say enforcement or so, is carrying out an operation. That particular branch is not recognized as a division because there are 17 divisions, but you have a Senior Superintendent who is in charge of that particular branch. He would not have the authority under this, who...

The PRIME MINISTER: He must do one of two things.

Dr. GUY: Go to the division.

The PRIME MINISTER: He must either get the Divisional Commander for that division to work with him on it, or when he is leaving town he must - he must leave town under the direction of an Assistant Commissioner.

Dr. GUY: Well, I am glad that probably - now that you are indicating that, it may tidy up a lot of things that the police do, because sometimes they come from town into the rural areas to carry out an operation and there was no...

The PRIME MINISTER: Without any reference.

Dr. GUY: Without any reference...

(*Sotto voce* comments by some Members)

Dr. GUY: But I still have some concerns, based on the original thing I made.

(Consultation)

The CHAIRMAN: Dr. Guy, since it is a one-year, we can see how it operates like this for one year.

The PRIME MINISTER: Can I just propose that after the word "divisional" - after the "Divisional Commander" we insert the words "Area Commander."

The CHAIRMAN: So, we add "Area Commander."

The PRIME MINISTER: "Area Commander, or a member of the Force not below the rank of Assistant Commissioner."

The CHAIRMAN: Members, what is being suggested, Members, is to add 'Area Commander' after Divisional Commander or a member of the Force not below the rank of Assistant Commissioner'.

I put the amendment to Clause 3?

Put to the Committee and agreed to.

Clause 3 as amended put to the Committee and agreed to.

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

The CHAIRMAN: The question is that I do report the Bill having passed Committee Stage with one (1) amendment.

Put to the Committee and agreed to.

The CHAIRMAN: Finally, I put "The Bail (Interim Provisions for Specified Offences) Act, 2008".

The PRIME MINISTER: Yes, there are some amendments, Mr. Chairman…

The CHAIRMAN: Just one minute, Prime Minister. Okay, yes.

The PRIME MINISTER: In the new proposed section 3A, Mr. Chairman, we are proposing in subsection (1) of 3A, delete the words '*a person'*, and substitute therefor the words '*subject to section 3B, a person'*. What this does is that it makes it very clear that the purpose of the review which is set out in 3B is to consider whether the person should area continue to be denied bail, I made that point earlier. So subject to section 3B a person who is charged, *et cetera*.

And then in 3B, we are proposing deletion of subsection (1) and the substitution of the following.

'A person who is held in. custody without bail under section 3A, shall be brought before the Court at the intervals specified in subsection (2) - that's the seven days and fourteen and fourteen - *for the Court to review the question of whether the person should continue to be held in custody or the grant of bail should be considered in relation to the offence by virtue of which the person has been held in custody under that section".*

And that is making it absolutely clear that the Court is to exercise a review function over the continued detention of the person. And then it goes on to….

Mr. BUNTING: Prime Minister, before you move on, if I could just… That review that is now extending it to be a general review, not just whether the person is correctly charged with...

The PRIME MINISTER: That's right. That's right.

Mr. BUNTING: …specified offences but a more general…

The PRIME MINISTER: That's right. And it came out of a concern that was expressed here. So we wanted to make it clear that it's not just the process that the Court is reviewing but the question of the person's detention would be within the Court's review.

And then in subsection (2)(b),

immediately after the word "*thereafter"* the words "*subject to the determination of any review under subsection 1",* which is just tying it together to make sure that the Court's power to review also impacts on the provisions in relation to the intervals. And we don't need to do anything in relation to the Memorandum?

The CHAIRMAN: No. Editorial. So I put… Sorry, Dr. Guy.

Dr. GUY: Thank you, Chairman. Can I - I am trying to get it clear in my mind, Prime Minister. The amendments are suggesting that the person who is held in custody without bail under section 3A, when he is brought before the Court it's not only for a determination of the question of the application of whether he has been charged, but also that he made be considered for bail?

The PRIME MINISTER: No, he is charged.

Dr. GUY: He is charged. Fine, sorry.

(Inaudible comment by the Prime Minister)

Dr. GUY: Yes, but he is also entitled to be considered for bail?

The CHAIRMAN: Yes.

The PRIME MINISTER: Let me put it another way. He is entitled to have… the question of his bail is entitled to have that reviewed by the Court, and it must be done no later than seven (7) days after he is first charged. And if when the Court reviews it after the first seven (7) days, if the Court does not determine that he should be granted bail, he must be taken back to Court 14 days after that and 14 days after that for the duration of the period of. . .

Dr. GUY: So it is a fundamental departure from the original 60 days when he would just be taken seven, fourteen, fourteen, fourteen…?

The PRIME MINISTER: Yes and that's why - Yes, yes.

The CHAIRMAN: Okay, I put Clause 1.

Clauses 1 and 2 put to the Committee and agreed to.

Amendments to Clause 3 as outlined put to the Committee and agreed to.

Clause 3 as amended put to the Committee and agreed to.

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

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with three (3) amendments?

Put to the Committee and agreed to.

The SPEAKER: Members, Prime Minister, just like Committee Stage, we are going to do the Bills one by one, okay, so you ask… Sorry.

Mr. PAULWELL: Mr. Speaker, we want to acknowledge the improvements that have occurred during the Committee. We intend to, as an Opposition support the Bill that is seeking to amend the Constabulary Force Law, but we will be calling for a divide in relation to the other five.

Mr. WARMINGTON: We know that so take your seat.

(Discussion between Speaker and the Clerk)

The SPEAKER: Okay, in the circumstances, I am going to put the Constabulary Force - sorry.

I do report the Bill in relation to the Constabulary Force Interim Provisions Act, I do report the Bill as having passed Committee Stage with one (1) amendment.

The PRIME MINISTER: Mr. Speaker, I beg to move third reading of the Bill.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Make Interim Provision extending the powers of arrest and detention under sections 50B and 50F of the Constabulary Force Act",

read a third time and passed.

(Applause by Government Members)

The SPEAKER: In relation to "AN ACT to Amend the Bail Act", I do report the Bill as having passed Committee Stage with two (2) amendments.

The PRIME MINISTER: Mr. Speaker, I beg to move that the Bill be read a third time.

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

Mr. PAULWELL: Divide!

A Divide having been called the Members voted as follows:

Ayes

Dr. St. A. Bartlett
Dr. K. Baugh
Mr. L. Broderick
Dr. H. Chang
Mr. P. Charles
Mrs. M. Dalrymple-Philibert
Mr. A. Gallimore
Mr. B. Golding
Miss O. Grange
Mr. L. Henry
Mr. J. Hibbert
Mr. A. Holness
Mr. W. Hutchinson
Mr. O. Lawrence
Mr. D. Mair
Mr. R. Montague
Mr. C. Mulllings
Mr. T. Peralto
Mr. J. Robertson
Mr. K. Samuda
Mr. A. Shaw
Mr. E. Smith
Mr. R. Spencer
Mr. M. Stern
Dr. C. Tufton
Mr. D. Vaz
Mr. E. Warmington
Mr. F. Witter

Noes

Mr. N. Arscott
Mr. P. Bunting
Dr. D. Duncan
Dr. F. Ferguson
Dr. M. Guy
Miss L. Hanna
Mr. G. Hylton
Mrs. N. Headley
Mr. P. Paulwell
Mrs. P. Simpson Miller

The SPEAKER: Members, the vote on the Bill, we have 18 absent Members, 2 abstention, 10 Noes, 28 Ayes. The Bill is passed.

(Applause by Government Members)

(The Bill is handed to the Speaker by the Clerk for signature)

Bill entitled

"AN ACT to Amend the Bail Act",

read a third time and passed.

The SPEAKER: We now move to "AN ACT To Amend the Offences Against the Person Act".

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

Prime Minister.

The PRIME MINISTER: Mr. Speaker, I beg to move that the Bill be read a third time.

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

A MEMBER: Divide.

The SPEAKER: Divide!

A divide being called, Members voted as follows:

Ayes

Dr. St. Aubyn Bartlett
Dr. Kenneth Baugh
Mr. Laurance Broderick
Dr. Horace Chang
Mr. Pearnel Charles
Mrs. Marisa Dalrymple-Philibert
Mr. Andrew Gallimore
Mr. Bruce Golding
Ms. Olivia Grange
Mr. Lester Henry
Mr. Joseph Hibbert
Mr. Andrew Holness
Mr. William Hutchinson
Mr. Othneil Lawrence
Mr. Desmond Mair
Mr. Robert Montague
Mr. Clive Mullings
Mr. Tarn Peralto
Mr. James Robertson
Mr. Karl Samuda
Mr. Audley Shaw
Mr. Ernest Smith
Mr. Rudyard Spencer
Mr. Michael Stern
Dr. Christopher Tufton
Mr. Daryl Vaz
Mr. Everald Warmington
Mr. Franklyn Witter

Noes

Mr. Noel Arscott
Mr. Peter Bunting
Dr. Donald K. Duncan
Dr. Fenton Ferguson
Dr. Morais Guy
Ms Lisa Hanna
Mr. George Anthony Hylton
Mrs. Natalie Neita-Headley
Mr. Phillip Paulwell
Mrs. Portia Simpson Miller

The SPEAKER: Members, there are 18 absent; two (2) abstentions; 10 Noes, 28 Ayes (Applause).

Bill entitled:

"AN ACT to Amend the Offences Against the Person Act",

read a third time and passed.

The SPEAKER: Bill passed.

We now move Members, to "AN ACT to Amend the Parole Act".

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

The PRIME MINISTER: Mr. Speaker, I beg that the Bill be read a third time.

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

Opposition MEMBER: Divide.

A divide being called, Members voted as follows:

Ayes

Dr. St. Aubyn Bartlett
Dr. Kenneth Baugh
Mr. Laurance Broderick
Dr. Horace Chang
Mr. Pearnel Charles
Mrs. Marisa Dalrymple-Philibert
Mr. Andrew Gallimore
Mr. Bruce Golding
Ms. Olivia Grange
Mr. Lester Henry
Mr. Joseph Hibbert
Mr. Andrew Holness

Mr. William Hutchinson
Mr. Othneil Lawrence
Mr. Desmond Mair
Mr. Robert Montague
Mr. Clive Mullings
Mr. Tarn Peralto
Mr. James Robertson
Mr. Karl Samuda
Mr. Audley Shaw
Mr. Ernest Smith
Mr. Rudyard Spencer
Mr. Michael Stern
Dr. Christopher Tufton
Mr. Daryl Vaz
Mr. Everard Warmington
Mr. Franklyn Witter

Noes
Mr. Noel Arscott
Mr. Peter Bunting
Dr. Donald K. Duncan
Dr. Fenton Ferguson
Dr. Morais Guy
Ms. Lisa Hanna
Mr. George Anthony Hylton
Mrs. Natalie Neita-Headley
Mr. Phillip Paulwell
Mrs. Portia Simpson Miller

The SPEAKER: Members, once again 18 absences, 2 abstentions, 10 Noes, 28 Ayes.

(Applause)

Bill entitled:

"AN ACT to Amend the Parole Act",

read a third time and passed.

The SPEAKER: Members, in relation now to "AN ACT to Amend the Firearms Act", I do report the Bill as having passed Committee Stage with one (1) amendment.

The PRIME MINISTER: Mr. Speaker, I beg to move that the Bill be read a third time.

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

A divide being called, Members voted as follows:

Ayes
Dr. St. Aubyn Bartlett
Dr. Kenneth Baugh
Mr. Laurance Broderick
Dr. Horace Chang
Mr. Pearnel Charles
Mrs. Marisa Dalrymple-Phillibert
Mr. Andrew Gallimore
Mr. Bruce Golding
Ms. Olivia Grange
Mr. Lester Henry
Mr. Joseph Hibbert
Mr. Andrew Hotness
Mr. William Hutchinson
Mr. Othneil Lawrence
Mr. Desmond Mair
Mr. Robert Montague
Mr. Clive Mullings
Mr. Tarn Peralto
Mr. James Robertson
Mr. Karl Samuda
Mr. Audley Shaw
Mr. Ernest Smith
Mr. Rudyard Spencer
Mr. Michael Stern
Dr. Christopher Tufton
Mr. Daryl Vaz
Mr. Everard Warmington
Mr. Franklyn Witter

Noes
Mr. Noel Arscott
Mr. Peter Bunting
Dr. Donald K. Duncan
Dr. Fenton Ferguson
Dr. Morais Guy

Ms. Lisa Hanna
Mr. George Anthony Hylton
Mrs. Natalie Neita-Headley
Mr. Phillip Paulwell
Mrs. Portia Simpson Miller

The SPEARER: Okay Members, in relation to "AN ACT to Amend the Firearms Act", there are 18 absences, 2 abstentions, 10 Noes, 28 Ayes.

(Applause)

Bill entitled:

"AN ACT to Amend the Firearms Act",

read a third time and passed.

The SPEAKER: Now finally, in relation to the "Bail Interim Provision for Specified Offences", I do report the Bill as having passed Committee Stage with three (3) amendments.

The PRIME MINISTER: Mr. Speaker, I beg to move that the Bill be read a third time.

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

A MEMBER: Divide.

A divide being called, Members voted as follows:

Ayes

Dr. St. Aubyn Bartlett
Dr. Kenneth Baugh
Mr. Laurance Broderick
Dr. Horace Chang
Mr. Pearnel Charles
Mrs. Marisa Dalrymple-Philibert
Mr. Andrew Gallimore
Mr. Bruce Golding
Ms. Olivia Grange
Mr. Lester Henry
Mr. Joseph Hibbert
Mr. Andrew Holness
Mr. William Hutchinson
Mr. Othneil Lawrence
Mr. Desmond Mair
Mr. Robert Montague
Mr. Clive Mullings
Mr. Tarn Peralto
Mr. James Robertson
Mr. Karl Samuda
Mr. Audley Shaw
Mr. Ernest Smith
Mr. Rudyard Spencer
Mr. Michael Stern
Dr. Christopher Tufton
Mr. Daryl Vaz
Mr. Everard Warmington
Mr. Franklyn Witter

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Noes

Mr. Noel Arscott
Mr. Peter Bunting
Dr. Donald K. Duncan
Dr. Fenton Ferguson
Dr. Morais Guy
Ms. Lisa Hanna
Mr. George Anthony Hylton
Mrs. Natalie Neita-Headley
Mr. Phillip Paulwell
Mrs. Portia Simpson Miller

The SPEAKER: The vote: 18 absences, 2 abstentions, 10 Noes, 28 Ayes.

(Applause)

Bill entitled:

"AN ACT to make Interim Provision in relation to the grant of bail in specified circumstances",

read a third time and passed.

The SPEAKER: Members, the six (6) Bills have been completed and passed.

(Applause)

House Leader.

Mr. HOLNESS: Mr. Speaker, no doubt

this is a very historic moment. But Mr. Speaker, you will recall that I gave notice of a motion earlier and I would just like to complete the proceedings.

Mr. Speaker, I now move for the suspension of Standing Orders to enable me to take the motion, notice of which I gave earlier, and that is the motion relating to the establishment of a Joint Select Committee, to discuss the Whistle Blowing legislation.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the House Leader to take the motion, notice of which he gave earlier.

Motion put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, I now move that the motion notice of which I gave earlier be agreed to.

The SPEAKER: Members, the motion is before you.

Motion put to House and agreed to.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business tonight I therefore move that the House do adjourn until the 29th of June, when we will resume our business.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Tuesday, the 29th of June at 2.00 p.m.

Motion put to House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The adjournment was taken at approximately 9:33 p.m.

TUESDAY, June 29, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.18 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.

PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

OTHER MEMBERS

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Mrs. Sharon Hay-Webster.

The House resumed its sitting at 2.18 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome SENATOR IAN MURRAY who is sitting in the chamber, in the Well of the House, (Applause) and also AMBASSADOR DERRICK HEAVEN, who is here. (Applause)

Welcome also to the Members in the Gallery. And just to ask all of you to please check on your cellphones to make sure that they are either off or on vibrate so you do not disturb the sitting of the House. But, please do enjoy this afternoon's sitting.

ANNOUNCEMENTS

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

- **Ministry Paper No. 57**
  Cabinet Agenda Issues for June14, 2010
- **Ministry Paper No. 58**
  Coffee Industry Board (CIB) Annual Report and Audited Financial Statements

For the years ended July 31, 2005 to July 31, 2007

- Police (Civilian Oversight) Authority Annual Reports for the Periods September 1, 2006 to March 31, 2007, and April 1, 2007 to March 31, 2008
- Report of the Ethics Committee of the House of Representatives
- The Emergency Powers (No. 2) Regulations, 2010 under The Emergency Powers Act
- Ministerial Report on the Recovery of the Agricultural Sector 2008-2010
- Performance Highlights of the Ministry of Agriculture and Fisheries 2009-2010
- ACP-EU Joint Parliamentary Assembly - Conclusions on the Caribbean Regional Strategy Paper (RSP) And Regional Indicative Programme (RIP) under the 10th Economic Development Fund
- General Legal Council Annual Reports and Audited Financial Statements for the periods
  April 1, 2005 - March 31, 2006
  April 1, 2006 - March 31, 2007
  April 1, 2007 - March 31, 2008
- **Certified Appropriation Accounts**
  Trustee in Bankruptcy 2007/2008 & 2008/2009
  Ministry of Justice 2006/2007
  Ministry of National Security 2007/2008
  (This is available in the Library)
- Report from the Ministry of Agriculture & Contribution of Agriculture to Sustainable Development in Jamaica

(MR. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern, entered and took his seat.)

(MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

The SPEAKER: Yes, Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, are the Reports from the Ministry of Agriculture and the agricultural sector – I see, are they with us? I have just been handed something, but there must be more, given the announcements made by the Clerk.

The SPEAKER: Rev. Thwaites, it should be available. We will check on this and make sure that they become available in a short while.

Rev. THWAITES: Thank you, Mr. Speaker.

REPORTS FROM COMMITTEES

The SPEAKER: Mr. Hibbert.

Mr. HIBBERT: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Ethics Committee of the House of Representatives.

The SPEAKER: Thank you, Mr. Hibbert.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Prime Minister.

STATE OF EMERGENCY - DECLARATION OF, ETC.

The PRIME MINISTER: Mr. **S**peaker, I beg to give notice that at the next meeting of

the House, I will move the following resolution; and I crave the indulgence of the House because it's pretty lengthy and I do believe I have to recite it:-

Whereas, under the provisions of subsection (1) of section 3 of the Emergency Powers Act, it is lawful for the Governor-General, during a state of public emergency, by order, to make Regulations for securing the essentials of life to the community;

And Whereas, by virtue of paragraph (b) of subsection (4) of section 26 of the Constitution of Jamaica, the Governor-General may make a Proclamation declaring that a state of public emergency exists;

(MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, entered and took his seat.)

(MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western, entered and took his seat.)

And Whereas the Governor-General was satisfied that, action had been taken or was immediately threatened by a person or body of persons therein of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community, or any substantial portion of the community, of supplies or services essential to life;

And Whereas the Governor-General was satisfied that a state of public emergency existed in the community, or any substantial portion of the community, as a result of the aforementioned circumstances;

(MRS. NATALIE GAYE NEITA-HEADLEY, (PNP), St. Catherine, East Central, entered and took her seat.)

And Whereas, in exercise of the aforementioned powers, the Governor-General by Proclamation on the 23rd day of May, 2010, declared that a State of Public Emergency exists in Jamaica in substantial portions of the community specified in the Schedule to the said Proclamation and further declared that the said Proclamation shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding twelve months, as the House of Representatives may determine by resolution supported by the votes of a majority of all the members of the House;

(HON. EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism, entered and took his seat.)

And Whereas, pursuant to subsection (6) of section 26 of the Constitution of Jamaica, a Proclamation made by the Governor-General for the purposes of and in accordance with section 26 shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding twelve months, as the House of Representatives may determine by a resolution supported by the votes of a majority of all the Members of the House;

(MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West central, entered and took his seat.)

And Whereas, the House of Representatives, by resolution, on the 22nd day of June, 2010, determined that the State of Emergency, so declared, should remain in force for one month, until the 22nd day of July, 2010;

And Whereas, in exercise of the powers conferred by paragraph (b) of subsection (4) of section 26 of the Constitution of Jamaica, the Governor-General, by Proclamation on the 22nd day of June, 2010 and taking effect on the 23rd day of June, 2010, declared that a State of Public Emergency exists in the Parish of St. Catherine and further declared that the said Proclamation shall, unless previously revoked, remain in force for one month or for such longer period, not exceeding twelve months, as the House of Representatives may determine by resolution supported by the votes of a majority of all the Members of the House;

And Whereas the Governor-General by order, in exercise of the powers conferred upon him by subsection (1) of section 3 of the Emergency Powers Act, made the Emergency Powers (No. 2) Regulations, 2010 for securing the essentials of life to the community during the State of Emergency;

And Whereas the Emergency Powers (No. 2) Regulations, 2010 were respectively laid in the Senate on the 25th day of June, 2010 and in the House of Representatives on the 29th day of June, 2010;

And Whereas it is desirable for the Emergency Powers (No. 2) Regulations, 2010 to continue in force after the expiration of seven days from the time of the later laying, being that before the House of Representatives and until the expiration of the State of Emergency;

Now, Therefore, be it Resolved by the House of representatives, as follows –

1. This Resolution may be cited as the Emergency Powers (No. 2) Regulations, 2010 Resolution.
2. The Emergency Powers (No. 2) Regulations, 2010, which were laid on the Table of this Honourable House on the 29th day of June, 2010 are hereby continued in force until the 22nd day of July, 2010.

And, Mr. Speaker, may I just give notice that at a later stage of the proceedings, this afternoon, I will seek suspension of the Standing Orders to allow me to take the resolution, which I lengthily gave notice of.

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

The SPEAKER: Mrs. Haye-Webster.

CRIME/STATE OF EMERGENCY

Mrs. HAYE-WEBSTER: Mr. Speaker, I beg to give notice that at the next meeting of the House, I will move the following:

Whereas the crime rate in Jamaica is acknowledged at an unacceptably high level, with an average murder rate of some thirty persons per week resulting in a high of 1,500 murders in some years since 2005;

And Whereas there have been some 35 reports on crime published since 1975, one of which, the Special Task Force on Crime, has stated that Jamaica has "a culture of crime and violence";

And Whereas based on these reports, the inter-generational poverty, social inequality, high unemployment and rural/urban drift have been acknowledged as possible causes of crime;

And Whereas social research, both locally and internationally, has indicated that harsh crime fighting sanctions and harsh legislation do not reduce the incidence of crime;

And Whereas the Police High Command, the Army and several civic organizations, locally and in the Diaspora, have called for the formulation and implementation of a national plan of action to address the problem of crime from the perspective of social interventions;

And Whereas there has been an expressed and acknowledged reality by parliamentarians and civil society, alike, that an advanced and extended state of emergency can only yield temporary results, albeit providing very necessary temporary relief;

Be it Resolved that the Government call a special sitting of the House to engage in a comprehensive debate on all relevant crime-fighting measures and, in particular, social intervention measures before the end of the current state of emergency;

Be it Further Resolved that at this special sitting the Government give a full outline of its plans and proposals to foster social change an community development;

And be it Further Resolved that all Members of Parliament be facilitated in this debate so that each constituency represented by its Member of Parliament may make appropriate suggestions for social change and propose timeframes for their implementation, so that the future generations may note that their representatives in this Parliament played a meaningful role in the drafting and implementation of a comprehensive long-term action plan for lifting the country out of its present culture of crime and violence.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Hibbert.

ETHICS COMMITTEE REPORT

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

Be it Resolved that the Report of the Ethics Committee of the House of Representatives which was laid on the Table of the House on the 29th day of June, 2010, be adopted.

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Mr. Speaker, there are no questions for answers today.

Government MEMBER: What!

The SPEAKER: Very good.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Thank you, Mr. Speaker. At Public Business today, we will be having, Mr. Speaker, the continuation of the Sectoral Debate and the Minister of Agriculture will be making his presentation, and possibly, we will hear from the Minister from St. Catherine, East Central, possibly.

(Heckling by Government Members) (Laughter)

Mr. HOLNESS: But before we hear from the Minister of Agriculture, Mr. Speaker, the Minister of Finance has three (3) matters on the Order Paper and the Minister of Health also has a matter on the Order Paper, and the Prime Minister will conclude the debate on the Jury Act, the Bill to Amend the Jury Act. We will start with the Minister of Finance.

The SPEAKER: Okay.

Mr. HOLNESS: Oh, and the Resolution as well for the Emergency Powers Regulation.

The SPEAKER: Very well.

Mr. HOLNESS: Mr. Speaker, we will start with the Minister of Finance, who will start with item No. 2 on the Order Paper.

The SPEAKER: Mr. Shaw.

GOVERNMENT LOAN GUARANTEE – JDB/JBDC

Mr. SHAW: Thank you, Mr. Speaker. Mr. Speaker, No. 2 on the Order Paper refers to a resolution:

> Be it Resolved that with reference to a Ministry Paper that was tabled in the House in February of 2010, that this Honourable House approve the granting of a Government Guarantee under the provisions of the Approved Organizations and Authorities Loans (Government Guarantee) Act in respect of a loan in the amount of J$150 Million from the Development Bank of Jamaica to the Jamaica Business Development Centre for on lending to the micro and small enterprise sectors.

Mr. Speaker, the matter is a fairly simple one, in that, the loan of $150 Million from the DBJ will be made to the JBDC for on lending to the micro and small business sector. It is repayable over seven (7) years at a fixed interest rate of 7% *per annum*, with a moratorium of 12 months on the principal payment. And the repayment cycle will be semi-annually for interest and principal.

As I indicated, the funds will be on-lend to finance micro and small enterprises. Each project will be examined on its own merit and should prove its viability, demonstrate the ability to service the loan without any negative impact on its operations. And the proprietors should invest 30% in equity in the project and may access a maximum of $15 Million at a fixed interest rate of 10% *per annum* for the life of the loan.

Mr. Speaker, this is a relatively modest amount channelled through the JBDC. I should indicate to you that it forms a part of the Government's larger programme of providing capital for small and micro financed entities. As you are aware, we are now seeking

to source some $2 Billion from the PetroCaribe Fund for similar purposes.

And, Mr. Speaker, I am to indicate that the JBDC has a pretty admirable programme of what I would describe as supervised loan scheme. And, in fact, I was very pleasantly surprised when I visited the Expo, the JMA/JEA Expo and visited the booth of the JBDC and to look at the quality of the items being produced under that programme. And it is something that it is valuable, it encourages entrepreneurship and it ensures and supports them in terms of quality control, and excellent packaging and merchandising sort of arrangement, it's a very good programme. And so, I think that this is money well spent, Mr. Speaker, and we seek the approval of the House for this guarantee.

The SPEAKER: Mr. Paulwell.

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

Mr. Speaker, the Opposition certainly would support this injection of capital to the micro sector, albeit as the Minister has acknowledged, modest amount of $150 Million. We regard the sector as critical to the growth in the economy and especially growth in jobs. And it has been proven time and again that it is the micro, small and medium sized businesses that provide these growth.

The Minister has mentioned that the funds are for micro and I would just like to enquire whether or not there will be any projects in relation to the small and medium sectors. I also would like to understand going forward, the role of MIDA. That institution was established to provide credit to the micro sector and is it that, that institution is going to be collapsed now into JBDC?

We obviously support the role of JBDC, it's a fine institution, but we want to be clear that its core mandate, which is to provide initially non-financial services to the sector, that, that role is not in any way impaired and that if you are going to be attaching additional responsibilities then you are going to need to have the enhancement of the staffing at JBDC. I know that in this year's budget they were somewhat constrained in relation to their ability to expand their staffing, and I just want to ask the Minister whether or not, in light of these additional responsibilities to JBDC, that there be some additional provisions for their staffing.

A critical aspect of the work of JBDC and the joint issue now of providing loans has to do with the ability of the borrowers to repay the loans; and in that regard, I would like to enquire whether or not these loans are going to be conditional **one**, on training of the micro entrepreneur, and **two**, the development of business plans and projects, that will enable viability of the projects? I think these are two unsustainability, I think these are two critical aspects of the work of JBDC that must be given support when they take on this additional role of lenders.

The Minister has mentioned that the loan provision is at a rate of 7%, that is JBDC's borrowing at 7%, probably you could indicate to us at what rate will they be on lending to the micro entrepreneurs?

Thank you very much, Mr. Speaker.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, the facilities offered by the Jamaica Business Development Centre are the only hope that vast numbers of inner-city persons have for

gainful employment. The compression of the economy has resulted in the loss of many, many jobs. If you stand with me at East Queen Street Corner at 7:00 o'clock on a weekday morning, you would probably see 15% only of the available workforce coming out for employment outside of their communities.

This is, therefore, essential that we pay added attention to the micro sector and the small business sector. And this we take as a small earnest but a significant one in doing so and it is to be commended.

I should like to ask the Minister when the funds that he bespeaks from the PetroCaribe Fund, are likely to materialize, because, frankly, this is the difference between the food money, the capacity to meet the utility bill and the prospect of sending children out to school in September.

The late MICHAEL MANLEY used to say that everyone in Jamaica, he felt, had a little hustle in their mind that they could do additional to whatever it was their main prospect. For many, that hustle has now become the main prospect. And there are several good ideas that can enhance the internal economy, that can increase the multiplier effect of small money in the communities in order that more people can benefit from a touch as it goes through in an honest way. And of course, small business is the way to bring so many of our people in to the formal economy, which is of such great importance, not only to the revenue but also to their sense of dignity and their prospect of sharing in a market economy. So, it is to be welcomed.

One of the main functions of JBDC has been their capacity to refer queries to other agencies, other small business agencies where they can't fulfil all the needs. And this is, of course, of tremendous significance. But may I issue a challenge to the Minister of Finance and to the Government. Because here we have a situation, isn't it an irony and a dilemma, Mr. Speaker, that this country is awash with domestic capital, it finds every single way to employ itself, it is even getting negative returns from many of its traditional sources now and yet, such a small fraction thereof gets into the micro sector, which is the incubus, which is the hub, the cradle of a growing economy of the jobs that we speak of. And is it possible, for the same kind of zeal which allows us to look at PetroCaribe as a source of these funds, which has to be repaid for the local financial sector which is involved, but really to a token extent, having regard to their entire assets, to really make a new commitment to the development of small business in this country. To the enablement of the vast number of people who are in search of some kind of creative engagement so they can earn for themselves, have a sense of independence. If that, Mr. Speaker, in the inner city communities were to be combined with an idea which is so good but which has gone so little traction so far, that of entitling people to the real property that they live on, we would see a new Jamaica within our lifetime. The motion is to be commended.

The SPEAKER: Dr. Davies.

Dr. DAVIES: Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to ask the Minister if he could enlighten us as to the rationale for the way the programme is being structured. And we certainly endorse the allocation for the additional funds for the sector, but it is interesting at the way it's being done, whereby the funds are being provided

by the DBJ, which is delegating responsibility for managing the funds to the JBDC.

It's imperative, Mr. Speaker, that we recognize that these are business loans and the institution will have to, not only assess these applications, but stay with the recipients of these loans to ensure that the fund is repaid and that the Ministry of Finance isn't required to ante-up for the guarantee. So I'd be interested to know, is it decided that this is not within the normal remit of the DBJ? In that if we say that this sector represents a potential for growth, why is it that the DBJ would not develop its own expertise and the JBDC would then make recommendations to send along the applicant to DBJ? Why has this particular *modus operandi* been chosen?

So the Opposition supports the allocation of the additional funds, but if we are seeking to develop, or to expand this sector and we are seeking to source additional funds from the PetroCaribe facility, is it that the model which is being advanced now is the way forward, or I just wish to know why is the DBJ not more integrally involved in this venture?

The SPEAKER: Mr. Hylton.

Mr. HYLTON: Mr. Minister, while you're at it, I'd just like to - you mentioned that 30% of the equity must be provided by the applicant. I just wanted to inquire whether that is in cash or in kind. Is there any flexibility as to how that 30% required from the applicant will be assessed as part of the conditionality to be met?

The PRIME MINISTER: Mr. Speaker, I want to make a brief intervention only because of the absence of the Minister of Industry, Investment and Commerce at whose urging and as a result of whose persistent representation this particular prograrnme was put in place. We have faced a problem – I think it's something well known to those of us who have taken an interest in credit financing for the small and micro enterprise sector – we face a problem that we are not able to match good ideas with collateral.

Very often people come forward, they have good ideas, they're well intentioned, they lack the collateral and very often they are excluded from credit financing. Various attempts had been made in the past, at times ignoring the conventional collateral requirements, but not putting in place the kind of monitoring and supervision and holding of hands that is necessary, with the result that loans go bad. Sometimes not for any wilful intention, but simply because the kind of partnering that was necessary, was not there.

The Minister felt that JBDC has developed considerable expertise in helping small enterprise entrepreneurs to develop a business plan, to understand the importance of being faithful to the plan, to work the programme, to make an important distinction between income and cashflow, but many of them lack the collateral. Now we have done various things to try to address that problem.

For example, DBJ as the House is aware, because we discussed it here some time ago, has introduced a credit enhancement facility where they cover some of the risks of the exposure so that the on-lender, whether it is the credit unions, only have to secure themselves for a portion of the amount that they lend, because the rest is covered by the - it's kind of a risk insurance that the DBJ provides. It's not done for free, I mean, there's a 2% charge on the loans to cover that, but it has brought into creditworthiness many small entrepreneurs who would otherwise have been

rejected. In this programme it goes even beyond that, where loans are made on the strength of:

> a rigorous assessment of the viability of the programme, a mandatory programme of training prior to the disbursement of the loan and importantly, the JBDC stays with the project. They don't simply disburse and wonder why it is that you have not come back to repay your loan, they work with you. They're almost invisible shareholders, so to speak, in the project.

I said to the Minister when we started the programme, we're doing this as an investment of faith, we're gonna see how it works. I did give him an undertaking, which I'd not yet been called upon, that if this programme is successful, if the repayment record is good we're gonna have to locate another $500 Million to put behind the programme. There are too many persons out there who could become successful, not small or micro, but large business persons to borrow, if they got the start and this may be the start that many of them need.

I really am sorry the Minister is not here, because I know he had stayed close to the programme. He has far more intimate knowledge of it than I do in terms of how it has worked so far, what is the kind of activities that it has supported. I do not think it would be true to say that this is just trading, I think, as a matter of fact, a requirement is that it ought not to be trading, that it ought to be the creation of some goods or some service. That is not just a matter of buying and selling and I'm sorry he is not here to give more details. He'll perhaps have an opportunity when he closes the sectoral debate, to respond.

I've taken note of some of the points that have been raised. The Member for South St. Andrew questioned why is DBJ not sort of dealing with it directly? To be quite honest with you I don't think that DBJ, given its role, can have the kind of connectiveness that is necessary. I mean, they're wholesalers of funds, that's what they are. As you know, DBJ doesn't make direct loans; they make loans through intermediaries, through approved financial lenders.

JBDC is a completely different thing. And I want to commend the last administration for having set it up and I think it has a very strong, powerful, capable set of persons there who have really created a window of opportunity for small and micro enterprise operative. (Applause) And what we want to do is to support them.

Now, it may be that we are taking that unit into an area that they didn't go before, in the sense that before they were simply evaluating and training and making recommendations. Now we are saying to them no, live with your entrepreneurs, stay with them and when you feel that they've graduated to the point where they can take off on their own, then you turn your attention to others.

I think it's a worthwhile experiment, if that is what it is and I'm awaiting a detailed report of how this $150 Million - because I think it's almost exhausted now. I think that money is virtually finished and I told the Minister I want to see how it has performed, what the recovery has been, what the level of failure has been because there are going to be some failures. But quite frankly, if the failure rate is

modest, then that is the price we must be prepared to pay for the significant success that we would've been able to engender. And once I see the detailed results, it is something that I will speak with the Minister of Finance to see now; how can we provide some additional funding?

If it works, then let it work for as many more people as possible. That's the approach that we want to take.

(Applause)

The SPEAKER: Mr. Kellier.

Mr. KELLIER: Thank you, Mr. Speaker.

I'd just like to commend the idea of increasing the amount of funds available to the small and micro sector; it's one that I have a great interest in myself. But I'd just like for the Minister to consider something in all of this. Most of the persons who I think we are trying to reach by providing these kinds of sources of funds, are most of the persons at their lower rung of the ladder. And one of the issues, over time, that has plagued us, and particularly those persons, is the matter of the collateralisation of the loans. And each time we have this discussion, that argument comes up.

Those persons who are at the lower end of the ladder, Mr. Speaker, find it very difficult in most cases to come up with the adequate collateral to satisfy the demands of the onlending institution that actually lends to them. And I would like to know, Minister, whether or not you will be seeking to get some of these institutions to be more, maybe lenient for want of a better word, or more flexible - thank you doctor - in respect of the collateral requirements that they impose on these persons that we want to help. Because if we do not really get down to that lower, lower, lower end, we will continue the cycle of persistent poverty going on, and those persons will never have a chance really, to come up on the ladder.

Furthermore, Minister, I don't know whether or not since it is possible that if this one succeeds you will be going into a further programme. It's time we really start to look back at venture capital in a serious way, because, you know, it ties in with the argument about the low collateral support for these loans. Venture capital is something that is necessary to help persons again, in the small and micro sector, a lot of good ideas down there, but, you know, if you don't take chances sometimes you don't see the successes that can emerge. And I would think that we need to look at how, you know, we could possibly fashion a venture capital window, albeit with a limited amount to start and see. Monitor it through with the JBDC as well doing their monitoring, and see how it can develop. But it has worked in some instances in the past and again, as was said, there are some successes and some failures, but you have to go out there and plunge. And I really want to commend the idea of doing this.

It reminds me, Minister, of the $1 Billion that we had put forward in the - that the Opposition Leader, when she was Prime Minister - had put forward out there from the NIF Fund to help the situation. And I remember that when we tried to do that, we were almost run out of the House for putting our fingers into the people's money. But you see now that the benefits of it are good and I'm glad you've caught on to it and I'm looking forward to seeing you doing some more.

Thank you.

(Applause)

The SPEAKER: Minister Shaw.

Mr. SHAW: Thank you, Mr. Speaker, and thanks for the intervention of the Members.

Now, the Honourable Prime Minister, as I believe, answered most of the questions. I would like to just mention, the onlending rate is meant to be l0%, a spread of 3% is the rate for onlending.

Let me also indicate that in relation to the point about the level of the collateral and so on, there is that requirement for that 30% equity. But what is unique about the JBDC system, is that, it is an old fashioned system of what you call a supervised loan scheme. So you don't just take up money, hand it to a person or institution and forget about it until time for repayment comes. It is – tranches are paid out in accordance with the cash flow requirements of the investment. So that, if you don't do stage one, you are not going to get the second phase of the money. So, it is virtually guaranteed that you follow with rigor, the requirements of the business plan. And that in and of itself, is a good part of the internal sort of guarantee of effectiveness of the loan. And let me indicate…Sorry

(*Sotto voce* comments by Reverend Thwaites)

Mr. SHAW: Precisely, sure, it is a supervised loan scheme, like the IMF, very good observation there, Member.

But, Mr. Speaker, I want to say that as the PM indicated, these are directed to productive enterprises. They are discouraging the trading side and encouraging innovation and producing things. What I saw at the arena were ceramics of high quality, processed foods, excellent quality processed foods that are part of the projects that are under this programme. And so, Mr. Speaker, it really needs to be encouraged.

Let me also say that you mentioned venture capital, interesting observation, because let us understand that the environment now, is one in which, with falling interest rates, people need to now focus on how we are going to really make money, allow money to make money, rather than putting it on Government Paper, go to beach, and cock up your foot. The time has now come for us to be innovative, to be inventive, to come up with new ideas and to take risks and that is what it is all about. That's what - it has to be a logical part, Mr. Speaker, of the phenomenon of the decline in interest rates.

And I want to bring to your attention that last week - it is only a matter of time before the commercial banks have to fall in line. Because last week, the auction rate on the Treasury Bill, the three months Treasury Bill was 8.52%, it is a 30-year low, in terms of the auction, the Treasury Bill rate that is now being, actually being accepted out there. (Applause)

So it is, therefore, an area for venture capital to be looking at, and certainly the Government would not rule out the possibility of offering some reasonable range of incentives to encourage venture capital. But the greatest incentive for venture capital funding now, is the overall realm of lower interest rates.

The question of the future MIDA that is something that I am going to have to ask the Honourable Minister of Industry and Investment to comment on in due course. But I think, the point here is being made, Mr. Speaker, that we want the small business

sector to know that we are creating windows of opportunity for them.

Just in one point to the former Minister of Finance. As the Prime Minister has indicated the DBJ has limited windows. In terms of agriculture, they have had the PC Bank. But typically they have used the traditional lending - approved lending institutions, commercial banks and other lending institutions. What we have been trying to do and I had meetings with the Credit Unions and suggested that they, too, take a loan from the DBJ, because the Credit Unions have what 900,000 members. And my mother sent me and my siblings to school by borrowing money from a Credit Union and…

(*Sotto voce* comments by Dr. Davies)

Mr. SHAW: Mr. Speaker, we have, therefore, brought in and encouraged the Credit Unions to go to DBJ, borrow some money from the DBJ because they are the ones that are closer to the small business enterprises. We are also very pleased that the work of PROFESSOR ROSALIE HAMILTON, working with the alliance of various groups, and we are going to be working with them in relation to assisting their membership to access some of these additional funding that will be coming under the PetroCaribe programme.

So, Mr. Speaker, with that, I ask for approval of this guarantee.

(Applause)

The SPEAKER: Members, before you is No. 2 on the Order Paper, the resolution as indicated by the Minister of Finance and just debated for your approval.

Motion put to the House and agreed to.

The SPEAKER: The Resolution approved.

Minister Mr. Shaw.

Mr. SHAW: Mr. Speaker, the next matter before us is the Credit Reporting Act, which as you know, Mr. Speaker, was returned to the House after amendments were made at the level of the - at the Senate.

Mr. Speaker, I now move that the Bill be read a second time.

The SPEAKER: Members, the question before the House is that the Bill be read a second time.

Mr. SHAW: No - Mr. Speaker, I followed a script here and this is an error, I am not ready to move for a second time yet.

I wanted to just make a point, Mr. Speaker; I wanted to make the point that there are really two major highlights to the series of amendments that have already been tabled in the House. A new subsection (8) has been inserted, and this amendment compels the Minister to make his determination on a licensed application, within 120 days, once all information and particulars have been submitted. The applicant will, therefore, be able to ascertain the outcome of his application within a specified period. An amendment has been made in subsection (l)(c) of Clause 6, this will allow consideration for an extended period for the start-up of a bureau after the receipt of a licence if the necessity arises.

In Clause 11, in addition to minor amendments within this clause, three subsections have been added. And in summary, these amendments will make it clear that where the Credit Bureau discloses inaccurate information in accordance with the Act, it will not be liable with civil or criminal proceedings under specified circumstances. These circumstances are:-

- at the time of the disclosure, the Credit Bureau did not know or have reasonable cause to suspect that the information was inaccurate;
- and where knowledge of, or reasonable cause to suspect, the inaccuracy of the information came to the Credit Bureau at any time after it made the disclosure, the Credit Bureau forthwith, gave notice in writing of the inaccuracy to the customer concerned and to each person to whom it disclosed the information. And took steps to correct the inaccuracy in its credit files relating to the consumer, including deleting or expunging the incorrect information from its records or destroying the inaccurate information as appropriate.

These, Mr. Speaker, are the main elements in the Bill that has been brought back to the House from the Senate.

(*Sotto voce* comments by Dr. Davies)

Mr. SHAW: I don't think there was a limit, so they are placing one now.

(*Sotto voce* comments by Dr. Davies)

Mr. SHAW: That is right, precisely.

So, Mr. Speaker, I move for second reading.

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

Motion put to the House and agreed to.

A Bill entitled:-

"AN ACT to Provide for the sharing of credit information between specified bodies, the Licensing of Credit Bureaus and for connected matters",

read a second time.

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

COMMITTEE STAGE

The CHAIRMAN: Minister, are there any corrections to any of the sections?

Mr. SHAW: Chairman, there will be one (1) amendment which I will ask the Prime Minister to propose.

The CHAIRMAN: Yes, Prime Minister.

The PRIME MINISTER: Mr. Chairman, a considerable amount of - the strong opposition has been raised by the Media Association of Jamaica to the penalty provision which is tied to Section 13, subsection (5). And let me explain. It says here, "that anybody who publishes information..." Let me read the exact section:

A person who knowingly receives, uses or discloses credit information obtained by any person in contravention of this Act commits an offence. And the punishment for that is a fine of up to $2 Million or imprisonment of up to one year.

The Media Association has raised with us a concern that it means that a journalist or media, a publisher could be imprisoned for publishing information which they came into possession of. In the discussions that I had with them, I indicated that the essence of the credit reporting system is:-

(a) confidentiality that people must be confident that their information is not going to be bandied around in any improper way; and

(b) that the disclosure of that information can only be done with the approval of the person to whom it relates, I mean that is what is required.

And it is important to retain that because, if not, if people don't have that confidence, people are going to be perhaps, less than enthusiastic in subscribing to the Bureau.

But when we researched the matter, we found that in other statutes, in all other statutes except one, there is no such punishment for disclosure other than by a person who has access to the information pursuant to the Act but discloses it in a way that is not provided for in the Act. So it would have to be like an officer of the bank and people who are entitled to the information, who are restricted from disclosing it.

The one exception we found was in the Interception of Communications Act where it says that, any person, whether you are an officer, who would normally be entitled to the information, if you disclosed the existence of an intercept order, you would be subject to punishment. And therefore, we have to wrestle with the question as to whether this comes to the same level, the same threshold as that.

What I want to propose is that we retain it as an offence, but in relation to the disclosure, we should be, other than disclosure by persons who have access to the information, have lawful access, and who disclose it in an improper way, we are not - I am not proposing that we interfere with the punishment there. But in relation to other disclosure, that the fine of $2 Million would be retained, but the alternative of imprisonment would be removed.

And that is what I am proposing for the consideration of the House.

Rev. THWAITES: Mr. Chairman, will the Prime Minister indicate how the mischief of a person who has access lawfully to this information and discloses it to a journalist, and is not identifiable because the journalist's sources are normally kept privileged, but who has in fact by that disclosure untraceable, in fact, destroyed a person's reputation and defeated the very singular purpose or primary purpose of the Act which the Prime Minister acknowledges. It seems to me that those who would wish a mitigation of the penalty are forgetting that very plausible possibility entirely, and respectfully, that point that he advances to mitigate that penalty needs quite some rethinking.

The CHAIRMAN: Dr. Davies.

Dr. DAVIES: Well, my point, Mr. Chairman, is related to that in the sense that you would have an offence which would have two different penalties; an officer who has access to the information where the Prime Minister is not proposing to amend that, but if that officer passes information to someone who publishes it, a journalist, then we are seeking to adjust the proposed penalties. I have a concern in that regard. But the second one is, would you now have the possibility that this offence committed through collusion between an officer who has access and a journalist, or someone who is publishing, that you could be involved in the same act but you have differential penalties?

The PRIME MINISTER: That one I think can be justified on the basis that a greater burden would have to be placed on the person who has lawful access and a greater responsibility on that person not to disclose and therefore a more severe penalty.

The point that was made by the Member for Central Kingston is one to which I don't have the kind of answer that would satisfy his concern and that is, where someone colludes with a publisher, provides the publisher with the information; it's not that the publisher would not be punishable, he would still be punishable but not by imprisonment. And the issue would be that one has to be able to determine responsibility and guilt before you can apply the punishment and therefore, if the source of that information which was published can be identified then that person is going to be subject to even more severe punishment than the publisher.

But I think we need to be – we did some careful research. We looked at the Banking Act, we looked at the Money Laundering Act, we looked at several pieces of legislation and in every case, as I indicated before with the exception of the Interception of Communications Act, there is no criminal liability for disclosure by any person other than those who have access to the information. It's always confined whether it is the member of the police force or whether it is an employee of a bank or employee of some government agency. The only one where it goes beyond that and says now, even if you are not someone who would have access to the information if you come in possession of the information and you publish it, you are liable to punishment; the only one we could find was in the Interception of Communications Act.

The point that was made by the Media Association is that punishment generally they resent, because they believe that it is an encroachment on freedom of expression and freedom of the press. I pointed out that we had to retain a restriction otherwise we would have jeopardized an essential element of the whole credit reporting system; but what I indicated is that I would ask the House to consider while retaining the monetary penalty removing the alternative of punishment.

I don't believe that there is an anomaly because as I said, there has to be a greater burden of responsibility for those who have access to the information; you don't have to ferret it out, you don't have to snoop around to get it, you have access to it and, therefore, you must exercise a certain level of responsibility in the confidentiality that that requires. That is certainly, in my view, a higher burden of responsibility than that of someone who is publishing the information because they believe that it is something that is of public interest, and in that case we would still retain a significant monetary penalty but not the imprisonment.

Dr. DAVIES: If we make any adjustment, Mr. Chairman, I would only be comfortable with the adjustment being across for both the officials as well as those who would publish information.

Mr. PICKERSGILL: Or what happens if they don't pay the fine?

Dr. DAVIES: Right.

Rev. THWAITES: Mr. Chairman, the right of freedom of expression is no higher in our constitutional law than the right to privacy, you know Sir. And the neat distinction which the Prime Minister makes in between the person who has access and who that person gives it to is virtually untraceable. You try and get any journalist and force him to disclose his sources. So what, on every occasion like this you are going to have a detective chase as to whom access was rightfully given and you would what,

prosecute all or get somebody to admit? Not workable.

Mr. PICKERSGILL: And, Mr. Chairman, what if the fine is not paid?

Mr. SHAW: Mr. Chairman, I'm going to suggest - I would propose that we suspend this matter for two weeks to allow us to…

Dr. DAVIES: Because we spending a lot of time on it.

Mr. SHAW: Yes. ...to allow us to do some more sort of due diligence and consultation with the Opposition and then we'll come back in two weeks' time.

The CHAIRMAN: Okay, Members, the question is that I do report progress on the Bill and for suspension to a further date.

Motion put to the House and agreed to.

RESUMPTION

The SPEAKER: Members, I do report progress on the Bill but suspension until a later date.

Minister?

Mr. SHAW: The third matter, Mr. Speaker, has to do with the Government Guarantee under the provisions of the Approved Organizations and Authorities (Government Guarantee) Act of a loan of US$340 Million from the China Export-Import Bank to the Road Maintenance Fund to finance the Jamaica Development Infrastructure Programme. Mr. Speaker, a loan of US$340 Million was secured in February, 2010 from the China Export-Import Bank to finance the Jamaica Development Infrastructure Programme. This programme represents a major undertaking by the Government of Jamaica to significantly improve the island's road network. The roads slated for maintenance and rehabilitation are all part of the transportation network and are all essential for the movement of goods and services throughout the island. It is important that further deterioration of these roads is prevented as this will adversely impact the economy of the communities along the affected corridors.

Projects to fall under this programme are now being developed along with the relevant designs and cost estimates. The selection of projects is based on a prioritization exercise that takes into account the National Transport Policy, the Road Sector Master Plan, Vision 2030 and the stakeholder participation among other considerations. To facilitate - and I should indicate, Mr. Speaker, that it will involve not just what we call public works road or secondary or tertiary roads it also will include Parish Council roads.

To facilitate the execution of the project, a loan from EX-IM Bank of China constituting 85 per cent of the cost of the project was obtained. So that the total cost of the project is US$400 Million, Mr. Speaker, of which the China loan is US$340 Million.

The salient financing terms of the EX-IM Bank of China financing include, as I indicated, 85 per cent of the contract amount, the term of the loan is 15 years, Mr. Speaker. And Mr. Speaker, unlike other road programmes, this interest rate is at a fixed interest rate of three per cent (3%) *per annum*. Three per cent (3%) *per annum*, Mr. Speaker. It is repayable in 26 equal and consecutive semiannual instalments after a grace period of two years. It has a commitment fee of 0.75 per cent *per annum* - on the committed ondrawn loan amount and it has a management fee of one per cent flat of the loan amount payable within 30 days of the effectiveness of the loan.

Mr. Speaker, the debt servicing for the loan is to be met from the fuel tax revenue to be collected from the Road Maintenance Fund. To ensure that the debt servicing obligations will not fall entirely on the Consolidated Fund it is recommended that a dedicated fund will be established from the fuel cess to service the debt. The escrow account should have specific guidelines for the use of funds and is managed independently of the Road Maintenance Fund and its portfolio Ministry.

Mr. Speaker, I'm also to indicate to you that this programme is to be expended over four to five years. So that it is a significant amount of money and it is spread out over the period to ensure that it is in line with our medium-term expenditure programme. I'm also to indicate to the Honourable House that the way that this programme is being managed and in fact the way that the overall government expenditure is now being managed, is that everything now has to be taken into the national account. I want to make that very clear. So that the expenditure under the Road Maintenance Fund which has its programme of financing also has to be accommodated within the IMF programme of the overall ceiling on Public Sector expenditure; and within that context, in this fiscal year, some US$60 Million is what is earmarked from this programme to be expended in this fiscal year.

In order to accommodate that expenditure within the total budget, we have had to reduce the capital expenditure at the National Housing Trust from a projected $25 Billion for this fiscal year down to $20 Billion for this fiscal year.

I want to make it clear, however, Mr. Speaker, that upon a review of the NHT expenditure programme, we found that it would virtually have not been possible for that full amount to have been spent and so we, therefore, have reduced that amount in order to accommodate this US$60 Million expenditure under the first year of this infrastructure development programme.

Mr. Speaker, it is an important programme for Jamaica. As we speak the roads across the island are deteriorating, everyone knows that and is aware of that. Both in terms of main roads as well as in terms of critical rural roads, farm roads, Parish Council roads. Mr. Speaker, this programme is absolutely vital and critical to the economic development of the country going forward and I put forward this for the approval of the House.

Let me indicate that although the House is being asked to approve the total amount of US$340 Million that in fact it is only on the annual basis of the amounts drawn down that these will be put onto the amount that is formally guaranteed, but we just bring it as one package for approval at this time.

The SPEAKER: Dr. Davies.

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

Mr. Speaker, let me begin by indicating that the Opposition recognizes the importance of our relationship with the PRC, the People's Republic of China, and a loan granted on these concessionary terms is something which we greatly appreciate. I want to separate recognition and a willingness to support a loan granted on such concessionary terms. That's one side of the picture.

The other issue, Mr. Speaker, is that we have very, very serious concerns about the absence of information and precisely what is going to be funded by this $340 Million.

(*Sotto voce* comment from Mr. Charles)

Mr. Speaker - well, first of all, we would like you to read the document and then you probably could help us. Paragraph 2.4 says that Cabinet, by Decision 33-09 dated August 17, 2009, approved financing in the amount of $340 Million. So it's not a surprise. The Prime Minister and party went to the People's Republic of China, and this is one of the results.

But then, Mr. Speaker, what are we told, that we know we had this major loan aimed at infrastructure development contributing to a programme of $400 Million, but nothing has been developed, there is no project. What are we told? We are told that - and I just want to be clear - in paragraph 3.2, projects to fall under the JDIP, which is the Jamaica Development Infrastructure Programme - this is what this thing is called – are now being developed, along with relevant designs and cost estimates. So we are being asked to approve a guarantee for a huge loan for a set of projects, and we have nothing, we have no idea as to what exactly is there, where will they be located, or which areas or roads, what are the criteria, how will these be submitted. The Minister in passing - it's not in this document - indicates that it's not just Public Works roads, but Local Government roads, presumably, will also be involved. And then we are told that the Road Maintenance Fund was going to be used as the medium, the vehicle through which the servicing of this debt will be carried out. Again, Mr. Speaker, me and the Road Maintenance Fund don't have luck. The questions I posed umpteen years ago and which you, Mr. Speaker, aided and abetted by your refusal to take appropriate action, they were allowed to get away with the fact by just not answering until it fell off the...

(*Sotto voce* remarks from Mr. Holness)

Dr. DAVIES: That's also precisely true...

Mr. PICKERSGILL: Include the Leader of Government Business.

Dr. DAVIES: …the Leader of Government Business who dodged and promised the answers the next week and the next week.

So, Mr. Speaker, we have this huge loan and we are not yet able to determine exactly what is in this project, but who will carry out this project? How will contracts be awarded under this project? It's being financed by the Export-Import Bank of China, but we have no idea as to what we will be constructing nor who will be constructing this. How will the contractors be selected? Because one of the problems we have faced is a clear understanding of how the funds through the IMF have been handled.

Mr. Speaker, the details in terms of the actual loan, we have no problem with this, and the loans from the Chinese have been on similar or even better terms, in terms of the construction of the stadium, in terms of the construction of the Convention Centre in Montego Bay. So we appreciate the support from the Chinese.

But let me just indicate, Mr. Speaker, I would like a segmentation, I would like a segmentation of any support for a guarantee for the loan, with any suggestion of an approval from this Honourable House, of a puss-in-bag set of projects...(Opposition Members applaud)...about which we have no idea.

Mr. Speaker, there is indeed...

Mr. CHARLES: You should be the last one talking about puss-in-bag. When you were running you didn't know what you running after.

Dr. DAVIES: There is indeed...Your absence was highly appreciated! Reward us again! (Laughter) Reward us again! Reward us again!

Mr. CHARLES: So was yours last week.

Dr. DAVIES: Mr. Speaker, this whole arrangement is chaka-chaka. An approval is given by Cabinet in August last year. The Minister of Finance comes to the House with not just a budget for the government departments, but with a budget for the public enterprises division, public bodies. But then we are told that this project was not included in the Public Bodies Capital Budget. And in order now to make use of the funds which we knew would be available, because Cabinet approved it at that period for nine - going ten months ago - we are now going to have to carve into the allocation which had been made to the NHT to allow access - us to be able to use the funds under the IMF Agreement. I am not complaining about the limits, but there is no need for us to act in this haphazard way, in that we had prior notice. The Public Bodies Capital Budget, that was presented to us in March of this year, and now we are in the process of saying, well, approve this loan. We really don't know, we are not in a position to tell you what you are approving it to spend on. We expect to spend US$60 Million this year, but the projects are being developed. No, Mr. Speaker, we can't proceed this way.

And therefore, Mr. Speaker, let me indicate that the Opposition is willing to support the guarantee of the loan from the PRC, but this must not, repeat, not be interpreted as a support for a project about which we know nothing.

(Applause)

The SPEAKER: Leader of the Opposition.

Mrs. SIMPSON MILLER: Mr. Speaker, I would like to ask the Minister whether the reduction of $5 Billion from the capital expenditure of the National Housing Trust - I would like to ask what programmes will be cut and what of the NHT programmes that were announced by the Prime Minister? And I want to know was the NHT Board informed of this decision, or a discussion took place with them before this decision was taken?

Thank you.

The SPEAKER: Mr. Henry. Mr. Fagan.

Mr. FAGAN: Mr. Speaker, I am not in possession of the statement, but what I know, sir, is that the Parochial Revenue Fund was part of the arrangement for the granting of the loan. In fact, not so long ago, the Parish Councils were asked to give up 50 per cent of their funds in order to support this $60 Million that the Minister is talking about.

What I want to find out, Mr. Speaker is whether or not the - how the Councils would benefit from this. I know the Minister has said that the Parish Council roads would be part of the programme, but whether or not the - Mr. Speaker, whether or not the Councils would be able to access directly from whatever Board or organization that is set up, or is it that the Councils will be asked to submit names of roads? What is the situation now with the Parochial Revenue Fund, going forward, as it affects this Road Maintenance Programme?

The SPEAKER: Mr. Paulwell.

Mr. PAULWELL: I thank you very much, Mr. Speaker.

Mr. Speaker, I am a member of the Public Administration and Appropriations Committee of this Parliament, and I should remind this Parliament that that Committee has taken on even greater responsibility, in light of the Fiscal Responsibility legislation. And certainly, we view our function as very important in ensuring that expenditures are properly made, and that in light of the strictures of this IMF Agreement that we accord with whatever other requirements.

(DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern, entered and took his seat.)

And in that regard, Mr. Speaker, I should say to this House that this very matter came before the Public Admin. Committee some three weeks ago. And at that meeting the Ministry of Works was there, and Members - in fact, both Government and Opposition expressed strong concerns about aspects of this project. And so much so that we had deferred the full consideration at the time, and we have rescheduled a new meeting, a new date for a meeting of the Committee, when it is hoped that representatives from the Ministry of Finance, the Public Works and, importantly, the Contractor General's Office, will be present to address some of the concerns.

The concerns relate to a number of things. Firstly, it has to do with the impact on the debt situation of the country, and again that is in light of the IMF Agreement. It also had to do with issues relating to the Road Maintenance Fund. And very importantly, at the Committee meeting there was a discussion on one of the projects that is being contemplated by this funding, that of the Airport Road Project. And many of the members could not see the full justification in the expenditure on a four-lane highway for the airport road, especially in light of a previous project that was much less in scope, but could achieve the same objective of preventing flooding of that roadway when we have heavy weather system.

And one of the things that came out of that Committee meeting was an acknowledgment that the expanded work on the airport road was being contracted and about to be implemented without the requisite approval from NEPA. And this came as a complete shock to members of the Committee, because that area has a very fragile eco-system, and we have to be very, very careful, Mr. Speaker, how we do major construction. And in fact, Mr. Speaker, the previous project which was for an estimated amount of US$13 Million, which would have taken care of the major concern, had the full approval of NEPA. This expanded project which is over US$60 Million, we were told that the additional aspects of the work did not get the requisite approval from NEPA, and we are very concerned.

Mr. Speaker, in light of the importance of the...

Dr. BARTLETT: Mr. Speaker, a Point of Order, a Point of Order, Mr. Speaker.

Mr. Speaker, the Member is a Member of a Committee of the House, and that House Committee is to make a Report on the same issue that he is reporting. Is it okay for this Member to be pre-empting that Report?

Mr. PAULWELL: Mr. Speaker, if I could respond. The fact of the matter is that this Committee has been cited as an instrumental Committee in ensuring the financial management, the proper financial management in the legislation. And if it is a matter that is being contemplated by the

Committee, I think it is appropriate that I bring to the attention of this Parliament, the considerations and the concerns of the Committee.

(Opposition Members applaud)

And probably to suggest, Mr. Speaker, that a debate at this stage is really pre-empting the work of the Committee.

And I want to submit, respectfully, that perhaps this debate… (Interruptions) …should occur after the committee has done its contemplation…

The SPEAKER: No, no, with due respect, though… No, Mr. Paulwell, a discussion in a committee cannot take precedence over a debate in Parliament.

Mr. PAULWELL: I just want to emphasize again, Mr. Speaker. You have… (Interruptions)

The SPEAKER: Finish up the point you are making.

Mr. PAULWELL: Mr. Speaker, Mr. Speaker, I have a right to speak here and I intend to speak. (Interruptions) Mr. Speaker, the Public Adrninistration...

Mr. HENRY: On a point of order, Mr. Speaker, I had meant to answer all of that Committee's position when I speak next week. But the Member must not mislead the House. The Member was at the launch for the Palisadoes. He is aware that all of the NEPA approvals and everything was granted.

Mr. MONTAGUE: Hear, hear!

Mr. HENRY: He raised nothing like that when he welcomed the programme and laudably done so in respect of it. He was fully aware that the media took what I said… (Laughter and Interruptions)

The SPEAKER: The point of order he said the Member was misleading the House.

Mr. HENRY: The point of order is you were aware of the NEPA approval.

Mr. PAULWELL: There was no NEPA approval.

Mr. HENRY: You were aware of it.

Mr. MONTAGUE: Withdraw!

Mr. PAULWELL: Can I respond?

Mr. PICKERSGILL: He was never aware.

Mr. HENRY: And I will answer the rest when I speak shortly.

Mr. PAULWELL: Mr. Speaker...

The SPEAKER: The Minister is saying that you are aware that... (lnterruptions) ...The Member is saying you were aware of the approval.

Mr. PAULWELL: Mr. Speaker, if I might comment.

Mr. Speaker, the launch of the airport project took place before the Members came here and spoke to the Committee. And the minutes will reflect that there was an acknowledgment on the part of the Ministry that the Minister is responsible for, that all the approvals were not got from NEPA. That is what the Members said to the Committee.

(Inaudible comments by a Member)

The SPEAKER: So the question then, Mr....

Mr. PAULWELL: And so, therefore, Mr. Speaker, I'll repeat the submission. This matter is before the active consideration of the Public Administration and Appropriations Committee. That Committee has tremendous power. It can deny expenditures in relation to the budget of this country. And so, I believe it is premature and preemptive of the work of the Committee that this matter is being dealt with in the way it is being dealt with today.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, Mr. Speaker, in support of the Member of East Kingston, may I suggest that you refer... (Interruptions)

The SPEAKER: (Gavelling) Can we have some silence, please? Yes.

Rev. THWAITES: Mr. Speaker, in support of the Member of East Kingston, may I suggest that you do refresh yourself to the terms of that very far-reaching piece of legislation that we passed not many months ago. Because I respectfully submit that having done so, he is correct.

Mr. Speaker, in any event, is it – are we doing the right thing by our people, by incurring further debt when we have no clear picture of how it's going to be used, how it's going to be managed and what are the consequences of the repayment regiment, the formula that has been expressed? And, wouldn't it be advisable and wise, just as we have earlier done with another piece of legislation, not in any contentious spirit, but in the interest of getting something that we can all subscribe to; that the Administration simply allow the time necessary for the programmes to be developed, to be presented, to be approved and then the financial consequences, that of endebting the country over a long period of time, can in fact be entered into with a clean spirit?

The SPEAKER: Mr. Henry.

Mr. HENRY: Thank you very much, Mr. Speaker. It always baffles me how people argue from two sides of their mouth.

(Applause)

Mr. MONTAGUE: Hear, hear!

Mr. HENRY: What we have is a past Government that spent hundreds of millions of dollars to develop the Norman Manley International Airport and paid no attention to the road that connects it**.** (Applause) They paid no attention...

Mr. BUCHANAN: Be quiet!

Mr. MONTAGUE: You be quiet back there!

Mr. HENRY: They paid no attention to protecting that expenditure, so much that a high tide was closing the road…

Mr. MONTAGUE: Exactly.

Mr. HENRY: …for people to reach the airport and threaten the investment. (Applause)

They did that expansion to accommodate seven million people. It declined to one point two million because there is no support mechanism to increase the traffic through it. The shoreline of Jamaica needs to be protected. I will not be accountable to any issues that mislead the public.

Government MEMBERS: Hear, hear!

Mr. HENRY: I have said the shoreline has to be protected or the investment in Norman Manley will disappear into the sea.

Mr. MONTAGUE: Hear, hear!

Mr. HENRY: I have said equally that the vision is to look beyond tomorrow into next year. I have equally said that what we are building only matches the four lanes that come right up to the Harbour View round-a-bout. And what we have done is built a two-by-one lane with a soft shoulder to extend to four lanes, with a boardwalk to accommodate the persons who want to sell along the utilization of the shoreline. The Government allowed the shoreline and its value to deteriorate into nothing. (Applause)

Mr. MONTAGUE: Hear, hear!

Mr. HENRY: The preferential buyers, Credit of China, is known to them. What they

fear is a performance that will show what they never did in the past. (Applause) So, as each of them call me in respect of which road they are going to get, and when it will start and the threat of a performing Government threatens them, I accept what they are saying now. (Laughter) (Applause) Because they had no vision.

Mr. BUCHANAN: Rubbish!

Mr. HENRY: They left this Government with Mount Rosser built in the middle of a toll road which cost us US$20 Million more because no geo-technical study was done… (Applause) …in order for them to announce it's a new highway. They are fully aware, as was that Committee reported to, and I intend to answer every issue when I speak on July 6. And I will deal with all of the matters that they fear in respect of what is the implementation of this programme. So they are fully aware the cess cannot support the totality of the needs of the roads they left behind unprepared.

(Inaudible comments by Opposition Members)

They left the country with deteriorated roads. Only 20% of the roads can be saved. So, take yuh beating when yuh ready.

(Mr. Kellier rises)

Mr. KELLIER: Mr. Speaker, on a point of order.

The SPEAKER: What's your point of order, Mr. Kellier?

Mr. KELLIER: Mr. Speaker, it's both a point of order and one of clarification.

Mr. HENRY: So, Mr. Speaker…

(Interruptions by Mr. Buchanan)

The SPEAKER: Eh?

Mr. KELLIER: Both a point of order and one of clarification.

Mr. HENRY: Mr. Speaker…

The SPEAKER: (Gavelling) Hold it, Mr. Henry. What's the point of order?

Mr. HENRY: I thought he rose on a point of disorder because he left.

(Inaudible) (Laughter by Government Members)

Mr. KELLIER: The matter before us, Mr. Speaker, the Member is not addressing the matter that is before us. The matter that is before us for debate is not being addressed by the Member. His latitude has gone way beyond that matter. The Standing Order says…

The SPEAKER: Yes.

Mr. KELLIER: …that you are to speak to the issue. He is not speaking to the issue, Mr. Speaker. And I advise you to rein in the Member.

Mr. WARMINGTON: Mr. Speaker…

The SPEAKER: Okay, Mr. Warmington. Mr. Henry.

Mr. WARMINGTON: Mr. Speaker, Mr. Speaker, the Member from East Kingston and Port Royal raised the issue and the Minister is responding to what he said.

Mr. KELLIER: You have not answered my point of order, Mr. Speaker.

The SPEAKER: Okay, Mr. Kellier. Mr. Henry, Mr. Henry, could you kindly focus more on the loan that…

Mr. HENRY: I'm always focused, Mr. Speaker.

The SPEAKER: ...the loan, and Mr. Henry, the Members have raised the question as to the guarantee and also what the loan will be used for.

Mr. HENRY: I was not the one that was being hypocritical. I'm for real. I am not the one who the public can say a surge in the tide blocks the road to Norman Manley. I have said

clearly what we are building there is to withstand a hurricane for 200 hundred years. I am not the one that created Mount Rosser which I now have to find $30 Million more if it is even to continue.

(Heckling by Opposition Members)

I wasn't the one who announced it as the new toll highway on the way to the next government only to make a political statement at the cost of US$50 Million which we could have used to repair the roads and perhaps reduce the borrowing from China. (Applause)

Mr. MONTAGUE: Hypocrite.

Mr. HENRY: Would like me to go on?

The SPEAKER: No, you need to just concentrate on some of the questions in terms of.. .

Mr. HENRY: Because I speak next week when I will deal with the other part.

The SPEAKER: ...what the loan will be used for.

Mr. HENRY: Okay. So, the Palisadoes strip needs to be protected as part of the shoreline development. I wonder where the MP was that was preaching about Caribbean Estates and Caribbean Estates that was washed away in the last hurricane...

The SPEAKER: No...

Mr. HENRY: ...all because we didn't begin to protect the shoreline and now all those citizens have to remove. (Applause)

The SPEAKER: But, Mr. Henry, no, could you shift from the Palisadoes strip to the...

Mr. HENRY: But the Palisadoes strip, Mr. Speaker, if you are not aware, is the beginning of the shoreline protection for both the City of Kingston, the Cement Company, Portmore and on the other side is all the side into St. Thomas. What they did, for 20 years they did, was sit down and fiddled with..... and did nothing in response to.....

(Heckling/shouting) (Inaudible***)***

(Applause)

And now when they see a programme which will benefit the country, which they themselves will try to sneak through, they are coming to make political noises. Even so, making noises about…

(Inaudible) (Heckling)

A MEMBER: Hypocrite.

The SPEAKER: (Gavels) Okay. Thank you, Mr. Henry. Dr. Guy.

(Interruptions)

Dr. GUY: Thank you, Mr. Speaker. Mr. Speaker, Ministry Paper 56/10, I know that the Opposition spokesman on Finance has addressed certain issues on it, but I have some concerns. And I draw your attention to 51, 5(i), sorry:

> *"Projections at this level of cess will not be adequate to cover the required debt-servicing over the life of the loan."*

But 5(ii) goes on to say:

> *"To ensure that the debt-servicing obligations will not fall entirely on the Consolidated Fund, it is recommended that a dedicated fund be established from the 20% cess to service the debt."*

Could you explain that when you close, Minister?

The other concern I have, Mr. Speaker, is that notwithstanding the fact that the Attorney General's department has vetted the contract and has given its approval, I have a concern in…

(Inaudible comments by a Government Member)

Relax man…that in 5(ii)

"…the escrow account should have a specific guideline for the use of the funds to be managed independent of the Road Maintenance Fund and its portfolio Ministry."

Now, we are asking for a guarantee that the Road Maintenance Fund is getting from the People's Republic of China. But at the same time, this escrow account is managed independent of the Road Maintenance Fund which is the entity that is seeking the loan and also of its portfolio Ministry.

And finally, Mr. Speaker, 6(ii):

"In the event that the Government is required to make any payment under the loan to be guaranteed hereby, it is proposed that such payment would be the first charge upon the revenues and assets of the Road Maintenance Fund."

It also supports the concern I have, because if you are seeking the loan as the Road Maintenance Fund, yet that particular escrow account will be operating outside of your operations, how do you justify that the first charge will be on the Road Maintenance Fund?

(Inaudible comments by Mr. Montague)

The SPEAKER: Mr. Pickersgill.

Mr. PICKERSGILL: Mr. Speaker, in keeping with what my colleague said about 5(2), we would really like to get some more information as to who would manage this Escrow Fund. It is very important because, Mr. Speaker, recall that...

Mr. ROBERTSON: Victimize everybody. You look like Sarah Palin.

Mr. PICKERSGILL: Recall that in the Budget presentation of the Finance Minister when he was introducing the cess, on gas, he said:

"Mr. Speaker…" First of all, he said: *"The IMF will this year receive 20 per cent of the fuel tax; next year 35 per cent will be allocated, and in the year, three, 50 per cent of the tax will be put into this Fund."*

And then he went on to say in fiscal year 09/10, some $3 Billion will be put into the RMF to lift the expenditure on road repairs from $7.8 to $10.8 Billion. You, Mr. Speaker, will recall that we have asked questions about these Funds, and the answers have not been forthcoming. Then, he ends up by saying:

"Mr. Speaker, the management of the RMF will be reviewed to incorporate an oversight board which will include representatives of various stakeholders, such as transport operators, taxi associations and other civil groups."

Nothing has happened. And perhaps that is why we haven't heard anything about the fund. So, I have to really ask, is this the way that 5(2) will be dealt with? And I hope the Minister will be able to tell us something on that.

(*Sotto voce* comment by Mr. Warmington)

Again, Mr. Speaker, in Appendix 1, we are talking about 570 kilometers of roads, and as my colleague said, we need to get some details. Which roads are these?

(*Sotto voce* comments)

Mr. PICKERSGILL: The Works Agency…

(Cross talk)

Mrs. NEITA-HEADLEY: Mr. Warmington!

The SPEAKER: (Gavels) Members, Members, allow the Member to...

Mr. HIBBERT: He didn't fix one road.

Mr. PICKERSGILL: Mr. Speaker, the former Minister of State, you will recall...

Mr. MONTAGUE: If you fix all of the roads, what lef?

Mr. PICKERSGILL: …asked in this House, to give details of every dollar that was spent in every constituency in this island, and it was given in this House.

MEMBERS: Aahh!

Mr. PICKERSGILL: He is over here too. You recall, sir?

(Cross talk)

Not you. (Laughter) A member of the Infrastructure Committee brought it here, and I will bring it back, sir. Mr. Speaker...

The SPEAKER: (Gavels) Okay, Members.

Mr. PICKERSGILL: Mr. Speaker, the matter under the Preferential Bias Credit, we hope, Mr. Speaker, that in terms of the local contractors, tenders will be advertised. And we would like to know when these will be advertised, so that we can see that it is transparent.

(Heckling)

Another question, Mr. Speaker…

Dr. DAVIES: Southwest St. Catherine – the Member from Southwest St. Catherine, kibba yuh mouth.

The SPEAKER: (Gavels) Members, there are too many cross talks. Go ahead.

Mr. PICKERSSGILL: I don't know about the cross talk, you know it's some garrulous people across there just…

Mr. Speaker, I want to ask another question, and let me read from the Budget presentation of the Minister of Transport and Works.

"A Chinese Government proposal has been on the Table for the last three years. On taking over the stewardship of the Ministry late last year, one of the first acts of the new JRC board that was established was to commission an independent professional review of both the technical study and commercial proposal relating to the Chinese offer. In summary, the details are that the Chinese Government is prepared to provide 85 per cent of the required funding through a loan to the JRC which would be guaranteed by the Government of Jamaica. The project has to have the capacity to repay the US$350 Million it is estimated to cost. The Government of Jamaica will retain ownership of its assets in respect of the JRC…

The SPEAKER: What's the point of that though, Mr.…

Mr. PICKERSGILL: I am asking if this…if we are to forget, because I think it is the same money that he spoke about in the Budget.

Mr. BUCHANAN: Very relevant.

Mr. PICKERSGILL: If you listen, Mr. Speaker, you will hear. I would like an answer.

(*Sotto voce* comments)

Let me…

'We will retain ownership of this asset in respect of the JRC while the operating costs are to be met by the operators who will be expected to provide the remaining 15 per cent of the overall funding as equity."

And I agree that started with us.

"The Chinese proposal…" This is what I want to know, Mr. Speaker, this is what the Minister said: *"…is the route being taken, and*

is now a done deal with the Ministry and the Government looking forward to bringing back the buzz which once dotted the geographical network which was covered by the passenger rail service."

I would like to ask the Minister…

The SPEAKER: What's the point?

MEMBERS: What's the point? What's the relevance? What's the relevance?

Mr. PICKERSGILL: Are you cross-examining me, Mr. Speaker?

(Cross talk)

The SPEAKER: No. Is that a question to the Minister if he is…

Mr. ROBERTSON: Don't be rude. What is the point?

A MEMBER: Are you cross-examining the Speaker?

Mr. PICKERSGILL: No, no, allow me. Don't cross-examine me.

The SPEAKER: Is that a question to the Minister to say…

Mr. BUNTING: You can't do that, Mr. Speaker.

Mr. ROBERTSON: On a point of order, Mr. Speaker.

The SPEAKER: What is the point of order, Mr. Robertson?

Dr. DAVIES: He is thinking of it.

Mr. MONTAGUE: Robertson, siddung!

Mr. ROBERTSON: Mr. Speaker, I would ask the Member to apologize for that comment.

Dr. DAVIES: What comment?

Mr. ROBERTSON: About, "are you cross-examining me?"

Mr. PICKERSGILL: Shut yuh mouth and siddung!

Mr. ROBERTSON: I would ask you to apologize, that was rude and out-of-order. I would ask the Member to apologize.

Mr. PICKERSGILL: Sit down!

The SPEAKER: No, no, no! No, Mr. Robertson, I was asking for relevance.

Mr. PICKERSGILL: I have no apology to make because I felt that I was being cross-examined. And you are not supposed to cross-examine me.

The SPEAKER: Finish for me, Mr. Pickersgill.

Mr. PICKERSGILL: And you not suppose to cross-examine me.

The SPEAKER: I can cross-examine you on relevance.

Mr. PICKERSGILL: If you listen, you will hear the relevance.

MEMBERS: Rude, rude!

(Cross talk)

The SPEAKER: Go ahead. Finish up.

Mr. PICKERSGILL: We were told, in this House, about this $400 Million. All I am asking, is this the same $400 Million that is no longer with the JRC, and is now on the roads? That's the question I am asking you. And what does this mean? He came here and made empty promises and hasn't apologized for it. Bout things will be buzzing.

(Applause)

Telling me nonsense.

MEMBERS: Sit down, sit down!

Mr. PICKERSGILL: I am not sitting down.

And the last thing I heard from him was they were going to connect the line into Mobay by December. And that is not going to happen.

A MEMBER: Dream!

Mr. PICKERSGILL: Dream! And in terms of the Palisadoes Road, we left the studies done by the Cubans.

Mr. WARMINGTON: Bobby, you getting old and weak, sit down.

The SPEAKER: I heard you did not think that was relevant, now you are going to make it relevant.

Mr. PICKERSGILL: You didn't stop him when he was being irrelevant.

Mr. SPEAKER: Because it was opened by Mr. Paulwell.

Mr. PICKERSGILL: What?

The SPEAKER: The point was opened by Mr. Paulwell to which the Minister responded.

Mr. PICKERSGILL: I don't want **Hansard** to have it recorded as if…we left the programme there, studied, with the boardwalk and everything. So, don't let him come here and try to mislead anybody.

(Applause/Heckling)

So, I would like to have those questions answered, and especially, especially about Appendix 1; Appendix 1 is too vague.

The SPEAKER: Minister Shaw. Minister Shaw.

(Cross talks)

Sorry, Dr. Duncan had indicated.

Mr. WARMINGTON: The dead has arisen; the dead has arisen. (Pointing to Dr. Duncan)

(*Sotto voce* comments by some Members)

Dr. DUNCAN: Mr. Speaker, not long ago we were promised, on national television, that…

Mr. WARMINGTON: You thief Gray seat.

Dr. DUNCAN: …as of a few weeks ago this would not be business as usual in Jamaica.

Miss HANNA: Hear, hear!

Dr. DUNCAN: What is taking place now is business as usual.

A MEMBER: Worse than that never happen.

Mr. HIBBERT: What part of it? Pothole-free by 2003; which roads were you patching? Answer that.

(Applause/Cross talk)

Mr. PICKERSGILL: I gave you something to do and you don't do it.

Mr. WARMINGTON: Im thief Gray seat!

Dr. DUNCAN: I would suggest to you, Mr. Speaker, that part of the…

Mr. PICKERSGILL: You hear the comment; you hear the comment?

Dr. DUNCAN: …as part of the…

Mr. PICKERSGILL: DK thief Gray seat, you hear it? (Consulting with Mr. Kellier) That's what that boy said.

(Cross talk)

Dr. DUNCAN: …Mr. Speaker, that part of the manifestations of what you are seeing here today…

Mr. WARMINGTON: That is over there…

(*Sotto voce* comment by Mrs. Neita Headley)

Dr. DUNCAN: …at the heart of it…

Mr. WARMINGTON: Im thief Gray seat!

Dr. DUNCAN: …at the heart of it…

(Cross talk)

A MEMBER*:* Siddung back!

Mrs. NEITA-HEADLEY: No!

Dr. DUNCAN: No, it's all right.

Mr. PICKERSGILL: We can't have this…talking about im thief Gray seat and…

(Cross talk)

Mr. KELLIER: Mr. Speaker…Mr. Speaker, the Member has mentioned on three occasions…

The SPEAKER: I did not hear; I didn't hear.

(Cross talk)

Mr. PICKERSGILL: Im thief Gray seat.

The SPEAKER: What did he say?

Mr. KELLIER: That he has stolen Gray's seat.

Mr. BUCHANAN: You are all a set of losers.

Mr. KELLIER: In reference to Barry Gray. Ask him to withdraw it, sir.

The SPEAKER: Mr. Warmington…

Mr. KELLIER: Ask him to withdraw it. Ask him to withdraw it, otherwise we are finished.

Mrs. NEITA-HEADLEY: Yes.

The SPEAKER: Mr. Warmington…I didn't hear the comment, but Mr. Warmington…

Mr. KELLIER: He said…everybody in here hear it. And his colleagues hear it too. And if him colleagues say dem doan hear it…

The SPEAKER: Okay, Mr. Kellier. Mr. Kellier…

Mr. KELLIER: …dem deaf; who don't hear, deaf. He said so.

The SPEAKER: Mr. Kellier, okay, Mr. Kellier.

Mr. KELLIER: I'm not saying that you are a liar. Otherwise, we finish fi today.

The SPEAKER: Mr. Kellier… Mr. Warmington… Mr. Warmington…okay, Mr. Kellier.

Government MEMBERS: *Gwaan*! Walk out, walk out. But we gwine talk.

Mr. KELLIER: Yes, so you can talk what you want fi talk. Why we walking out, yuh losing control.

(Cross talk)

The SPEAKER: Okay, Mr. Kellier.

Mr. HOLNESS: Mr. Speaker… Mr. Speaker, we have a very important matter at hand. I would ask Members to return to civility in the discussion.

The SPEAKER: Absolutely. But, Mr. Warmington, if you made… could you… the allegation is that you made a comment which is inappropriate, could you withdraw it, please.

(Cross talk)

Mr. Warmington… Mr. Warmington, could you withdraw the allegation, please.

Mr. WARMINGTON: Mr. Speaker... Mr. Speaker, you are asking me to withdraw an allegation. Did you hear me make an allegation? I believe you can rule an allegation if you heard me making any statement. You heard me making no such statement. So, how can you ask me to withdraw something you didn't hear me make?

Mr. PICKERSGILL: You are a despicable... You made it three times...

Mr. KELLIER: Mr. Speaker, Mr. Speaker...

Mr. PICKERSGILL: You little coward.

The SPEAKER: Mr. Kellier, please...

Mr. PICKERSGILL: Despicable...

The SPEAKER: I will ask the **Hansard** and if he made the allegation, as you said, he has to withdraw and apologize.

(Cross talk)

Mr. KELLIER. ...further than that because he say he didn't say so.

The SPEAKER: No, no, we will get it in a short while.

Mr. KELLIER: If he is not saying that, he must withdraw what he said.

Mr. MONTAGUE: What did he say?

The SPEAKER: We will get it in a short while. Dr. Duncan.

(Cross talk)

Mrs. SIMPSON MILLER: I really believe though, that…

(Cross talk)

The SPEAKER: (Gavels) Mr. Hutchinson! Please, you know, it is about time, you know, I do some suspensions from this House, you know.

(Cross talk)

Yes, yes.

Mrs. SIMPSON MILLER: Mr. Speaker, I am not saying that the House is to behave, on both sides, as if we are in... at Sunday School, or a church.

Mr. MONTAGUE: Not my Sunday School.

Mrs. SIMPSON MILLER: ...but, I really believe, Mr. Speaker, it is very difficult for some of us to associate ourselves with the kind of behaviour, from time to time, in this House.

The SPEAKER: Yes, and...

Mr. MONTAGUE: Resign then!

Mrs. SIMPSON MILLER: And students who are watching…

The SPEAKER: Leader of the Opposition.

Mrs. SIMPSON MILLER: …in terms of research or to understand what is taking place in Parliament, if we do not recognize that this kind of behavior is a disgrace, something is wrong with us as parliamentarians and as leaders of this country, something is wrong with us.

(Applause by Opposition Members)

The SPEAKER: Thank you, Leader of the Opposition. Members, I have spoken about the behavior in this House, repeatedly.

(*Sotto voce* comments by Members)

The SPEAKER: You are all very big people. I must admit, I was speaking to the Leader of the House when the allegation was made, so I didn't hear it, but I will get the report from **Hansard.** And, Mr. Warmington, if the report is true, then I will rule at the appropriate time. Dr. Duncan, continue, please. But Members, Members, we cannot continue like this, you know.

Mr. PICKERSGILL: Why you don't control Warmington? Why you don't control Warmington?

(*Sotto voce* comment by Dr. Duncan)

Mrs. NEITA-HEADLEY: Don't respond to him, man!

Dr. DUNCAN: Mr. Speaker, I was taking the opportunity to make the observation that what has taken place recently is just one of the manifestations of the - that part of our history which has led to the negative aspects of our political culture, and I will in essence, the majority of the cross talk that is going on, at the heart of it, is what is referred to, in our political history, as the **distribution of scarce benefits** and the problems allied with it.

I made reference to the fact that we were advised, recently and even before, that this Parliament, this administration, in terms of governance, it would not be business as usual. A lot of scarce benefits is at stake here as the Members pointed to in Appendix 1, as was referred to, there are some 570 kilometers of roads under the scope of work here.

(Dr. Duncan lifted white document in hand)

(*Sotto voce* comments by Mr. James)

Dr. DUNCAN: What we have to, what we have to examine, is if - do we want to proceed with business as usual. The Minister with responsibility for Local Government conducted a series of consultations across this island and the one that we had in Hanover was very successful and I understand also in Westmoreland. At the symposium in Hanover and elsewhere, he spoke to the use of these funds – that is months ago. He engaged a wide cross-section of citizens of this country in discussions about how those funds would be distributed in relation to the needs of the people across the country. He made an intervention which suggested, as far as I can recall, that there would be participation from the people on the ground as to how this allocation of these scarce benefits would take place, right. The question has been raised here as to what are these funds going to be used for and how they are going to be managed and in effect distributed, right.

So I am just bringing to the attention of the House and noting again, against the background of my understanding and experiencing the history of the Two-Party politics, that what you see here at play, if it continues, it's not going to help to remove those negative aspects of our political culture. So we are going to need some very frank answers and some clear understandings as to how this programme is to go, or we are going to continue to ensure that those negative aspects of our political culture continue. That's why I make reference that I thought was a very - a move through the Ministry of Local Government at those forums to get the input, and I would like to ask the mover of the motion if he can help us as the other speakers have asked, as to how it is, what is going to be the method by which we seek to address the problems of bad roads in this country through this fund?

The SPEAKER: Okay.

Dr. DUNCAN: I just wanted to end by making one more observation, that over the years, since the beginning of this five-year term, most of the Members of Parliament who don't have direct access to the powers that be, have not been able outside of the CDF to allocate any funds to any roads in their constituencies, right. And if it is going to be that accessing benefits from the State is not going to be through representation not distribution, through representation on the basis of need not greed, representation on the basis of need, not necessarily the political fortunes, although I understand it, we will have to - we can use this opportunity of these funds to ensure there is a break, a break in that culture…

Government MEMBER: All right, sit down now!

Dr. DUNCAN: …and establish the kind of mechanisms that can ensure…

Mr. VAZ: That's good coming from you. Profound!

Dr. DUNCAN: Mr. Speaker, you can be assured none of them over that side are going to goad me into raising my level of discourse one more decibel than you hear right now, even from now till the end of this term. And I will be speaking out and relating it and teaching them the political history of this country until I leave this Parliament.

(Applause by Opposition Members)

Dr. DUNCAN: All of us**,** right.

(*Sotto voce* comments by Messrs. Robertson and Warmington and other Government Members)

The SPEAKER: Okay, thank you, Dr. Duncan.

(*Sotto voce* comments by Government Members)

Dr. DUNCAN: So, Mr. Speaker, I commend that to the House, through you. . .

Mr. WARMINGTON: You can't come back!

Dr. DUNCAN: …and I ask just on my own behalf that you have identified that maybe you will have to be more explicit in the use of your powers in this House. I am going to ask you because I am going to seek leave to meet with you privately on another matter which arose last week, so I'll speak with you on that matter, but I am going to stand on all two feet and I am going to stand to ensure that we raise the level of decorum in this House and I am going to hope, I am going to hope that that can become a trend over the next two years.

Thank you.

Mr. VAZ: Wrong messenger! Wrong messenger!

The SPEAKER: Dr. Rhodd.

Mr. VAZ: Wrong messenger!

Dr. RHODD: Mr. Speaker…

Dr. DAVIES: Why are you so angry?

Mr. VAZ: Because me madda factory bun dung in 19… Memories! Memories! The whole a dat… go repent first! (Laughter) Repent!

Dr. RHODD: Mr. Speaker, I too would like to join the House Leader and the Leader of the Opposition, as well as the Member from Eastern Hanover in appealing to colleagues from both sides that we do some introspection, looking into the mirror to see how we can bring back some civility to this Chamber.

Everywhere I go, Mr. Speaker, church, supermarket, every walk of life, persons bring to my attention the disappointments that they have with the behaviour of our colleagues, and I am just appealing to all of us, so we can bring back some civility and respect to the Chamber.

Mr. Speaker, I have risen to speak on this motion, particularly in respect to the citizens of the Upper Rio Grande Valley, in particular, whom I have the privilege to represent.

(Applause by Opposition Members)

Mr. VAZ: Because yuh neva do nuthin fe de 18 years and we a fix de road now.

Dr. DAVIES: What's your reason… (Inaudible comment)

Dr. RHODD: Over 2000 citizens, Mr. Speaker, have been marooned for close to two years because of a breakaway at a section of the road between Ginger House and Comfort Castle called Friday.

I have spoken about this repeatedly in this Chamber in Finance Committee. I have written to the Minister responsible, he has visited the area. In fact, when we had the funeral for 14 deceased citizens last year, the Prime Minister also visited the area along with other Ministers of Government and Members of this Chamber, and are very familiar with the plight and the deplorable state of the road. The road is one, Mr. Speaker, but the fact that the road has collapsed completely, causing the marooning of over 2000 citizens, there is no access to the communities beyond Friday. And you can just imagine how difficult it is for children to go to school, for persons who have deceased loved ones to get them to be buried. For the persons who produce

agricultural produce, banana, coffee, dasheen, this contributed to a significant part of the GDP of our country, aggregate, tourism. In other words, Mr. Speaker, what I am saying is, you can justify an expenditure in repairing that road, in bringing some relief to over 2000 citizens who are marooned, because they contribute significantly, in millions of dollars of produce, to the economic welfare of this country.

So, I am appealing to the Minister when he speaks, to say to us what allocation is going to be given to the Minister of Transport and Works, and I am hoping that when that allocation is made, we will see some repair of that roadway. But more importantly, Mr. Speaker, the retaining wall which needs to be built to restore the roadway, because right now as I say, the citizens have been marooned for over a year and a half, approximately two years. I appeal on behalf, again, Mr. Speaker, for the citizens of the Upper Rio Grande Valley.

The SPEAKER: Very well. Thanks. Dr. Phillips.

DR. PHILLIPS: Mr. Speaker, I don't have – I won't repeat the points that have been made in relation to either specific roads, but I believe that there is an issue that we need to have clarified in relation to this Guarantee that we are seeking.

I think, earlier this year, Mr. Speaker, this House passed an amendment to the Financial Administration and Audit Act and I think we should consider that amendment in relation also to the general desire expressed to change not only the pattern of financial administration, but I believe also that issues arise about the general approach to national decision-making, some of which was raised by the Member from Hanover, Eastern.

What the amendment to the Financial Administration and Audit Act provided for, Mr. Speaker, among other things, was that any variations to expenditures or taxation should be - and it is in Section 48(g) for those who are interested - that before the House and I am quoting:

> *"Before the House of Representatives votes on any statement of excess or Supplementary Estimates pursuant to Section 116(2) of the Constitution, the Public Administrations and Appropriations Committee of the House shall consider and report to the House on the statement of excess or Supplementary Estimates".*

Now what we are seeking and it has been explained here, that there is some variation that is being sought by the Government to the expenditures of the National Housing Trust, I believe, and some reduction. And I accept at face value but I believe that there is an important issue that arises nevertheless, Mr. Speaker, and that is that the intention was that there'll be parliamentary oversight for these changes in expenditure. There may be questions that might arise for example, as to…

(Inaudible comment by a Member)

Dr. PHILLIPS: No, but what is being provided for in this bit of legislation, is a more sustained, shall we say oversight, that so moved as is obviously occurring today by the excesses of temperament of the moment.

And I would certainly, Mr. Speaker, urge that before we in fact take the vote on this, we at least get advice from Parliamentary Counsel - Chief Parliamentary Counsel, as to the

interpretation of this particular provision at 48(g).

You know, Mr. Speaker, I believe that events this year, not just the events that are still with us that have led to the declaration of a State of Emergency, but the successful, if you will, JDX Debt Exchange arrangement, both suggest that we need to try and change the way we do business in this House. And we'd certainly have to do it if we want different results as a country. Now, it is all well and good for us to pass bits of legislation and profess great and grand intentions, but it is whether we intend to be bearers of this change, is going to depend on how we approach decisions such as this.

So I would urge, Mr. Speaker, that we get some advice on this particular matter and in the event that it is - and I certainly have no objection to the House providing the guarantee, but what I do want us to ensure is that we give substance to what we passed in this amendment to the Financial Administration and Audit Act. And so that we could in fact move forward with the supposedly game changing bits of legislation and approaches that we are all committed to, on both sides.

Thank you. (Applause)

The SPEAKER: Minister Shaw.

Mr. SHAW: Mr. Speaker, quite a few things have been said in this debate and I thank the Honourable Members for their intervention, everyone.

Dr. DAVIES: I heard something wrong with your throat.

Mr. SHAW: Now, Mr. Speaker, I want to establish upfront in responding to the various interventions, that this Government has been permitted to transparency more than any other previous government has been. (Applause) And so it is unfortunate that terms such as, 'a puss-in-a-bag set of projects'...

A MEMBER: Yes, most unfortunate.

Mr. SHAW: ...that are to be brought to this House, they are unfortunate and they are unworthy, because they are being uttered by a former Minister of Government who presided over a programme which was the biggest puss-in-a-bag of all of them, of all of them, called deferred financing, Mr. Speaker. (Applause) Let the Honourable House be reminded that what deferred financing was, is that nothing came to Parliament, nothing came to Parliament until long after, Mr. Speaker, until long after the projects were implemented, financed, Hope Road was financed at 24% interest rate.

A MEMBER: What!

Mr. SHAW: Twenty-four per cent interest rate was the cost of financing the Hope Road under a deferred financing programme.

(Cross talks)

Mr. SHAW: And, Mr. Speaker, it was not until years later that these projects, whether it was the 18 schools in Western Jamaica, or it was a variety of roads, multi-billions of dollars expended without the knowledge or the approval of this Honourable House…

Dr. DAVIES: Knowledge?

Mr. SHAW: …presided over by your Government when it was in power.

Dr. DAVIES: Knowledge?

Mr. SHAW: You, and it is not now being done and I will answer you…

A MEMBER: It is not now being done…

Mr. SHAW: …because all of a sudden you turn convert and…

Mr. STERN: Reverend!

Mr. SHAW: …missionary.

(Laughter)

Mrs. NEITA-HEADLEY: Is a tracing match?

Mr. SHAW: Mr. Speaker that is the history where we're coming from.

(Cross talks/Inaudible comments)

Mr. SHAW: And so this Government including the law that has been quoted by the Member, of the fiscal responsibility framework, in that quotation, Mr. Speaker, he mentioned where there is an excess. I was very careful to bring to this Honourable House, the fact that the expenditure under this Chinese Road Programme is being accommodated by doing an adjustment within the overall Public Sector deficit to make sure that there is no excess.

So, Mr. Speaker, I want to make it manifestly clear that we are staying within the rigid framework that we have set up for ourselves, the rigid framework of transparency. (Applause) I want to also indicate…

Dr. DAVIES: What are the projects?

Mr. SHAW: ...that nobody mentioned that…

(Cross talks)

Mr. SHAW: ... nobody mentioned, Mr. Speaker that in the appendix, Appendix 1 - except I think one speaker did refer to Appendix 1 - Appendix 1, Mr. Speaker, did give a list of roads that would be done. I must say, this is a partial list. This was a predication of what would be accommodated within the first year and that this list itself, it must be admitted, has to be subject to further fine tuning depending on the designs and the costings and so on and so forth.

Mr. Speaker, let me just say this. There is no need for this project to get within the realm of any contentiousness, because I don't think that there is any Member of Parliament here that does not require urgent attention on their roads. (Applause)

A MEMBER: Hear, hear!

Mr. SHAW: And I want to give the assurance to this Honourable House, that we're not gonna give lip service to transparency. The Appropriations Committee has the power to examine the work that is being done under this road programme as well.

When the Minister of Transport and Works comes to speak in Parliament in the Sectoral Debate next week, Mr. Speaker, he has given me the assurance that he will table, in this Honourable House, the full programme that has been set out under the Jamaica Development Infrastructure Programme, it will be tabled in Parliament next week when he speaks in the House. (Applause)

A MEMBER: Hear, hear!

Mr. SHAW: And so, Mr. Speaker, we've been asked by the Member from Central Kingston, how is the money to be used? How is the money to be managed? How we know it's the roads to be repaired, Well how is it to be managed? It's the Road Maintenance Fund which was set up by the previous Government and we are simply giving them more work to do. It is the Road Maintenance Fund that will be managing the project. How will it be financed?

Dr. DAVIES: And that's been handled transparently?

Mr. SHAW: Mr. Speaker, we have said, a good purpose to which to put the fuel cess to, is to place the cess against the loan. At least you have a productive basis on which to know

that they are out of - you have a loan and you have a predictable basis on which you are going to finance the loan. It's not going to be something that you tell a contractor that well, we'll put it on the budget in a couple years' time, it is all being put within a framework of total transparency.

Mr. Speaker, all of these questions that are being asked, I'm going to either see to it that the Minister provides the information in terms of the schedule of financing arrangements, or as Minister of Finance, I give this Honourable House the assurance that I will put that information before Parliament. (Applause) That is an undertaking that I am giving this Honourable House today.

So, Mr. Speaker, when it comes to the escrow account that is to be established, the Ministry of Finance will be operating the escrow account. I can't give you any other entity that, for now, can be charged with such an ultimate responsibility, it is the Ministry of Finance that, Mr. Speaker, will be operating the escrow account.

Now it is a fact, that we're given the undertaking for the second year of the fuel cess, to go up to 35%. And, Mr. Speaker, we were not able to do it within the context of what faced us in the agreement with the International Monetary Fund. But I want to give the Honourable House the assurance that so serious are we - is the Government, about this financing of the road programme, where we are getting 3% money unprecedented, not 24% money. (Applause)

A MEMBER: My God!

Mr. SHAW: And therefore, Mr. Speaker, are giving the country the assurance that we are going to make the necessary adjustment because I can tell you now, Mr. Speaker, I can give the House this assurance on something, I can give you the assurance, Mr. Speaker, that we are going to make the necessary adjustments to the contribution to the fuel cess - to the Road Maintenance Fund so that it will be in the position to service this debt adequately, as Minister of Finance I am giving that assurance. And how am I going to do it? Because what we are doing, Mr. Speaker, we are very busy right now, plugging the holes of corruption…

Opposition MEMBER: Ooh!

(Heckling)

A MEMBER: Yes.

Mr. SHAW: Plugging the holes of corruption starting at Customs.

Government MEMBER: Shut up Bunting!

Mr. SHAW: Mr. Speaker, at the Customs Department, up until a couple months ago, we were only achieving 85 to 87% of revenue from Customs. And I'm pleased to tell you, Mr. Speaker, that because of major initiatives that we have undertaken, in the last two months the performance of Customs has exceeded 100% of target. (Applause) We are going to find the mechanism, plug the holes of corruption, plug the holes of robbing the revenue, so that we are going to find the resources to be able, Mr. Speaker, in a proper management function to be able to service this debt. (Applause)

A MEMBER: Hear, hear!

Mr. SHAW: So, Mr. Speaker, let me indicate also to the Member...

A MEMBER: Former Minister, former, former!

Mr. SHAW: ...on the issue of the enhanced composition of the Road Maintenance Board; that is something that will

shortly be presented to Cabinet for its consideration. I take the point that you make, I accept it. And all I'm saying to you, I also want to point out because you know, Mr. Speaker, I was in opposition for 18 long years and, Mr. Speaker, I know, except for the intervention of the Most Honourable Leader of the Opposition, except for her intervention on several occasions, dawg would *a* nyam my supper, I wouldn't get one road fix in North East Manchester. (Applause)

(Inaudible comments)

Mr. SHAW: And I want to give the House the assurance that I'm not going to be a part of any programme of systematic victimization of the Opposition in this programme. It is not acceptable and the Government is not going to preside over that. Fairness must be there.

The Appropriations Committee, come and do your work, examine it along the way. But, Mr. Speaker, the work of infrastructure in the country must not be stopped or slowed down; we must press along with this.

And I ask for approval. (Applause)

The SPEAKER: Okay, Members, the resolution before you is on the Order Paper, No. 10.

You have one against.

Motion put to the House and agreed to.

Mr. KELLIER: Mr. Speaker, there is an outstanding matter, we would like to know, at what stage we are going to be afforded an answer, so we can clear that…

The SPEAKER: Hansard has not reported to me as yet, as soon as I get it, Mr. Kellier.

House Leader.

Mr. HOLNESS: Mr. Speaker, we will now hear from the Minister of Agriculture who will be making his presentation in the Sectoral Debate. (Applause)

The SPEAKER: Minister Tufton.

BUDGET (SECTORAL) DEBATES
AGRICULTURE

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

Mr. Speaker, let me just say that I hope my presentation will be, not as contentious as the discussions that took place before. But I am going to ask, or crave the indulgence of this Honourable House, because it will – it is likely that we will go on for a little while longer in order to complete this presentation.

Mr. Speaker, permit me to, first of all, thank this Honourable House for allowing me the - a third opportunity to speak on the state of Agriculture and Fisheries in the Sectoral debates. Allow me also, Mr. Speaker, to thank the Honourable Prime Minister and my Cabinet colleagues and indeed the Members of this House for the contribution that they have made towards the stewardship that myself and the team have offered over the last three years.

Dr. DAVIES: Three years?

Dr. TUFTON: Two plus years.

Mr. Speaker, I want to also recognize the Members...

(*Sotto voce* comments by Dr. Davies)

Dr. TUFTON: Remember now, not as contentious.

I want to also recognize the Members of the Ministry of Agriculture, headed by the Permanent Secretary, the Unit heads, the members of Boards…(Applause)…who have all worked very hard, Mr. Speaker, to ensure that there was a response to the challenges faced by the sector over the past two plus years.

Similarly, Mr. Speaker, I would like to recognize the critical stakeholder groups, some local, a number of them international, the EU, USAID, CIDA, IICA, the FAO, governments from – the Spanish Government, the Chinese Government and so many others, Mr. Speaker, who have been a critical part of the programme going forward.

I want to also recognize in the audience here, members of my constituency and those who are not here because they have had to put up with the lack of my presence at the local level while I try to do this work. So I recognize them and thank them for that.

(*Sotto voce* comments by Members)

Dr. TUFTON: Yes, and it is a fact. And of course, last but by no means least, my lovely wife who is in the Gallery, I want to recognize her.

(Applause)

Mr. Speaker, 2009 saw the Jamaican farmers rising to the occasion and responding to the many challenges of nature and the marketplace. When all things are considered, our over 230,000 farmers working under challenging circumstances did well for themselves and for approximately 800,000 Jamaicans who are dependent on these farmers across the length and breadth of Jamaica.

In 2009, Mr. Speaker, our farmers created approximately J$106 Billion of value, an increase of 12% over 2008, producing, Mr. Speaker, some 489,671 tomes of food, the highest figure since 2003.

In a year, Mr. Speaker, that was characterized by significant economic challenges, our farmers delivered for themselves and their families and indeed for the consuming public. Mr. Speaker, I believe this Honourable House will agree with me that our farmers across the length and breadth of Jamaica should be saluted for the work that they have done over the past year.

(Applause)

We started the year with a focus on continuing the drive to modernize the ministry with changes in marketing, investment packaging and promotion, extension support, and research and training. Thanks, Mr. Speaker, to our production and productivity programme, we established specific targets in specific crop and livestock areas, focusing in the first instance on substituting local production for imports and later expanding exports. An examination, Mr. Speaker, of the production data indicates that while there were challenges in some areas, in a number of areas we did very well. And I am going to be quoting here, Mr. Speaker, just mentioning a few of the crop areas that we did very well or our farmers did well during the course of 2009.

Hot peppers, Mr. Speaker, production levels in 2009 over 2008 increased by some 97.9 %, lettuce 85%, Irish potatoes, Mr. Speaker, 76%, onions 58%, ginger 54%, carrots 34%, just to name a few.

Mr. Speaker, our farmers clearly, are not virgins to their trade, but in 2009 they did conquer virgin territory in a few respects. Please allow me, Mr. Speaker, just to show a product, a new variety of pineapple which was introduced to Jamaica a year ago after I visited Costa Rica.

(Showing **MD-2 Hybrid** pineapple to the Members of the House)

It is the **MD-2 Hybrid** variety, Mr. Speaker. Having discussions with - having had discussion with the Costa Rican Government we imported 100,000 seedlings

of this particular variety and we are now reaping, Mr. Speaker, the first batch of this variety of **MD-2**. It has particular features, Mr. Speaker, and at the risk of being classified as the 'pineapple-man', having been called the 'cassava-man' before, let me take a minute or half a minute just to outline some features of this product.

Mr. Speaker, the **MD-2 Hybrid** pineapple is uniform in size, shape and ripeness, it is sweeter than the average pineapple, fifteen to seventeen bricks, less acidity, longer shelf life, three times more Vitamin C and, of course, fewer spines on the leaves so it is easier to handle. It is the most popular pineapple in the world, export crop, and Costa Rica is the largest exporter of pineapples in the world. They have over 40,000 hectares. We have introduced it to Jamaica and I feel good about this, Mr. Speaker, and I want to commend the farmers of Jamaica.

(Applause)

And let me just say, Mr. Speaker, that yourself and the Honourable Members in this House will have an opportunity to taste it with your significant other later on, because we have some goodies outside for all of you here, Mr. Speaker.

Mr. Speaker, our call for Jamaicans to eat more local produce appears to be bearing fruit. Last year, our Food Import Bill was US$802 Million or USS64 Million less than in 2008. And I want us to pause here, Mr. Speaker, a bit, because there is a lot of debate around our Food Import Bill and suggestions being advanced that we need to reduce our Food Import Bill and I accept that. But the question, Mr. Speaker that we need to ask and answer is to what extent can we actually replace some of the foods that we currently import? Sometimes we use the macro number and create the impression that we are not doing well in terms of an import substitution strategy.

We took the time, Mr. Speaker, and commissioned a study, looking at the Food Import Bill based on the receipts at the Customs department to determine where we could in fact have direct replacements of our imported foods. And what we discovered, Mr. Speaker that of the Eight Hundred plus Million US Dollars of imported foods, approximately US$261 Million or some 33% of our overall import food bill can actually be directly replaced. What I am saying, Mr. Speaker is that, certainly in the case of this Eight Hundred plus Million US nearly - approximately 65% of that cannot be directly replaced. Now we can argue about substitution, in other words, discouraging persons from consuming some of the imports in exchange for other local products. But in terms of direct replacement, Mr. Speaker, just under 35% of our foods, based on that Food Import Bill can, in fact, be replaced. And I think it is important to put that in context when we talk about our Food Import Bill.

Mr. Speaker, in terms of foreign exchange savings, in terms of foreign exchange savings, Mr. Speaker, last year - there is no doubt that the agricultural sector and the farmers of Jamaica contributed significantly to the demands that are placed on our foreign exchange. And as you know, Mr. Speaker, we had major fallout in foreign exchange earnings. And I just want to recognize and salute the sector for the work that they did in that area based on increased production.

Mr. Speaker, if we were to import the same amount of tomatoes 2009 that we did in

2008, we would have had to spend an additional US$132,000, the same amount of Irish potatoes, Mr. Speaker, we would have had to spend USS1.4 Million to achieve the same quantities of imports, lettuce US$176,000 just to name a few, Mr. Speaker. Again, the point is, that our farmers have contributed to the foreign exchange savings which was critical to the functioning of the economy during 2009. (Applause)

Mr. Speaker, in terms of employment, and I am making these points, Mr. Speaker, because I want to go on to a germane issue that captures all of these points, so I ask you to indulge me. The agricultural sector, Mr. Speaker, in 2009 employed an additional, and this is according to STATIN, 12,500 workers during the course of 2009 over 2008. That is an achievement. Mr. Speaker, if you look at the employment data, based on industry, agriculture represents some 18.5% of the labour force just marginally below - marginally below, Mr. Speaker, wholesale and the retail industry which is at 18.8%. It is interesting to mention a few others, Mr. Speaker, manufacturing is 6.8%, financial intermediation is 2.2%, hotels and restaurants service is 7.4%. Mr. Speaker, job creation and the provision of employment for Jamaicans, the farmers and the sector, the agricultural sector, is a critical job creating sector and this is something we need to bear in mind.

In terms of poverty alleviation, quickly, Mr. Speaker, the agricultural sector plays an important role in alleviating rural poverty by transferring money, Mr. Speaker, from urban to rural areas, given that approximately 70%, Mr. Speaker, of the country's poor are located in rural areas and incidents of poverty, again, according to the research institutions, is some one and a half times higher in the rural parts than in the urban areas.

Mr. Speaker, based on conventional measurements of contribution to GDP, the sector recorded an increase from 4.8% to 5.6% in 2009. However, and this is very important, Mr. Speaker, to recognize – traditional measurements of GDP contribution do not give the true value of the agricultural sector to the Jamaican economy, as it largely ignores, Mr. Speaker, the critical linkages that agriculture plays in terms of forward industries and backward industries.

Traditionally, Mr. Speaker, agricultural contribution is based on determining the value of the amount of fresh produce or crops harvested, livestock slaughtered and fish landed. However, expanded contribution or in fact the real contribution to GDP, Mr. Speaker, must include the expanded value created by agriculture including input suppliers and agro-processors, Mr. Speaker, who depend on the success of the agricultural sector for their own successes.

Mr. Speaker, I wanted to get within the Ministry to guide our programmes and plans, specifics on the real contribution of the sector to the development of the economy. And I wanted to do that, Mr. Speaker, because for a long time I believe that we have treated the sector almost as if it's a peripheral sector, it's a bastard child of the rest of the economy because it is not as significant. And so we commissioned, Mr. Speaker, a study working with IICA, the Inter-America Institute for Cooperation in Agriculture, to look, Mr. Speaker, at the contribution of the agricultural sector when linkages are placed into context, when the agro-processing sector is included and when input suppliers are also included.

Mr. Speaker, what we found was that for every one dollar that is generated from primary production, the value of primary production, $106 Billion last year, there is an additional $1, Mr. Speaker that is created through backward and forward linkages, that's another $106 Billion during the year 2009. Mr. Speaker, that is significant and it is something I think we need to reflect on as we move forward.

But it doesn't stop there, Mr. Speaker. We compared the expanded contribution of agriculture in other countries in the Americas to determine how we are performing as a country when compared to other countries, and again we use IICA as the authoritative source to develop that information.

Let me quote a few, Mr. Speaker. Costa Rica, their contribution to GDP measured in traditional terms is 11.3 per cent, agriculture contribution. When you consider backward and forward linkages or the expanded contribution, it is 34.8 per cent, 4.6 times more. Argentina, Mr. Speaker, agricultural GDP is 4.6 per cent, the expanded contribution is 32.2 per cent; a six fold increase. Canada, Mr. Speaker, agricultural GDP contribution in its traditional form 1.8 per cent, expanded through linkages 15.3 per cent; a 7.5 times fold increase. In terms of the United States, Mr. Speaker, traditional measurement 0.7 per cent, less than one per cent, seems very insignificant but when expanded linkage are considered it is 8.1 per cent; a tenfold increase in economic value and activity, Mr. Speaker. In Jamaica's case, Mr. Speaker, it is two to one; in other countries it goes as high, in the case of North America, as much as ten to one, Mr. Speaker.

Mr. Speaker, what are we saying here? Well, what this tells us is that there are still many opportunities to be exploited in our agricultural sector. Jamaica lags behind several countries in terms of value-added created from our primary agricultural output. Other countries, Mr. Speaker, have been able to achieve up to five times or more GDP from value-added agro-processing. And they have done this, Mr. Speaker, and again the data is there to support it, by deliberately and more actively promoting linkages between primary output and value-added production.

Mr. Speaker, again I quote from the IICA study to look at a number of countries in the Americas to determine how much of their primary output is actually utilized in value-added processing. In Argentina, Mr. Speaker, 69.2 per cent of primary output goes into further processing; Brazil 72 per cent; Canada 73 per cent; Chile 66 per cent; Costa Rica 56 per cent; the United States 79.8 per cent, almost 80 per cent; in Jamaica, Mr. Speaker, based on the study that we have done working with IICA it's less than 40 per cent; it's 39 per cent.

Mr. Speaker, I make the point to suggest that our true value from our agricultural sector will only be realized when there are stronger linkages between processing and farmers primary output. And so agriculture, Mr. Speaker, should not just be viewed as farmers with a hoe and a fork, or a tractor for that matter, the agricultural sector must be viewed along a value chain if our economy and our country and our fanners are truly to realize the benefits from the sector. (Applause)

Mr. Speaker, during the course of 2009 I had to confront the agro-processors on a few occasions and they expressed dissatisfaction

with me when I tried to encourage them to focus on forming alliances with primary producers, because they want the ease of importing raw materials to process to create value-added products and I want to just say to them, let's look at what other countries have done. It is not that I'm against the agro-processors, not at all, what we are trying to do in the Ministry, Mr. Speaker, is to facilitate and to promote a more sustainable agricultural model by creating better and more critical linkages with our agro-processing sector, as others have done and have seen the tremendous expanded benefit from that.

Mr. Speaker, I say all of this to make an important point. Agriculture and the efforts of our farmers are not insignificant to the Jamaican economy. And one of the things I would like this House to do and all of us in this country to do is to start looking at the sector as a critical developmental tool and not a peripheral and secondary sector to others that appear more glamorous and more in, in terms of style and in terms of currency. The truth is, that based on all that I have said before there are just too many lives at stake, too many people, too many families who are involved in the sector, we have to take it more seriously.

I'm convinced, Mr. Speaker, that given what we know about the need for a food security strategy and the current involvement of agriculture to our economy, the time has come for this sector to be an important tool of the country's developmental strategy. I humbly put to this House that this sector has contributed more than it appears and can contribute significantly more with proper planning, resources and value-added linkages.

Mr. .Speaker, MICHAEL TODARO**,** in his book, *Economic Development (2000)* advances that the transformation of the agricultural sector critically depends on the social, commercial and institutional conditions under which the farmer must function. These include, Mr. Speaker, reasonable and reliable access to credit, critical inputs such as fertilizer, water, crop information, marketing facilities, receiving a fair price for commodities, very important, Mr. Speaker, and the assurance of the farmer that he and his family will profit from the benefits accrued from improvements in the enabling environment. Mr. Speaker, this is our vision for the agricultural sector, this Government, this is what we want to see happen and this is what we are planning for.

But you know, Mr. Speaker, all of these concerns have been amplified by a trade policy that has given preference to trade over primary production, primarily through waivers and at times supported by legislation or treaties that are either misunderstood or not effectively enforced. Let me be clear, Mr. Speaker, trade is fundamental to our survival and our sustenance and our progress in this country. As I have said earlier, 65 per cent, based on an examination of the Food Import Bill, of what we import we cannot directly replace and that on its own is an indication of how much we will have to depend on trade in order to balance our lives.

However, Mr. Speaker, what is important is that trade cannot and should not be at the expense of building local productive capacity. There is no country in the world, Mr. Speaker, none whatsoever that I know of, that is pursuing an agricultural development model

that does not use policy and legislation to support their primary producers.

(Applause)

There are several reasons, Mr. Speaker, for us to take note of that position and I have outlined them and this is why I spent some time outlining the issues of job creation, multiplier impact, foreign exchange savings and foreign exchange earnings, for all these reasons, Mr. Speaker, it is important for us to view the sector and to align our trade approach to facilitate the expansion of our local capacity.

Mr. Speaker, history is there to indicate to us what we have done in the past which has brought us to the point where the sector has been so marginalized. We have almost killed our dairy sector, we have marginalized so many others, Mr. Speaker, beef, lowland coffee, Irish potato, onions, peanuts and small ruminants sectors that we, once upon a time, did very well with, Mr. Speaker, have all been allowed, Mr. Speaker, to be dismantled, to be marginalized because, Mr. Speaker, we have allowed ourselves to believe that cheap imports are necessary for stimulating economic activity and alleviating poverty. Our own laws, Mr. Speaker, and trade agreements in some instances have facilitated this unequal development either through misinterpretation or faulty implementation.

Mr. Speaker, the framers of the WTO, in their wisdom, recognize the need to provide support to vulnerable industries with agriculture being top of the list, hence their support, Mr. Speaker, for bound rates and other forms of support to primary producers. Frankly speaking, Mr. Speaker, many of the architects of the WTO when it does not suit them they abandon those very same principles that they help to create, in their interest. Someone said to me some time ago that all politics is local, and when the local politics is generated people of course and societies support their self-interest.

Mr. Speaker, ultimately, however, ultimately to pursue sustainable agriculture we will have to determine the sectors where we have a competitive advantage but very importantly also, a strategic imperative. And I want to make that very, very clear, Mr. Speaker, because if we are going to say that price must be the driver or the determinant as to whether we have an agricultural sector, then we may as well pack up and abandon the agricultural endeavour. Because no matter what we produce, Mr. Speaker, within our small space that we are forced to exist, within this God-blessed country that we enjoy and we love, the fact of the matter is that based on the dynamics of international context, international cost and layout, support from other governments, it is unlikely that we are going to be able to compete on many products solely on a price consideration.

(Applause)

In fact, Mr. Speaker, there are many countries in the world today that have low prices because of subsidies that they get from their governments and in fact, what is happening is that the consumer is subsidizing the existence of those sectors and I will explain that later on.

And, So, Mr. Speaker, we have to use policy and legislation to enforce support for these sectors. We currently do so, for example, Mr. Speaker, with the poultry industry. The truth is that we have one of the most sophisticated poultry industries in the region. That industry is valued about $7 Billion today

and it engages some 30,000 workers. And the question is, should we maintain that position in the interest of that value and the jobs that are created or should we give way and bring in lower price, cheap poultry from other countries which may not be a sustainable position? The truth is that we are not the only ones who have done this. If you look, for example, Mr. Speaker, at other countries, Japan does it for their rice industry, North America does it for their corn industry, Canada and the EU do it for their dairy industry and I could name quite a few others, Mr. Speaker.

Mr. Speaker, at the risk of being controversial, Mr. Speaker, let me just say that, even within CARICOM, we are challenged to ensure that our primary producers are allowed a level playingfield to compete to supply to the demands of our agro-processors.

A MEMBER: Hear, hear!

Dr. TUFTON: In my own view, Mr. Speaker, in my own view, our farmers, in a number of cases, are being shortchanged within the CARICOM arrangement due to a subsidized agro-processing sector in oil-rich Trinidad, using raw materials imported extra-regionally with very unclear duty arrangements. (Applause)

Mr. Speaker, it is of concern to me. I'm going to speak very frankly. It's of concern to me that my peanut farmers are unable to compete for the demand of agro-processors due to the peanuts from our CARICOM partner imported extra-regionally, processed with subsidized energy and then sent into our markets basically drive our farmers out of business. It is something, Mr. Speaker, that we have to examine.

I want to place on record, Mr. Speaker...

A MEMBER: Where are they imported from extra-regionally, where?

Dr. TUFTON: Outside of CARICOM. I want to say, Mr. Speaker - let me be clear because we - I don't want the impression to be created that we do not support CARICOM. I believe that there are tremendous value to CARICOM and the relationship with CARICOM, but that CARICOM arrangement cannot be at the expense of our local productive capacity. (Applause) And it's something we need to examine and have a discussion on.

Mr. Speaker, under WTO rules, there are several avenues that facilitate significant support to primary producers. I daresay, in Jamaica, Mr. Speaker, at the policy level, too often we fail to give our productive sector and the primary producers the benefits of these forms of support. At the same time, Mr. Speaker, we allow our markets to be overrun by external producers who are benefiting from these support mechanisms, even under the WTO arrangements.

Mr. Speaker, I want to just support what I am saying by quoting from the WTO Trade Policy Review 2007/2008. And I am just going to look, Mr. Speaker, at a few developed countries and regions of the world, and identify support that they have given to their agricultural sector, in an attempt to make the point.

Mr. Speaker, when you look at trade-distorting subsidies that, according to the WTO, should, over time, be eliminated - in 2007/2008, Canada, $4.24 Billion in these types of subsidies. The United States, $19.1 Billion, the European Union, $96.8 Billion, Japan, $44.3 Billion.

If you look at non-trade distorting subsidies, Mr. Speaker, meaning technical support that we provide through RADA, Extension Services, 2007/2008 – Canada, $.755 Billion, United States, $65.4 Billion, European Union, $75.75 Billion, and Japan, $20.1 Billion.

And if you look at support from production-limiting subsidies, mainly the EU and Japan, Mr. Speaker, in the case of the European Union, $7.6 Billion, in the case of Japan, $.78 Billion. There are also subsidies given, Mr. Speaker, to support export.

Mr. Speaker, let me be clear, I am not criticizing these countries for offering the support that they offer to their respective sub-sectors within the agricultural sector. Indeed, if we had those resources, I would have attempted to offer those very same support to our farmers.

But what this points out, Mr. Speaker, is that these countries view their agricultural sector and the food security of their country as absolutely critical, as evidenced by what they are doing. And I think it's instructive for us to take a cue from what is taking place here within these context, despite the WTO. I think we need to understand...

The SPEAKER: The Member's time for speaking has expired. (5:23 p.m.) .

Mr. HOLNESS: Mr. Speaker, I move for the suspension of Standing Orders to allow the Member 30 minutes to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Member a further 30 minutes to complete his presentation.

Put to the House and agreed to.

Minister Tufton.

Dr. TUFTON: Thank you, Mr. Speaker. Mr. Speaker, as I was saying earlier, Mr. Speaker, these support mechanisms that are in place under the WTO, these are not, in many instances, not anti-WTO, and I think it's important for us to understand. These are intended to shore up, to support, to build capacity in the agricultural sector in the respective countries and territories, and I think we should take note from that. We shouldn't begrudge those who do it, but we should also recognize our own context and ensure that we take the necessary action to not be placed at a disadvantage, in terms of our own food security strategy, and where we can offer support, we offer support, in terms of building that local capacity.

Mr. Speaker, more needs to be done to supply the natural markets that we have, like the tourism and agro-processing sectors. Take the tourism industry for example, Mr. Speaker, the local agricultural sector, Mr. Speaker, contributes approximately 30 per cent of the J$13 Billion or US$177 Million in agricultural output consumed by the tourism industry, with the remaining 70 per cent being imported.

In terms of agro-processing, Mr. Speaker, as I said earlier, less than 40 per cent of our primary products go into further processing, and when compared to other countries, we are lagging behind. There are opportunities there...

Dr. DAVIES: Both fresh products as well as processed?

Dr. TUFTON: No. The primary products, fresh, go into further processing.

Dr. DAVIES: No, no, the $13 Billion includes both fresh products and processed?

Dr. TUFTON: Yes, yes, yes!

Mr. Speaker, the fact is that we need to do more. In this regard, we will be launching this

year - working with critical Ministries - a Supplier Development Programme. This initiative, Mr. Speaker, will see the establishment of a Supplier Development Coordinating Unit or Committee, with representatives from the tourism sector, the agro-processing sector, and from a number of new agencies within RADA, within the Ministry, RADA, NIC, the Centre of Excellence, and the Veterinary Services Division.

This programme, Mr. Speaker, will be targeting specific production initiatives to meet the demand, in the first instance, from the tourism and agro-processing industries. It will be targeted, Mr. Speaker, to agricultural areas where we can be competitive or where we believe we need to have a presence in the market for our own food security needs. It is going to be important, Mr. Speaker, in pursuing this programme that we also take into consideration as part of the value chain, the trade policy and its relationship with what is taking place at the productive base of that value chain.

Mr. Speaker, I know that my Colleague, Minister of Tourism had also announced a Committee to look at the needs of tourism, and we will be linking into that. JAMPRO also has a programme to deal with developing supplies to other industries. We are focussed here, Mr. Speaker, on agriculture, and so where there are synergies, we are going to be exploiting and using those synergies to expand and to build better efficiencies in the industry.

DOMESTIC CROPS

Mr. Speaker, in 2009 domestic crop-area reaped was approximately 36,000 hectares, up from 30,700 hectares in 2008. A critical part of the sustainable agriculture that we seek is to ensure that we have a clear policy on arable land usage. For too long, Mr. Speaker, our most arable lands have been unaccounted for and subject to inactivity due to lack of information or delinquent leases. The current system, Mr. Speaker, of leasing arable lands tends to be *ad hoc* and leaves too much to the discretion of the lessee. In addition, far too much of the most arable lands have been transformed into permanent non-agricultural uses.

Mr. Speaker, let me just give you and this Honourable House a bit of data on our land mass. We are an island, we have limited land mass. We have approximately 2.7 million acres of land comprising this island, Jamaica. Of that 2.7 million acres, some 17 per cent or approximately 460,000 acres are flat, mechanizable, arable lands. Mr. Speaker, we have lost between 25 and 30 per cent of that 17 per cent to non-agricultural development, putting in buildings and other types of development. There is another one million acres, Mr. Speaker, that is arable, but hilly, non-mechanizable. Mr. Speaker, if we are to build a sustainable agricultural model in Jamaica we have to have a policy that guides the management and the engagement of these lands that we have…(Applause)…both the arable mechanizable and the arable non-mechanizable.

LAND-USE POLICY

And so, Mr. Speaker, over the past year we have been working with the Office of the Prime Minister, the National Land Agency to develop an Agricultural Land-Use Policy, and we are hoping that during the course of this year that Land-Use Policy will be tabled here

in Parliament for discussions and hopefully supported eventually by appropriate legislation.

Let me just say, Mr. Speaker, that one element of this Land-use Policy is going to be that wherever government lands are offered for leasing, government agricultural lands, there is going to be standard operating procedure as it relates to linking the lease to a business plan and establishing a timetable for usage. In other words, Mr. Speaker, if you have government land and you don't use it, you are going to lose it, based on the terms and conditions of those... (Inaudible) (Applause)

Mr. Speaker, the National Irrigation Commission, (NIC), is the agency of the Ministry charged with constructing, managing and operating irrigation infrastructure for farmers on some of our most arable lands. Today, Mr. Speaker, the NIC irrigation infrastructure services approximately 87,000 acres of land. Of that amount, 50 per cent was in use when I assumed office. Of that amount also, Mr. Speaker, some 66,000 acres are owned by private owners, and 20,000 acres owned by the Government.

Mr. Speaker, NIC infrastructure is extremely expensive. It is heavily subsidized by the Government. And for us, Mr. Speaker, it is unacceptable that we have this infrastructure representing the most arable land with the best resources, water included, and it not being utilized.

ALIGN

And so, Mr. Speaker, in February of this year, in an attempt to engage or re-engage those critical arable lands, the Government launched a programme called, "**Arable Lands Irrigated and Growing for the Nation**," or ALIGN, for short. The programme, Mr. Speaker, is to put our most arable lands with access to water, back into productive use. We have so far had four meetings in four irrigation districts, speaking to over 489 farmers, helping them to find a way to get back into production.

So far, Mr. Speaker, under the ALIGN programme we have engaged and are developing specific programmes for some 5,153 acres of land previously idle, and are now hoping to ensure its cultivation in the months ahead, or certainly during this Financial Year, Mr. Speaker.

Another critical aspect to achieving a sustainable policy for agriculture, Mr. Speaker, is the provision of on-farm water management systems. Water, Mr. Speaker, like land, is a critical resource to production and productivity. In the past, production has been *ad hoc* because our production strategy has depended on nature to provide our farm water requirements.

In addition, Mr. Speaker, where water is available, we do not manage the resources efficiently. Very little has gone into trying, Mr. Speaker, to harvest and preserve rain water so that when there is a drought our farm output is normally compromised because of that drought. And we have seen that, Mr. Speaker, over the last year, the last calendar year. Nine months out of the year, Mr. Speaker, we had less than average rainfall, and as a consequence, we have seen major reductions in yields, even though we saw expansion in acreages during the period of that year, Mr. Speaker. Water management,

therefore, Mr. Speaker, and harvesting and managing rain water are going to be fundamental for the future.

In fact, Mr. Speaker, on a global scale, the discussion about food security in the halls of the United Nations and other such Air organizations, is about what we will do in the next 20/30 years, in terms of managing our water resources. We are currently using 75 per cent of the world's fresh water resources for agriculture, and based on population projections, by 2050 the world's population is expected to be some 9 million, and there are concerns as to – 9 billion, sorry – and there are concerns as to what we will do to feed those 9 billion people. I think we need to start cleaning up our act here, Mr. Speaker, in anticipation of a challenge that we will face in the future.

RAINWATER HARVESTING

In addition to that, Mr. Speaker, we have received from the FAO, the Food and Agricultural Organization, $20 Million to develop a pilot project to deal with rainwater harvesting, Mr. Speaker. This is going to take place, Mr. Speaker, in the Southern section of St. Elizabeth, the most productive farming area, but also one of the drier areas in the country, Mr. Speaker. We hope, Mr. Speaker, that from this pilot study, we will develop best practices and adopt and promote those best practices across the country in support of better rainwater harvesting and management.

MINED OUT BAUXITE LANDS

We are also working, Mr. Speaker, with the Jamaica Bauxite Institute and the bauxite companies, to explore the use of mined-out bauxite lands as catchment areas and reservoirs. The NIC and RADA, Mr. Speaker, have also teamed up as part of the Water Management Unit, and they are moving aggressively, based on discussions that we have had, to begin a process of educating our farmers on the better management or more efficient use of our water resources.

I want to just say, Mr. Speaker, quickly. To those persons who have the luxury of NIC infrastructure, that we need to take some time and engage one or more of these programmes to support better water management. Currently, Mr. Speaker, NIC users are paying for a fraction of the economic cost of providing the water that they use for their farms, approximately 30% on average. The Government pays the rest. Now, part of the challenge going forward, Mr. Speaker, is that the user is going to have to bear more of the economic cost. In fact, already, Cabinet approved a submission to increase the NIC rates, and we are moving closer now to a 50% for the user and 50% subsidy by the Government and, over time, that will be phased out also.

The truth is that many of our water users, Mr. Speaker, do not use the water efficiently. They splash it all around. They over-water the plants. And, of course, that affects both productivity, but also affects cost of operations. And so, over the next year into two years, we are going to be spending a lot more time in trying to get people to embrace drip irrigation and other forms of water management systems in support of more efficient usage of the water.

DISBURSEMENT TO SECTOR

Mr. Speaker, last year was a significant year for financing the agricultural sector. Reports from the DBJ indicate that 20% of the loan portfolio, or $537 Million was disbursed to our farmers at interest rates varying between 7.8% and 13%**.** If we include, Mr. Speaker, the agro-processing sector, then the total disbursement to the sector was $654.4 Million or 24% of total disbursement.

FARM

Mr. Speaker that is a good sign. If you look at the last five years - the last two up to the last five years - there has been a significant increase in the amount of resources lent to the agricultural sector, both agro-processing and primary production. But that does not capture, Mr. Speaker, those farmers who are not able to provide the traditional forms of collateral in order to access financing. We had to respond, Mr. Speaker. And so we sat and we looked at the possibilities and developed a programme that we refer to as Financial Access For Responsible Members, or, the FARM Programme, for short.

This programme, Mr. Speaker, was designed essentially to reduce the risk-profile of those farmers who do not have collateral in an attempt to minimize the need for them to provide those traditional forms of collateral in order to access financing. And so what we did, we brought all the critical players together, the financial institutions, the importers of the agricultural produce, or the marketplace, the middlemen, the suppliers of agricultural inputs. And we also brought RADA in the picture as the coordinating agency to help to identify the farmers who were disciplined, provide best practices training for the farmers, identified crops that had market possibilities and then made an approach to the financial institution, based on a process that would see a farmer's likelihood of success being greatly improved.

The programme has been successful so far, Mr. Speaker. We have had a number of institutions signing on, approved financial institutions: Nation Growth Micro Finance Limited; the People's Cooperative Bank; the Jamaica National Small Business Loans Limited; NCB; Scotia Bank and the Jamaica Cooperative Credit Union League. Under this FARM programme, Mr. Speaker, a total of $435 Million has been committed to the programme with approximately, so far, $85.3 Million disbursed.

So far, Mr. Speaker, crops targeted under this programme include, Irish potato, hot peppers, onion and sorrel. As an example, Mr. Speaker, under the programme 150 hectares of Irish potato was planted, reaping to date, some 627 tomes with a dollar value of some $51 Million.

Mr. Speaker, this is a programme that if successful, could see an effective response to those farmers who lack the necessary collateral. I know that the Irish potato farmers are having some difficulties because of the drought. I know they have lost some of their crops and a few of them have actually been placed in a difficult position to respond in terms of servicing the loans. And we have to get involved and work with them and we will, and we have been working with them to try and get them out of the rut. But that's the nature of agriculture, Mr. Speaker. There are risks that are involved, but we will press ahead because generally speaking, the programme has been a success.

COMMODITY BOARDS

Mr. Speaker, last year the Cabinet mandated a review of the role and functions of all Commodity Boards with a view to curtailing the involvement of the Government in commercial activities, lessen regulation and control over marketing and facilitate the expansion of primary as well as value-added production. Where it is essential, Mr. Speaker that the Government continues to play a role, the study also looked at rationalization in the execution of those functions across commodities.

This study was undertaken, Mr. Speaker, and after wide consultation with stakeholders, we are now in a position to present recommendations to Cabinet shortly. The recommendations, Mr. Speaker, are radical and transformational in their nature and will see, if approved, a dramatic reduction in the role of government in the management of commodities. Consequently, Mr. Speaker, a greater role is to be played by private players.

It is the expectation, Mr. Speaker, that within the new framework, primary production will be boosted, new markets will be found and there will be significant development of value-added products driven by new investments from the Private Sector. We will have more to say later on, on that programme, Mr. Speaker. But there is a commitment on the part of this Government towards the rationalization for more efficiency of these Commodity boards.

SUGAR DIVESTMENT, ETC.

Mr. Speaker, one such commodity is sugar. I am not going to spend a lot of time on this area because I reported to Parliament a few months ago on where we were. Just to say, Mr. Speaker that right now, the Government-owned estates are performing without any subsidy from Government. (Applause) Second year running, Mr. Speaker, and that in itself has been an achievement.

Mr. Speaker, the expansion of cane is taking place as we speak, financed through an arrangement with Tate & Lyle, who is providing US$26 Million this year, Mr. Speaker.

(At this stage The Speaker vacated the chair and the Deputy Speaker presided.)

The Commission of Enquiry is a work-in-progress, as we speak, to examine the framework of the cane industry with the view of making recommendations for its modernization and Private Sector divestment.

What I'll say to this House, Madam Speaker, is that by the end of July, I am hoping to come back to this Honourable House to give an update as to where we are in terms of the divestment of the remaining government assets within the sugar cane industry.

BANANA

Madam Speaker, in 2009, the value of primary output for the banana industry was some $3 Billion. And it is estimated that over 800 commercial farmers operate in this industry. Over the last five years, the banana industry has been beset by the challenges of hurricanes and erosion of preferential markets. It is well known, Madam Speaker, that after Tropical Storm Gustav, one entity which produced approximately 75% of the industry came out of the export business and there was an effective suspension of export bananas into Europe.

The Government, Madam Speaker, did not give up on the banana and plantain industry. In fact, we engaged the process, starting with the commissioning of a policy without exports, for the banana and plantain industry. That policy is now a work-in-progress.

Similarly, Madam Speaker, we commissioned a study to determine the size of the industry, both from the producers' standpoint, to get better specifics, as well as the consumer standpoint. That study is now a work-in-progress.

In addition to that, we provided critical support to the Banana Board, to look at its fight with diseases such as **mocho** and **black sigatoka** diseases. We've also provided support in terms of developing new disease-resistant varieties. Last year some $42 Million was provided for this type of research and extension, and some $82 Million will be provided, Madam Speaker, over the next two years.

As announced last year in my budget presentation, two banana ripening houses have in fact been completed and they are now to be commissioned, one in St. Mary and one in South St. James, to facilitate the value-added ripening of bananas for banana farmers in those respective areas.

COCOA

I now turn to cocoa, Madam Speaker. Some 11,000 farmers are involved in the cocoa industry. And in 2009, the value of primary output from the sector was $200 Million, comprising mainly of exports valuing some US$1.8 Million. This Honourable House should be aware that Jamaican cocoa ranks among the top eight fine-flavoured cocoa in the world. Unfortunately, we have not been using this favoured position to our full advantage.

Madam Speaker, we estimate that Jamaican cocoa has a guaranteed market for at least 1,500 tonnes annually. Our highest level of production, however, for the past five years, has been 768 tonnes in 2007. Now, it is true that the frequency of hurricanes has contributed to the decline of the cocoa industry. However, it is our belief that the greatest obstacle to increases in production has been the low prices paid to farmers as a proportion of export earnings.

Madam Speaker, this is a systemic structural problem that will persist as long as the cocoa industry is managed and controlled by the Government. It is for this reason, Madam Speaker, that Cabinet approved the separation of the commercial and regulatory functions of the Cocoa Industry Board, with a view to government retaining some regulatory function and divesting itself of its commercial interest in the sector.

Madam Speaker, this work is proceeding and we expect that the relinquishing by government of its control over marketing and pricing will provide a powerful stimulus to increasing production.

But, Madam Speaker, we are not resting there. We believe that we will only maximize the earnings of the sector by moving up the value chain, as I've said earlier. In this regard, I've had the pleasure of visiting major chocolate companies in the United States and we are actively pursuing their investments in the sector.

In the meantime, Madam Speaker, the Government, in collaboration with the EU, is providing support to the sector to rehabilitate some 3,000 hectares of cocoa, to install cocoa-

drying infrastructure on farms, to develop new varieties and most importantly, to strengthen the Farmers' organizations in the sector.

These two projects will impact some 400 farmers, and as I said, involve over 3,000 hectares and with an expenditure of some ***$***76.4 Million over two years. Additionally, Madam Speaker, we are working with the USAID under their US$15 Million Magic Project, which will see substantial benefits to the cocoa industry.

In addition to that, I must recognize, Madam Speaker, the contribution of USAID. In the early days we collaborated with them to conduct a study on the industry to look at its existing structure, in an attempt to chart a way forward which informed the position that we are now taking.

(Applause)

COFFEE

Madam Speaker, I want to speak to coffee, briefly.

The coffee industry engages over 8,000 farmers, including 7,000 in the Blue Mountain area, and over 1,000 on the low lands. The value of its primary output in 2009 was J$1.5 Billion with exports valuing some US$33.8 Million. In the current crop year, Madam Speaker, the coffee industry is facing the greatest marketing challenge in recent times.

Blue Mountain coffee, Madam Speaker, has evolved over the last two decades, as a world class product. It is what has helped to put Jamaica on the map on the international stage, primarily in Asia, and Japan in particular. A lot of work has gone into developing that particular sub-sector of the coffee industry. The truth is that financing and marketing of that product has been substantially supported by one set of investors, and those investors originate from Japan.

I want to place on record, Mr. Speaker, as a Government, our thanks to the Japanese for helping to develop the Blue Mountain Coffee brand because they have done a good job in financing and providing the market for the product.

JAPANESE CONTRIBUTION

However, Madam Speaker, I believe, having thanked the Japanese for their contribution - and I must say sometimes they got shafted in the process, because in a number of cases, they lost a lot of money by providing some of these funds to our own locals to develop that brand. But the truth is that we have made, Madam Speaker, over those twenty-plus years, a strategic error – a strategic error in overly concentrating our product in one market place. And I believe that, that strategic error is coming back to haunt us at this point in time.

Last year, Madam Speaker, into this year, we were placed in a crisis, literally, because our usual support of pre-financing for taking off the Blue Mountain coffee, and guaranteed markets in Japan dried up to the tune of some 40 per cent in terms of the demand for the beans, as well as in terms of the pre-financing arrangements that we have been accustomed to. We had to act quickly, Madam Speaker, because the coffee beans were on the trees in the Blue Mountains and the farmers needed to be paid. And so we moved quickly working with the Coffee Industry Board to arrange bridge financing of some $700 Million to support the purchase of beans that would

otherwise not have been purchased because the marketing companies just did not have the financing.

Having done that, Madam Speaker, we bought the beans, or for the most part we needed now a market to sell the beans. And, of course, because of the fall in demand in Japan - and Japan would have been the traditional market, we had to now, look elsewhere.

CHINESE HANGZHOU WESTERN FOOD & COFFEE ASSOCIATION

Madam Speaker, I led a team to China as part of that new thrust where we met with the Hangzhou Western Food and Coffee Association, one of the largest coffee shop associations in the country. They have approximately...

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

Mr. HOLNESS: Madam Speaker, I move for suspension of Standing Orders to allow the Member sufficient time to complete his presentation.

The DEPUTY SPEAKER: The question before the House is that the Minister be given sufficient time to complete his presentation.

Put to the House and agreed to.

The DEPUTY SPEAKER: Go ahead.

Dr. TUFTON: Madam Speaker, I thank the House for their understanding...

(*Sotto voce* comment/Laughter)

...for their understanding.

Dr. TUFTON: Madam Speaker, so we are trying, as we speak, to secure markets in China, and we expect a delegation from this group, the Hangzhou Western Food and Coffee Association to visit with us next month. We have also been looking at markets in Korea, in Europe, in North America. What is quite clear, Madam Speaker, is that the game has changed as it relates to Blue Mountain coffee and Jamaican coffee in general. And we are going to have to now experience a process that will involve some hardships, some challenges, but we must never allow ourselves to be back in a position where 90 per cent of our products are sold into one market. It makes us vulnerable.

And in that respect, Madam Speaker, I want to say - and I am going to be meeting with the dealers, with the marketing companies, the local companies, I want to say to them, they need to work with the Coffee Industry Board and the Government, and they are going to have to play a more activist role in terms of ploughing back some of the resources that they make from the industry towards the branding and the marketing of the product. The Government cannot be depended on any more, Madam Speaker, or any one market in order to provide those markets. And I will be meeting with them to have discussions with them, and to the farmers, in order for them to understand exactly where we are and where we need to go.

In support also, of privatization of the sector, Madam Speaker, we have moved apace towards the divestment of Walenford Coffee Company. Cabinet had approved earlier in the year the divestment of that entity. We established a Divestment Committee, headed by the ex-banker, MR. AL WEBB, and that Divestment Committee is working to package the Walenford Coffee Company, and hopefully soon, will offer that on the market for private interest which, hopefully again, will support the diversification of the market place.

CITRUS

Madam Speaker, I want to speak briefly on citrus. The citrus industry is a $4 Billion industry involving over 5,000 farmers and accounting for over 19,000 jobs along the entire value-chain. The truth is that the industry has been plagued by a variety of problems including diseases, such as **Citrus Tristeza virus** and **Citrus Greening**. But beyond that, Madam Speaker, the industry has had other challenges which must be confronted as part of the restructuring, going forward.

The private entity, Madam Speaker that is involved in growing oranges, and processing oranges right through to branding and marketing has had their challenges, but they are doing fairly well; they are holding their own. The Growers Association - the Citrus Growers Association, while they should be commended, Madam Speaker, for over many years, developing a value-chain approach to citrus, from the field all the way to a brand and to marketing, has had major management challenges over many, many years.

When I assumed the position as Minister, Madam Speaker, they were in a serious financial challenge - position. They wanted further financial support. I was not willing to provide that support, or to ask Cabinet to provide that support until I was satisfied that the management was in place to take them out of the situation that they were in. We sent in, Madam Speaker, a management consultant, we did the necessary financials and we concluded that, for that particular entity to advance, there needed to be an overhaul of the management structures and the personnel, frankly speaking, and the company needed to be recapitalized.

And so, we made available $60 Million, with Cabinet approval, on the condition that the Citrus Growers Association do just that, seek equity participation in order to get themselves to address the management shortcomings. Madam Speaker, I am happy to announce that that process has started. It took some time and we had some challenges, but that process has started. And my understanding is that there is now a firm offer on the table by a private entity to the Citrus Growers Association which will see that private entity owning a percentage of that company where management will be adjusted, and which would carry the company into viability. And I am hoping, Madam Speaker, that the Citrus Growers will support that position, or negotiate a better position. What is true, they cannot carry on in the way that they are going now, or else it is going to be the demise of the company, and negatively impact the hundreds of farmers who depend on that company.

DAIRY INDUSTRY

Madam Speaker, milk constitutes a critical element of the nation's nutrition. And any nation that is serious about food and nutrition security must put appropriate measures in place to safeguard its dairy industry. This industry, Madam Speaker, is an example of a strategic imperative as it relates to our food security. Let me just remind this Honourable House, that last year, after nine (9) years in the making, the House passed the Dairy Development Act in 2009. The Act provides the framework for the development of the dairy sector. Subsequent to the passage of the Act, Madam Speaker, the Ministry established

the Jamaica Dairy Development Board to oversee the development of the sector.

In the last financial year, we provided some $35 Million in low interest loans for pasture resuscitation and procurement of stock. This has supported the rehabilitation of some 184 hectares of pasture.

WALLENS & GOSHEN DAIRIES

Madam Speaker, the Ministry is also in the middle of divesting the Wallens and Goshen Dairy facilities to allow for private capital in an attempt to resuscitate, to expand those facilities and the dairy herd, and our dairy products.

In order to support the development of the sector, Madam Speaker, and after consultations with industry players, Cabinet approved the imposition of a Cess on all dairy products at the level of one per cent. Madam Speaker, this will generate some $64 Million in this financial year and will be used for capacity building within the dairy sector.

Dr. DAVIES: Where will that be levied? Where will that Cess be levied?

A MEMBER: Customs.

PROTECTED AGRICULTURE - GREENHOUSE TECHNOLOGY

Dr. TUFTON: Customs. Madam Speaker, I want to speak briefly on Expanded Protected Agriculture - technology driven agriculture.

Jamaica continues, Madam Speaker, to modernize agricultural production through the infusion of protected agriculture technology. In 2009, greenhouse capacity expanded by 11 per cent while production of the three main produce from greenhouses that is tomatoes, bell peppers and lettuce increased by 60 per cent over 2008. Thanks to the greenhouse component of the CIDA-funded programme, Madam Speaker, greenhouse capacity will be increased by a further 15 per cent this financial year with the completion of 40 greenhouses under this particular project.

(The Speaker returned to the Chair 6:02 p.m.)

It is projected, Madam Speaker, that output from greenhouses, Mr. Speaker, will increase by a further 40 per cent, indicating increased levels of productivity. The Ministry will continue to provide technical support to greenhouse farmers through its greenhouse unit and marketing support through the attendant post-harvest facilities, two of which are being constructed under the CIDA programme in Manchester and in St. Elizabeth.

Mr. Speaker, I just want to say one brief thing as it relates to the greenhouse farmers, because we have some challenges still. We are showing progress, but there are some challenges we have to confront. The technology, Mr. Speaker, allows the greenhouse farmers to farm all year round because it is essentially a controlled environment. And part of the challenge with the traditional farming is that, that farming is disrupted depending on the weather pattern during a given calendar year. But what we have found is that many of the greenhouse farmers are actually planting during the same cycle - crop cycle as the traditional farmers. And so, when there is a shortage, and you depend on the greenhouse production to compensate for the fall-off in traditional farming, they are unable to do that. So, training is going to be fundamental towards maximizing the efficiency of the technology.

In addition, Mr. Speaker, the cost or the price that is being charged by the greenhouse growers – granted they are much nicer bell peppers and tomatoes and the command a slight premium. But one of the things we are going to have to engage them and to discuss with them, is that, not because they are using greenhouse technology, they must charge for greenhouse technology. And we believe that cost of production has to have a closer relationship with margins that are charged, but that is an issue that we will discuss and explore with them.

AGRICULTURE/EDUCATION/TRAINING

Mr. Speaker, I want to speak briefly now about agriculture, education and training and the restructuring of agricultural education for sustainability.

The agricultural education infrastructure in this country is simply not responding to the needs of the sector. Continued modernization of the section requires agricultural workers with far greater skills and competencies than currently obtains. The main vocational technical institutions, Mr. Speaker, Elim and Knockalva, designed to train students at this level have fallen short in a number of respects.

At the same time, the University degree level involving UWI, St. Augustine and CASE are not producing the quantum nor the range of specialists required to drive the new agriculture. In fact, Mr. Speaker, in 2008, there was only one Jamaican graduate from UWI, St. Augustine where the agricultural faculty has long been reduced to a mere department.

In recognition of this reality and the central role that agriculture must play in our economy, the Ministries of Agriculture and Education, Mr. Speaker, have been having dialogue on the restructuring of agricultural education. We are moving on two fronts. The Knockalva Programme will be restructured to produce agricultural technicians at the level equivalent to the output of HEART Ebony Park.

In this regard, Mr. Speaker, the Ministry sought and obtained the support of the Food and Agricultural Organization to review the current programmes at the Knockalva institution, develop an appropriate curricula and programmes to produce the new technicians and identify resource gaps that must be filled in order to execute these programmes. On the basis of this study, Mr. Speaker, new programmes will be put in place at Knockalva under the management of HEART. These new technicians will provide critical technical support to the sector and will be able to easily matriculate into tertiary education programmes.

At the same time, Mr. Speaker, discussions are well advanced with the University of the West Indies, Mona, the Ministry of Education and the Ministry of Agriculture to explore the possibility of a school of Agriculture, appropriately resourced and offering the mix of programmes consistent with the demands of a modern agricultural sector. We are also encouraged, Mr. Speaker, by the initiative involving the University of Technology, in partnership with CASE to introduce a Degree in Agricultural Engineering.

And, Mr. Speaker, I just want to break briefly to use the opportunity to welcome, who is here somewhere in this House, DR. CHELSTON BRAITHWAITE, who is the former Director General of the Inter-American

Institute for Cooperation in Agriculture, who is here with us at the invitation of the Ministry and myself, to look at how we would configure or reconfigure agricultural education in Jamaica in the interest of driving a more modern institution.

(Applause by both sides)

PRAEDIAL LARCENCY

I move quickly, Mr. Speaker, to tackle praedial larceny.

Dr. DAVIES: Hutchie, this is your speech. (Laughter)

Dr. TUFTON: Mr. Speaker, this Honourable House should recall that in my budget presentation in 2008, I announced the setting up of a committee to review our approach to the prevention and management of praedial larceny. This Committee was headed by PROFESSOR ANTHONY HARRIOTT of the UWI.

From the deliberations of that Committee, Mr. Speaker, the Ministry formulated a four-pronged approach to managing this problem, and it involves the following. Firstly, a public education or public awareness campaign, sensitization of the police force and the judiciary, strengthening and reviewing of existing laws, and establishing a traceability system.

In order to drive this programme, Mr. Speaker, the Ministry in conjunction with the Ministry of National Security engaged a Praedial Larceny Prevention Coordinator. So far, we have developed a Public Education Campaign in association with Television Jamaica, which is currently running as part of their "We Are At Risk" or "We Are All At Risk Campaign". Additionally, praedial larceny is now one of the crimes highlighted in the ongoing Crime Stop campaign, where citizens can now provide information anonymously to the police, and receive a reward if this information leads to an arrest. These two initiatives, Mr. Speaker, are intended to underline the seriousness of praedial larceny in the consciousness of the public. In addition, sensitization and training sessions have been ongoing with both the police and the judiciary with a view to encouraging them to take praedial larceny offences more seriously.

Further, Mr. Speaker, a Committee is currently reviewing all legislation relating to praedial larceny and will recommend amendments to increase and harmonize penalties among different pieces of legislation.

Mr. Speaker, at the heart, at the heart of any anti-praedial larceny programme must be a traceability system, a system that can track the movement of produce and livestock from-farm-to-fork. Here, Mr. Speaker, there is a coincidence of interest between food, health and safety and prevention of praedial larceny.

A traceability system, Mr. Speaker, has varying elements involving abattoirs, packing houses, an animal identification system, a receipt system and, critically, a Farmer Registration system. It is true, Mr. Speaker, that we do not, now, have all these elements in place, but as a minimum, we are proceeding with our Farmer Registration system and a revamped receipt book system. In that regard, we cannot emphasize enough for farmers to be registered, not only as part of our traceability system, but also to ensure effective planning for the sector.

Dr. DAVIES: What happen to the chips, Hutchie? You don't mention the chips.

Dr. TUFTON: Therefore, Mr. Speaker, it is incumbent that all purchasers of agricultural produce and livestock have their receipt books. And I want to emphasize that point, because there is going to come a time, Mr. Speaker, when if you have farm produce or livestock transporting to markets, you are going to have to, either show evidence of where you got it from or your identification as a RADA registered farmer or the police will exercise their right to hold on to the produce or to you until such evidence is forthcoming. We have to take that step in an attempt to address this $5 Billion a year industry involving praedial larceny.

In addition, Mr. Speaker, persons, citizens, consumers who have information on praedial larceny or agricultural theft can now exercise the Crime Stop mechanism by calling 311 and providing information leading to the arrest or the capture of those persons involved in such deviant behavior.

Mr. Speaker, I have just addressed the centrality of traceability to our counter praedial larceny strategy. The truth is however, that traceability is also important from the standpoint of food, health and safety. Our ability to expand exports and penetrate new markets is now contingent on us setting up proper traceability systems. Expansion of supply of agricultural produce to the hotel sector similarly, Mr. Speaker, requires proper traceability and frankly speaking, our own people who we supply through the retail trade are no less entitled, it is something that we have to confront. It's just a matter of time before we are told that we can't sell to the hotel trade because we need to know where the produce originates, because that is becoming standard operating procedure in the trade of food items, both internally in some countries but also critically across borders.

In terms of produce, the packing houses that we are constructing will be an essential part, Mr. Speaker, of our traceability system. These packing houses will have direct contracts with farmers to supply the produce and from the packing houses, produce will be distributed to the various end users. This, therefore, forms a seamless chain, allowing any produce to be traced from-farm to-fork. For those farmers who will not fall within the packing house network, it is critical that they register with RADA and be part of the database, but more importantly, that they use the revamped receipt books as I have already explained.

ANIMAL IDENTIFICATION SYSTEM

In terms of livestock - I know the Member across there is waiting to hear what I have to say on behalf of my colleague. (Laughter)

(Laughter by Dr. Davies)

Dr. TUFTON: You will recall last year, my honourable colleague sitting beside me, gave us an update on the Animal Identification Project. Through that project, Mr. Speaker, we now have the framework for an Animal Identification system…

Dr. DAVIES: Chips project? (Laughter)

Dr. TUFTON: Yes.

(Inaudible comment by Dr. Davies)

Dr. TUFTON: We have completed the first phase of that project. Take him seriously, he was very serious.

We now have the framework for that Animal Identification System, Mr. Speaker, that is, we have the database that is now able to capture that information. What needs to be done now is to literally tag the animals,

develop in identification mechanism or a passport for each animal and input the data in the database.

Dr. DAVIES: Passport? You need identification.

Dr. TUFTON: Mr. Speaker, it's going to take time, but let me just say to those in the House, particularly the Member on that side. It may sound funny, but if he goes to any progressive advanced country where agriculture is critical, he will find that these are more the norm than the exception. And we on this side want to get with the programme to become a part of the technology moving the process forward.

It's going to take time, I am not going to say, Mr. Speaker that it will happen this year or even next because it requires resources, but that's where we are heading and we are doing it in phases.

We are going further, Mr. Speaker…

(*Sotto voce* comment by Dr. Davies)

SLAUGHTER FACILITIES

Dr. TUFTON: We have to develop - and this is what I'd like to take on as a matter of urgency. We have to develop a proper system of slaughter facilities or abattoirs, through which must flow all meat consumed through commercial outlets. By doing this, we will ensure not only that our meats are handled under hygienic conditions, Mr. Speaker, but will be able to trace every animal that enters these abattoirs. And Members, take this seriously. We are going to be challenged in terms of our trading relationships if we do not address this issue. We are a very open society, we have two million plus tourists coming here, if we cannot account for the standards by which we handle our food, livestock and produce, it is a matter of time before we are going to be challenged. It's part of the new global system, and we have to look ahead and take action to deal with it now.

We wanted to find out, Mr. Speaker, last year what was the state of our abattoirs and slaughter facilities, and so we commissioned a study, and it makes very interesting reading. We have in Jamaica today, small island of Jamaica, over 1100 abattoirs/slaughter facilities, 1100. Of that amount, just 352 are in fact registered with the relevant authorities, meaning the Ministry of Health. They are inadequately supervised in many instances, woefully lacking in the kind of facilities that would ensure proper and hygienic handling of our meat. Some of these facilities are primitive to say the least and could seriously compromise public health if they are not addressed.

Mr. Speaker, a country of this size does not need, we do not need 1100 slaughter places. In this regard, we have since commissioned another examination of the study that we have done already. This time, to attempt to determine what would be the optimal level or numbers of slaughter facilities we would need, recognizing the cultural context in which we exist, knowing that there is a butcher man on the corner in a community who kill his cow or pig every Friday and has his customers and so on, we have to address that, but nevertheless some adjustments are required in the interest of proper food safety and food handling.

My own vision, Mr. Speaker, is that we need - and I try not to pre-empt this study, but we need about four or five multipurpose abattoirs strategically located across the country, HAASP certified, where all

commercial meats, going into the tourism industry and in the commercial trade, the formal commercial trade and for export, must flow. That way we would guarantee that, that meat is handled with care and we would also tap into the traceability of where those meats originate.

We believe, Mr. Speaker, that this could be a public/private partnership, and we are now developing an approach, once we get that study back we will concretize the specifics to engage the Private Sector, either to upgrade existing facilities or to build a few new facilities to establish that.

Beyond that, it is our view that we need another 100 or so smaller, less sophisticated, community-type slaughter facilities that are approved by the Ministry of Health, where the cultural norm of slaughtering in communities can take place for local consumption, but still with a certain standard that is established. We want to take that process on this year, Mr. Speaker, because we believe it is important to the traceability issue.

FISHERY - RESEARCH STATION

Mr. Speaker, as you may recall last year in my budget presentation - and I'm on the final segment so I ask Members to indulge me - I made mention of a number of new initiatives in the fishery sector in support of our fisheries and marine resources. A number of these have since been implemented, Mr. Speaker. The Members of this Honourable House will be pleased to note that the field and research station at the Pedro Cays, that my very good friend had once described as a hotel being constructed at the Pedro Cays, it is in fact…

A MEMBER: Who is that?

Dr. TUFTON: My colleague to the opposite, described it as a hotel, that we were building a hotel on the Pedro Cays, when in fact, Mr. Speaker, it really was a research station. That project has been completed, in fact, last week I should have flown to the Cays to officially open the project; however, because of the inclement weather, because of the poor weather conditions we were unable to do that.

That research station, Mr. Speaker, is going to be operated by Nature Conservancy, an international environmental organization.

The Station will host marine biologists from Jamaica, the region and around the world and will act as a first class outpost facility to conduct research and provide data, which will help to better monitor our fisheries resources in that area. In addition, I'm currently working with my colleague, Minister of Health and other agencies in order to design a workable system to be used to improve the sanitary conditions, which now exist on the Cays.

And during the course of last year, Mr. Speaker, the marine police have now been relocated on the Cays. So we now have the marine police presence on the Cays and that is all in aid of trying to restore some law and order and normality to that very important area.

Remember now, Mr. Speaker, the Cays has three issues that have to be addressed and it's important to us. **One** is a security issue, crimes at sea, trans-shipment of drugs and guns. The Cays is singled out many times by the police and others as an important point where exchange takes place and we have to control for that. So the marine police is now there, the coastguard is there.

Secondly, an environmental issue. There are many species there that are unique to us as a country, not just our fisheries resources, birds and so on, it's a bird sanctuary, we have to preserve that for our future generation. And **thirdly**, of course, is our fishery stock, which is critical to the livelihood of so many people. So these changes on the Cays, we believe, will add tremendous value to the operations of that location and those who depend on it for survival.

Mr. Speaker, the Fishing Beach Rehabilitation programme continues, with the completion of a further six (6) beaches on the north western section of the island to be handed over to the fisherfolk, and another six (6) beaches on the southern section of the island under rehabilitation. All of these works were undertaken at a cost of some $207 Million, funded by the EU, CIDA and the Government of Jamaica.

Not only are we rehabilitating the physical structures, Mr. Speaker, which impact the environment of the fisherfolk, but also, we are offering programmes to develop their interpersonal skills such as conflict management and communication.

CONCH/SANCTUARIES

Similarly, Mr. Speaker, funds have been approved from the Fisheries Management and Development Fund, for a number of projects. Now you may recall, Mr. Speaker that last year the Fisheries Management and Development Fund was approved by this House, which effectively is a cess on every pound of conch that is exported. And those resources are put directly back into sustainable fishing, or fisheries.

So far, we have used those resources from the Conch Export Levy Act, or the Fisheries Management and Development Fund to do a number of things - a few things. **Firstly**, baseline studies for the eight new fish sanctuaries. As you know, Mr. Speaker, we declared a number of fish sanctuaries to promote sustainable fisheries.

We are engaged in doing baseline studies to determine what exactly are in these sanctuaries, so that we can monitor the progress of these sanctuaries. And **secondly**, the first phase of the Marine VHF Radio Communication System, which is intended on providing better communication infrastructure for fishers at sea. We lose so many of them because of poor communication when they are at sea. With regard to the baseline study, work has already started and will continue in this fiscal year. The Marine VHF radio communication system is crucial, and will enhance, as I said earlier, the communication at sea to significantly improve the safety and wellbeing of our fisherfolk.

I should add also, Mr. Speaker that this Fisheries Fund - the Cess - is also going to be used to police the sanctuaries that we have declared. We have already signed Memorandum of Understanding, MOUs, with a number of NGOs located in the respective areas. And they are going to be given a set level of resources in order to provide 24 hour-a-day enforcement of the sanctuary so that we do not have the customary breach that we would have with laws that are not adequately enforced.

REGISTRATION/LICENSING

We are continuing with our registration and licensing programme. To date some 1500

additional fishermen and 219 new vessels have been regularised and the process is proceeding well. We are in the process of modernising the registration system and I've been working with other agencies such as the Maritime Authority of Jamaica.

Mr. Speaker, initiative towards sustainability of the fishery industry, which I mentioned in my last budget presentation, are progressing, as I said earlier. The new minimum size of 1½ inch mesh wire, for the construction of fish pots will come into force on July 7, 2010.

Already, extensive discussions have taken place with suppliers, resulting in an agreed grace period of up to December 31, of this year, to allow for all existing stocks of 1¼ inch mesh to be exhausted.

SPEAR FISHING – BANNED – LION FISH

The issue of banning spear fishing is still a work-in-progress, Mr. Speaker, as further dialogue with the spear fishers has outlined challenges to the outright ban, and we have agreed to engage them in further discussion. One such challenge identified by them, is the invasive species known as the **lion fish**. This fish, Mr. Speaker, has no natural predators in the region, and as such are creating immense damage to our fishery stock.

The only effective way to deal with them is culling by spearfishing. We are working to achieve a solution as it relates to what will be allowed, or not allowed in terms of spearfishing. Mr. Speaker. We are not there yet, we're hoping to use this year to complete that.

AQUA CULTURE

Mr. Speaker, this year we will also be placing emphasis on improving our aqua culture industry for Tilapia and ornamental fish. This initiative is supported by our international partners, the FAO, JICA, ACP, the EU Fish Project and the Caribbean Regional Fisheries Machinery. Already, the major stakeholders in the Tilapia industry have met and have formed an aqua culture coordinating committee to oversee the redevelopment of the industry towards self-sufficiency and export.

RICE PRODUCTION

Mr. Speaker, there is a lot more to say, but no time to say it. I recommend, Members, Mr. Speaker, to look at the Ministry Papers that have been tabled here today. One deals with the performance highlights of 2009/2010, and it speaks to all the other issues including, my friend on the opposite will appreciate, the initiatives and the progress we've made as it relates to the production of rice, which is continuing to progress, Mr. Speaker. And I believe that we are going to see some results in that area.

Mr. CLARKE: Self-sufficient in rice.

Dr. TUFTON: Currently, Mr. Speaker, we've moved from the 25 acres that we had last year to 200 acres and we're looking, Mr. Speaker, at 2000 acres, hopefully, by the end of this year based on some programmes that we have. (Applause) And, secondly, Mr. Speaker, I urge the House to examine this Ministry Paper, which deals with the recovery of the agricultural sector. We've had, Mr. Speaker, seven (7) consecutive quarters of positive growth in domestic crop production. (Applause) And this is a result of many things, Mr. Speaker.

Mr. SHAW: Yes.

Dr. TUFTON: It is a result of the – firstly, the hard work and resilience of the Jamaican farmers and we must salute them for that. It is also based on better weather conditions, although we did have the severe drought, which affected yields, but also, critically, it is based on the programmes that we have brought to bear on the production efforts of the farmers. And I have no hesitation in taking credit as an Administration, for some of those efforts **which** have brought the output that we have here. (Applause)

Mr. Speaker...

Dr. RHODD: Minister, what about these?

Dr. TUFTON: It's not in the presentation, I'll speak to you, after, on it.

Last year our farmers performed well, Mr. Speaker, in closing, to their benefits and to ours as consumers. On behalf, Mr. Speaker, of the farmers, I want to thank them for their efforts, and on their behalf, I want to thank this Honourable House and the people of Jamaica for supporting them, because they got a lot of support. Although much has been achieved, Mr. Speaker, there is much more to be done. We must be more consistent in our primary output, quality and quantity. We must be efficient in our farm practices and in the use of our arable lands and water resources. We must place a much greater effort in value-added activities, creating brands that are internationally marketable. We must ensure that our foods are safe and nutritious. We must establish, Mr. Speaker, a trade policy framework that supports the building of our local productive capacity.

A MEMBER: Hear, hear!

Dr. TUFTON: Finally, but importantly, Mr. Speaker, we must give God thanks for the capacity and the ability to produce to feed ourselves and to trade with others.

Mr. Speaker, thank you, and may God continue to guide and protect our farmers and our country, Jamaica. (Applause)

Mr. CHARLES: Agriculture Minister that.

The SPEAKER: Okay Members, Members please, Mr. Warmington, the **Hansard** report I have now received and it is clear that the remark you made was inappropriate, abusive and unparliamentary. I'm asking you to withdraw and apologise.

Mr. WARMINGTON: Mr. Speaker...

Mr. CLARKE: No explanation.

The SPEAKER: No, no explanation.

Mr. WARMINGTON: Mr. Speaker, the problem here, I'm instructed by you to take certain action. I made a statement that you seem to disagree with, but I believe that in a constituency...

Opposition MEMBERS: No, no!

The SPEAKER: No!

Mr. WARMINGTON: I believe in a constituency in which a candidate secured the greatest number of votes...

The SPEAKER: No, Mr. Warmington, there is no need for explanation. The comments are unparliamentary, just withdraw and apologise.

Mr. WARMINGTON: Well should I withdraw the word thief and say illegitimate?

The SPEAKER: It's inappropriate, please don't compound the problem. Mr. Warmington, withdraw and apologise.

Mr. WARMINGTON: Mr. Speaker, you asked me...

The SPEAKER: I'm instructing you.

Mr. WARMINGTON: The Speaker...

(Inaudible comments from some Members)

Mr. WARMINGTON: Give me a chance nuh?

The SPEAKER: Please, allow him.

Mr. WARMINGTON: The Speaker instructs me to withdraw something and I'm withdrawing something because the Speaker instructs me to do so.

The SPEAKER: No, it's unparliamentary. No, but you must, also, Mr. Warmington, please...

Mr. KELLIER: That's not an apology yuh nuh.

The SPEAKER: …It is so inappropriate you must withdraw and apologise to the Member who was on his feet.

Mr. WARMINGTON: The Speaker instructs me to withdraw, and the Speaker says I should apologise.

The SPEAKER: Very well. House Leader.

Mr. HOLNESS: Mr. Speaker, the Member from East Rural St Andrew has a matter, notice of which he gave earlier.

The SPEAKER: Mr. Hibbert.

Mr. HIBBERT: Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to take the motion, notice of which I gave earlier.

The SPEAKER: Members, you will recall the Member from East Rural St. Andrew presented a motion on the Report of the Ethics Committee.

So the motion before House is for the suspension of the Standing Orders to allow him to take the motion, notice of which he gave earlier.

Motion put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY - RECOMMITTAL

The SPEAKER: Yes.

Mr. HIBBERT: Mr. Speaker, I now move that the motion, notice of which I gave earlier be agreed to.

The SPEAKER: Members, the motion before you is for the approval of the motion, notice of which was given earlier

Motion put to the House and agreed to.

The SPEAKER: Thanks, Mr. Hibbert.

Mr. HOLNESS: Mr. Speaker, the Prime Minister will now take a matter which he brought earlier, the Emergency Powers.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, I believe I would need to move suspension of Standing Orders to allow me to take it. Can I do so now?

The SPEAKER: Members, the question is for the suspension of the Standing Orders to allow the Prime Minister to take the motion, notice of which he gave earlier.

Motion put to the House and agreed to.

The SPEAKER: Prime Minister.

STATE OF EMERGENCY – ST. CATHERINE

The PRIME MINISTER: The House will recall that last week Monday, it approved the extension of the State of Emergency that was declared on the 22nd of May. It approved the extension of the State of Emergency for one month. I also advised the House that the Governor-General acting on the advice of the Cabinet had instituted or declared a State of Emergency covering the Parish of St. Catherine, the time to run concurrently with

that which have been extended for the corporate area.

Under the requirements of the Constitution, Mr. Speaker, and the Emergency Powers Act, the regulations have to be in place, they were promulgated last week, but they are required to be approved by the House within 7 days, otherwise they cease to exist or they cease to have effect.

The regulations cover both the Corporate Area and St. Catherine, one set of regulations, they are identical to the ones that existed for the month of May. And as I pointed out then, we have deliberately eliminated, from the Emergency Powers, certain powers that normally attend such as control over the media, restrictions and publications; those are not included in the Emergency Powers.

The House is being asked to approve the regulations as they have been issued which will allow them to continue in force until the 22nd of July, 2010.

The SPEAKER: Members, the resolution before you as indicated by the Prime Minister.

Motion put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, the Prime Minister will now take the Jury Act. We had started debate on it two weeks ago. It is important that we take this matter now, it is a brief matter, and the Prime Minister will lead.

The SPEAKER: Just before the Prime Minister take it. May I just - the Minister of Agriculture asked me that all Members, when you leave, there is a package outside for each of you.

Very well, Prime Minister.

Mr. PICKERSGILL: Pause for the commercial.

The SPEAKER: Mr. Hylton.

JURY ACT

Mr. HYLTON: Mr. Speaker, I will be very brief in making a few observations about the Jury Act itself.

I think the point has been made, on this side, that the Act is, in and of itself, not a controversial piece of legislation. The extent to which it attempts to address a situation, that is really not a huge problem, which is in the event of **hung juries** particularly, relating to non-capital cases, and to reduce the numbers for having a nine-to-three rather than a unanimity, I think it is not a problem. In fact, it doesn't break any new ground, a number of jurisdictions have in fact gone in that direction.

I think more to the point, Mr. Speaker, is, it invites us to look not only on the role and on the numbers required to pass a sentence, a judgment in those situations, but if you look at the condition surrounding the jury pool themselves and jurors. I think we should, I would want to invite the Prime Minister and the Government, certainly, to look at the question of the remuneration for jurors. Very often, I have had the situation to talk to and to interact with jurors on occasion, and the complaints are many, some persons having to serve on multiple juries. And, I think we need to look at how they are compensated, and more importantly, when. My understanding is that it takes an inordinately long time for jurors to be compensated when they do carry out this public service. And, it creates - apart from the other difficulties they have with employers who, sometimes, although they are not very open with it, but the employers, from time to time, are disaffected because persons have been called for jury duties and serve some time on multiple juries. And we may

want to look to see how secure and whether employers are not sometimes abusing the jury system itself, if not directly, but to discourage, act in ways to discourage individuals from serving.

But, I think more to the point, Mr. Speaker, I think we need to, you know, we talk about protection for witnesses, jurors are many times concerned about their own protection. And I think, whereas these nine-to-three decision would make it a little - if the concern by the prosecution is that a person could be bribed, three persons will become that much more difficult, I think we need to look at the other situations surrounding the jurors, if we really and truly want to make a difference in that regard.

And I invite the Prime Minister and the Government to look at the situation surrounding the whole jury system and the jurors themselves, as they come to carry out an important and critical public service.

The SPEAKER: Thank you, Mr. Hylton. Prime Minister.

The PRIME MINISTER: Mr. Speaker, there is not much more for me to say. The merits of the proposal are supported by the fact that it does obtain in other jurisdictions, it was introduced in the United Kingdom I think from as far back as 1974, and now it obtains as well in Australia and a number of other jurisdictions.

The Member has raised some other points that are not directly relevant to the matter before the House. I have noted those matters. I will convey them to the Minister who has direct responsibility.

And I will ask the House to allow me to have 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 Jury Act",

read a second time and passed.

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 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 House and agreed to.

RESUMPTION

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

The PRIME MNSIIER: Mr. Speaker, I beg to move that the Bill be read a third time.

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

Bill entitled:-

"AN ACT to Amend the Jury Act",

read a third time and passed.

The SPEAKER: The Bill debated and passed. (Applause)

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. I,

therefore, move that the House be adjourned until the 13th of July.

The SPEAKER: The motion before the House is that this Honourable House do adjourn until, Tuesday, 13th of July at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

Adjournment taken at 6:45 p.m. until July 13, 2010 at 2:00 p.m.

TUESDAY, July 13, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.13 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

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

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Mrs. Sharon Hay-Webster.

The House resumed its sitting at 2.13 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome to the sitting of Parliament students and teachers from Excelsior High School, (Applause) finalists and their chaperones in the Miss Teen Jamaica competition (Applause), students and Camp Counsellors from the Make Your Mark Summer Camp. (Applause) We would also like to welcome members of the Diplomatic Corps who are here this afternoon with us. (Applause) And I also see the Permanent Secretary from the Ministry of Foreign Affairs and Foreign Trade and her staff with us, (Applause) welcome to the sitting this afternoon.

And just a reminder: check on your cellphone, make sure that it is on vibrate or off so you don't disturb the sitting. But please enjoy the sitting this afternoon.

STATEMENTS BY MINISTERS

Mr. HOLNESS: Mr. Speaker, there are two Statements to be made by the Minister of Agriculture.

The SPEAKER: Dr. Tufton.

Mr. ROBERTSON: Where is Roger? He said he was coming to ask questions.

DIVESTMENT – SUGAR INDUSTRY

Dr. TUFTON: Thank you, Mr. Speaker.

Mr. Speaker, on several occasions I have provided an update to this Honourable House on the progress of the divestment of government assets in the sugar cane industry. It will be recalled, Mr. Speaker, that the St. Thomas and Trelawny estates were divested last July to Golden Grove Sugar Company and Everglade Farms Limited, respectively. In relation to the Frome, Monymusk and Bernard Lodge estates, this House is also aware of the continuing efforts to divest these three entities.

(MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, entered and took his seat.)

Mr. Speaker, following Eridania Suisse's indication to the Government in December, 2009 that it would not be pursuing the acquisition of these three estates, the Cabinet, in January of this year, authorized the opening of the sugar divestment exercise. The Information Memorandum, Mr. Speaker, in respect of the assets of Frome, Monymusk and Bernard Lodge was subsequently amended and invitation for Expressions of Interest invited with a deadline for submission of Expressions of Interest by May 25, 2010. I have already, Mr. Speaker, advised this House, in previous Statements, of the eight (8) entities that submitted Expressions of Interest.

(MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, entered and took his seat.)

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

Mr. Speaker, two (2) of the interested entities, Cari-med Limited and Theodora Holdings Limited, withdrew from the process. Negotiations ensued with the remaining six (6) parties. However, **Eridania Sadam** and **Tate & Lyle Sugars** did not submit individual proposals, since their only interest was to participate in a consortium. Four (4) entities, Mr. Speaker, therefore, submitted detailed proposals by the deadline of July 2, 2010. These entities are:

- COMPLANT International Sugar Industry Company Limited of China,
- Energen Development Limited of the USA and Jamaica,
- Everglade Farms Limited of Jamaica, and
- Integrated Agriculture and Energy, a joint venture between US and Jamaican investors.

(MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern, entered and took his seat.)

(HON. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment, entered and took his seat.)

(MR. FITZ ARTHUR JACKSON, (PNP), St. Catherine, Southern, entered and took his seat.)

Mr. Speaker, the proposals were evaluated based on the following criteria:

- Sound development plan demonstrating sustainability,
- managerial expertise and track record,
- demonstration of identified markets; and
- disclosure of transparent, variable and credible sources of funds to finance these respective business plans.

Mr. Speaker, I am pleased to advise this Honourable House that upon evaluation of the four (4) proposals by the Sugar Divestment Team, headed by MR. AUBYN HILL, the Board of the SCJ Holdings recommended for Cabinet's approval the proposal from COMPLANT International Sugar Industry Company of China. The Cabinet yesterday, Mr. Speaker, approved the said recommendation of the Board of the SCJ Holdings Limited. With this approval, Mr. Speaker, the sugar divestment team is now authorized and mandated to negotiate and finalize specific agreements with COMPLANT related to the proposal to acquire Frome, Monymusk and Bernard Lodge. These agreements, Mr. Speaker, include sales agreement, lease and other pertinent agreements.

(HON. PEARNEL PATROE CHARLES, CD, JLP), Clarendon, North central, Minister of Labour and Social Security, entered and took his seat.)

It is, Mr. Speaker, our expectation that these concrete agreements will be speedily and successfully negotiated.

In terms of details, Mr. Speaker, COMPLANT will acquire, based on their proposal, the three (3) factories and attendant lands for US$9 Million or J$774 Million, and will also lease some 18,000 hectares of cane

lands for US$35 per hectare of cane *per annum* or J$310 (sic), $3,010 for a period of 50 years, renewable for another twenty-five years. In essence, therefore, Mr. Speaker, the country stands to gain revenue of some $828.6 Million in the first year of the agreement and $54.6 Million *per annum* thereafter from lease payments.

COMPLANT, Mr. Speaker, will develop these assets in two phases. In Phase One, they commit to spend US$126.8 Million or J$11 Billion immediately and continuing over a three-year period to rehabilitate the fields on the three estates as well as the factories of Frome and Monymusk. In Phase Two, COMPLANT, Mr. Speaker, proposes to build a sugar refinery in Jamaica, contingent on the results of a feasibility study that they will undertake, and which is to be completed by May 2011.

The plan is for a 200,000 tons refinery capacity, to primarily satisfy the Jamaican and regional demands and, possibly, the European Union.

And, Mr. Speaker, I just pause to say that this refinery or these negotiations or feasibility study; it's not just about crunching the numbers, it's about looking at the trade policy, it's about looking at the CARICOM region whether or not they can get the CET protection within CARICOM. Members may want to know that the CARICOM region has a demand for refined sugar of some 300,000 tons and the only capacity, productive capacity currently is in Trinidad, 50,000 tons; and that facility, I understand, is up for review in terms of whether it will continue or not. So, significant opportunities exist within the CARICOM region for refined sugar.

(MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central, entered and took her seat.)

(HON DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing, entered and took his seat.)

Mr. Speaker, if the feasibility studies and negotiations are favourable then COMPLANT will invest US$l80 Million or J$15.5 Billion to construct this refinery in Jamaica. (Applause) And, Mr. Speaker, it's important because our philosophy, as I have said before, is to move up the value chain and the time has come in this new dispensation to move away from just providing a cornmodity, towards providing a value-added product which will create an important base for the Jamaican productive sector to serve the CARICOM region and, of course, the related job and economic activities linked to that.

(HON. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service, entered and took his seat.)

(HON KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment, entered and took his seat.)

Mr. Speaker, COMPLANT proposes also to acquire additional lands for cane expansion in order to increase throughput to the factories. In tandem with this, they propose to work closely with local cane farmers, providing them with the necessary support to increase production and productivity and ensure continued supplies to their factories.

Mr. Speaker, an interesting element of these discussions, so far, is the plan by

COMPLANT to use cassava to produce ethanol in Jamaica.

(Laughter/Applause)

Opposition MEMBER: Amen!

Mr. MONTAGUE: Cassava again!

Dr. TUFTON: Mr. Speaker, let me just say, COMPLANT is associated, Mr. Speaker, with a state-of-the-art cassava-based ethanol facility in Southern China, for which China has secured a number of patents. They also operate, Mr. Speaker, similar plants in some 12 countries in Africa. This aspect of the plan will open up possibilities for the expansion of commercial cassava production in Jamaica by our farmers on substantial areas of non-sugar cane lands including mined-out bauxite lands, Mr. Speaker. We see this as a very interesting element of the proposal being put on the table. (Applause)

And I had the opportunity, Mr. Speaker – I know there were doubtful Thomases in the early stages and we are not out of the woods yet, we still have a lot of work to – but I had the opportunity to visit Southern China recently and I saw the technology facility, not owned by COMPLANT but one that was recommended for me to look at; and that facility, Mr. Speaker, the technology uses both cane and cassava, the same technology, the same plant to produce ethanol for use in the energy sector in that country. And that technology I found to be amazing. And cassava actually has a better conversion rate than cane in terms of producing ethanol. (Laughter/Applause) Mr. Speaker, I have been given the scientific explanation.

Mr. Speaker, the Government is satisfied, so far, with this proposal for a number of reasons. **Firstly**, the mix of products that are being proposed by COMPLANT: raw sugar, molasses, refined sugar, Ethanol and co-generation, accords with, Mr. Speaker, the Government's sugar adaptation strategy that speaks to a multi-product-based industry, which is what we need to have for sugar cane in order to make it viable.

Secondlv, it will open up, Mr. Speaker, tremendous opportunities for the utilization of lands which are now idle, for increased sugar cane production. In terms of the development plan going forward, for throughput to allow for viability, cane production will literally have to double, in order to get the throughput to deal with the high fixed cost in the process. And therefore, we are already on a programme to attract idle lands, private and public, that can be utilized in further cane production in order to support this programme going forward.

The possibility of putting substantial acreage of non-sugar lands, or even marginal lands, in large scale cassava production could have a tremendous impact on agricultural production overall, and farmers' income specifically. We, Mr. Speaker, believe the plan is sustainable and will not envisage the Government returning to the control of operating these estates.

Mr. Speaker, COMPLANT has enormous experience in the growing of sugar cane, and the manufacturing of all the by-products alluded to above, in both China, and in Africa. It is also the case that COMPLANT is a State corporation, owned by the State investment arm of the People's Republic of China. The company is, therefore, well-resourced, and this is reflected in the favourable debt-to-equity in their proposal.

Mr. Speaker, although COMPLANT would have access to the estates immediately,

on signing of the various agreements in terms of commencing replanting and rehabilitation works and so on, consistent with the agreement with the partial pre-shipment financing agreement with Tate & Lyle, COMPLANT would only fully take over the operation at the end of the 2010/2011 crop year.

Mr. Speaker, for us, divestment is not an event, it is a process. We have been at this for some time; some successes, some set-backs. Even though the Government will be withdrawing from the operations of these entities, it has every interest to ensure that they are divested in a manner that allows for their sustainable development over time. In this regard, Mr. Speaker, the Government will ensure that the agreement between itself and COMPLANT will allow for the proper monitoring of the commitments made in this agreement to ensure compliance.

It will, therefore be the responsibility of the SCJ Holdings Limited, which will remain the holder of all the leased assets to monitor the agreement and ensure compliance. The SCJ Holdings Limited will now be reconfigured to reflect, Mr. Speaker, these new responsibilities.

Mr. Speaker, briefly, on a developing issue at Long Pond Estate in Trelawny. I wish to announce, or comment on the closure, Mr. Speaker, of the Long Pond Sugar Factory for the next crop year.

Let me say upfront that it was unfortunate - and I have heard the comments made by my colleague on the opposite side. It was unfortunate that the key stakeholders in the industry at Long Pond only learned of the impending closure *via* the media. And I must admit that I myself only learned when a journalist called me to inform me that Long Pond was closing.

As the House is well aware, the Trelawny Sugar Estate was divested to Everglades Farm Limited in July last year. The new owners, however, are still subject to the regulations of the Sugar Industry Authority as prescribed in the Sugar Industry Control Act.

Mr. Speaker, it was well-known, even before the divestment, that the factory required substantial rehabilitation and overhaul. It is not entirely unusual that the extent of the overhaul to factories sometimes necessitates the suspension of operations. In fact, that has happened in the past. Appleton Estates shut down for a year in order to accommodate repairs and it eventually enhanced the productivity and competitiveness of that facility.

The management of Everglades has indicated that this is now the case with their facility. In the circumstances, therefore, what is critical, Mr. Speaker, is that attendant issues in relation to the take-off of farmers cane are adequately addressed. In this regard, I have mandated the Executive Chairman of the Sugar Industry Authority to deal with this matter, and he has commenced discussions with the parties with a view to resolving all the issues, amicably. It is my belief, Mr. Speaker, in the coming weeks, that we will find a solution to the problem. But, I believe we need to exercise some understanding, despite the circumstances which has brought us to this point, with the new owners and managers of Long Pond, because after all, we sold these facilities, Mr. Speaker, in order to get them up and running efficiently, and it requires repairs.

Mr. Speaker, in regard to the rest of the industry, this Honourable House is well aware

that the Sugar Commission of Enquiry is currently on the way. A number of critical stakeholders have already made presentations at the hearings. We still hold to the September 30, 2010 deadline for the submission of the recommendations of the Commission. As announced previously, these recommendations will inform the future legal regulatory and institutional framework of the sector, going forward.

Finally, Mr. Speaker, the divestment of Government's interest in the sugar industry has indeed been protracted. Along the way, many lost faith in the industry. Indeed I have heard persons in this House say that sugar cane is dead. Mr. Speaker, we could not afford to lose faith, not only because this industry impacts so many thousands of lives, but because we were always convinced that, with proper management and appropriate investment, this industry has the potential to be profitable and sustainable.

It is our hope and our confidence, that we will successfully finalize all the necessary agreements with COMPLANT which will put them in a position to make a remarkable contribution to the future of Jamaica and the sugar cane industry.

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

Mr. Speaker, I want to just close on this point by thanking all of those stakeholders who have been part of this process, certainly under my tenure as Minister of Agriculture - all of the stakeholders - starting, of course with the negotiating team headed by MR. AUBYN HILL, with the technocrats at the Ministry of Agriculture, the Board members of SCJ, the trade unions and the workers, the sugar manufacturers, the cane farmers, all the critical stakeholders who have been critical to this process, who have really contributed, despite the critics, in a way that has allowed us to get to this point.

If this works, if we continue to collaborate on this issue, we will see a new day and a better day for the sugar cane industry here in Jamaica.

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

The SPEAKER: Thank you, Dr. Tufton. Dr. Davies.

(*Sotto voce* comment by Members)

No, let's deal with this one first.

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

First, Mr. Speaker, let me indicate on behalf of the Opposition, our pleasure that we seem to have made a significant step forward, in terms of the divestment, with an investor with deep pockets. I have some questions for clarification now, or for elaboration.

The first question, Mr. Speaker, and I think the Minister of Finance and Public Service would probably ask me to ask it on his behalf. My assumption is that the initial payment, or the payment – the initial payment of $828 Million will be paid over to the Ministry of Finance to address some percentage of the outstanding debt. So, I just wish for confirmation of this.

Mr. Speaker, I have a few questions, how do I do…do I?

(MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, arrived and took his seat.)

The SPEAKER: Why don't you ask them and then…

Dr. DAVIES: Okay. The second question relates to the… Phase One, which is the firm commitment as opposed to the potential for the refinery. What exactly will be involved in the US$126.8 Million? Are there any details available in terms of what this investment will be used for?

The third relates to the refinery, in terms of the positive outcome from the feasibility study. Is the expectation that the refinery will rely totally on domestically-produced raw sugar or, will there be importation? I pose these questions because refined sugar form, for several - for manufacture, is a raw material, and as such does not attract duty. So, I am interested to know whether the expectation is that the production of the refinery will be dependent on domestically produced raw sugar.

The SPEAKER: Dr. Davies, let him answer those two questions first.

Dr. TUFTON: Quickly, Mr. Speaker, the answer to the first question is that the money will go to the Consol. Fund. And I will use my negotiating skills to try and get the Minister to spend some back in agriculture, but it is really his prerogative depending on the priorities… (Laughter) ...of the day.

The second question on the Phase One commitments which is the US$126 million or J$11 Billion, those resources will go into repairing the two existing factories, Monymusk and Frome, to bring them to a point of efficiency that is acceptable to the investor, and they have provided specifics in terms of the actual amount. And we can make that available. I will put you on to the monitoring team to provide some more specifics. And also, to go into the reconfiguration and upgrading of the fields. There is a view by the experts that we are growing cane inefficiently...

Mr. JACKSON: You don't have to be an expert to know that.

Dr. TUFTON: You don't have to be an expert… both in terms of varieties of cane, as well as the lay-out of the fields. And so, a fairly substantial portion of that will go into both expanding the fields, but also structuring the fields in a way that allows for more efficient production; lining of canals, water management and so on.

And then, the third question about the refinery. When we talk about a feasibility study, Member, we are referring not just to the numbers, but what context can be placed in allowing or supporting the viability of a refinery in Jamaica.

And therefore, the issue of trade policy is going to be an important negotiating issue. The issue of what... a short-term arrangement in order to ensure that there is sufficient throughput to allow the refinery to be successful. If you have a 200,000 ton capacity, chances are, in the first three years you may not be able to produce sufficient cane to produce the sugar that is required for our local throughput to make it efficient. There may be a case - and it is something that I would be willing to recommend and to support, based on my colleague's support, of course - to bring in raw sugar from an inexpensive source, and using that as part of the refinery to keep the refinery going until we get to the point when we do not need that.

The SPEAKER: Dr. Davies you had other questions?

Dr. DAVIES: Yes. In that regard, Minister, what is the expectation of total production which would allow for

domestically-fed, or the refinery to be totally serviced, or provided for with domestic production - raw sugar. I would like to know what that number is, because it may be that you my cut to the chase and examine what would be required to import the raw sugar for the refinery, rather than to seek to await ramping up domestic production. So, I will be interested in that one.

My next question, Mr. Speaker, is perhaps the most critical. I am not clear as to the rationale for the delay in – if COMPLANT is ready, in terms of investment in the field, in terms of investment in the upgrading of the factory, why are we going to wait another year – that is what it amounts to – before they will take over? It seems to me that whatever the negotiations require, we should pursue them taking over at the beginning, rather than at the end of that crop year, because there is always a difficulty in transition. What exactly will SCJ Holdings do? How much money should you commit? It is like if you are selling a house, do you repair everything? What is the additional benefit to you? So, I would like you to explain why that decision, rather than pursuing the transfer to them at the end of this crop year as opposed to, at the end of 2010/2011, which is a year from now.

I have two minor questions. The SCJ Holdings, what role are they going to be playing here in terms - you say the SCJ Holdings will now going to be reconfigured to reflect the responsibility to monitor the agreement and ensure compliance? And subsidiary to that is what - who was responsible for the surprise of the closure of Long Pond Sugar Factory that you didn't know? You indicated that you became aware with the announcement. How did that come about? And what will SIA do in terms of the increased transportation cost which farmers who supply Long Pond will be faced with in taking the cane to Frome or wherever?

Dr. TUFTON: Very quickly, the issue of the ethanol - the refinery and the throughput that is necessary, quantities. Last year, we are likely - Monymusk is still grinding cane so we are still producing. But we are likely...

Dr. DAVIES: It cost you more to produce… (Inaudible)

Dr. TUFTON: It does, but we have to get the cane out of the field. We are likely to end, I would say about 130, or probably a little more in terms of tonnage of sugar, raw sugar, right…

(*Sotto voce* comments by Dr. Davies)

Dr. TUFTON: Yes, about 130, I would think, Member, no, less than that, it is about one hundred and twenty-odd now, little over 120.

Mr. CLARKE: One twenty (120).

Dr. TUFTON: One twenty (120). So we are likely to end between 120/130.

Now, what it means is that, if we were going to have 200,000 ton refinery, the math suggests that there is a gap. Which is why, part of the development plan going forward is going to be to double cane production. It is not just about cane production, it is about the efficiency or the yields, the productivity yields which is why a fair bit of the resources initially will go into both factory upgrading, field upgrading in order to get volumes, but also get better yields.

The numbers are there, I can't quote them now, but we will be prepared to make them available. But I agree with you, part of the negotiations, in the interest of developing that type of value-added capacity here in Jamaica

should be to provide the levels of flexibility that are required to get the throughput so that we can proceed ahead with that refinery. Because there is a market, but it has to take time to develop to that level.

In terms of the - why wait? Remember I reminded you earlier that we have an agreement now with Tate & Lyle. That was a two-year agreement depending on whether we had a sale. We now have approved the finalization of a sale, but we still now have a commitment to deliver on the 100,000 tons of sugar that we have committed to Tate & Lyle; we have taken their US$26 Million. So we are managing the process until the end of the crop in a commitment to what - a contract that we have with Tate & Lyle. Once we start taking off the cane in December, COMPLANT will have the opportunity to go in and to do what they need to do. But part of the agreement going forward is for them, once they sign, to have access to the facilities to start as you put it, rightfully so, the feasibility, fine-tune their plans. They have had access before, but we are going to give them, now, full access so that while we operate, they know exactly what they need to do come the end of the year.

Finally, the SCJ Holdings role, I explained that, they are going to be continuing the process. The revised role, once we hand over to COMPLANT, is more a monitoring mechanism to ensure that the agreements are followed through.

Long Pond: who was responsible? Well the new owners should have provided appropriate communication, they are operating the estate, it is a private estate. And as I said earlier, they are subjected to the authority of the SIA. That did not take place, initially, although it should have. But we will, I think, put that down to probably inexperience in terms of managing a sugar estate and I am prepared to allow for that flexibility. However, I have asked AMBASSADOR HEAVEN to do the investigations, come back to me with a report and then we will take some decisions next week, on that.

Dr. DAVIES: Transfer cost?

Dr. TUFTON: That is part of the investigation; I am awaiting AMBASSADOR HEAVEN'S recommendations. Once he takes that back we will have to deal with the farmers and do what we can.

The SPEAKER: Mr. Clarke.

Mr. CLARKE: Minister, have you been paid for the St. Thomas and Trelawny estates already, the money that was due, has that been paid to the Government?

Secondly, is there any value put on the canes? I see there is a price for the factory and you are going to be leasing the lands at $1,250.00 per acre. Has anything been factored in for the value of the cane? The cane, the cane that is there. Because, if you remember well, you spent substantial sums this year on re-planting, right? And, you did indicate that. So I want to know if you are going to be getting any money at all for the cane that is there.

Is there any Jamaican counterpart in this deal? Do they have any Jamaica partner in the process? The Eridania arrangement…

(*Sotto voce* comments by Dr. Tufton)

Mr. CLARKE: No, no the Eridania: has that been satisfied? Because you were supposed to deliver some 79,000 tons of sugar to them this year, I want to know if that has been settled.

And in terms of Tate & Lyle how are they - how will the new company phase in terms of

arrangements that you presently have with Tate & Lyle?

Dr. TUFTON: Quickly, again, Mr. Speaker, have we completed the transaction on the two estates that have been sold? As far as I know, on St. Thomas, I think that has been completed. I would need to check on the Long Pond transaction because there was a period allowed for final payment, I really cannot say yet, but I can check and get back to the Member.

On the issue of the price of the cane, remember now that the canes in the fields currently are going to be taken off to satisfy the 100,000 commitment to Tate & Lyle. So COMPLANT will not get existing cane stock, they will get root stock that will spring back up. But they are not getting any value because all of that has to satisfy the 100,000 ton. And therefore, the US$35 per hectare, three thousand plus Jamaican per hectare was based on two things. **Firstly**, and probably more importantly it was a good price when compared to the others who were there. Remember now, I outlined a set of criteria that determined who would be successful and part of that would be the offer on the table. You can only have a seller if you have a willing buyer and so it worked out that way.

In the past when we looked at offers, offers were less. In the case of these four (4), you had offers of US$15, US$20 and in this case US$35 which we felt was a decent price.

In terms of Jamaican counterpart, I don't know of any, but again I can't say there is or isn't. In terms of the proposal advanced, it was advanced solely by that entity. They have been here all along and I suspect they are having discussions with many people. So I can't say if they have intentions to establish or they have in fact established partners.

In terms of the Eridania agreement; has it been satisfied? Again, I will have to make sure. What I will say is that it will be satisfied. We had - up to the last time I checked - shipped close to just over 60,000 tons of the 79,000 tons. A shipment can carry up to 20,000 tons so it may have required, on final shipment. Remember you agreed we have 120,000 refined sugar already and the Eridania agreement has first call. So the quantities are there to satisfy it, I am not sure if the last shipment has been shipped.

The SPEAKER: Mr. Clarke, you have another?

Mr. CLARKE: Yes, I just really want to say that, in terms of the divestment, you know, from where I sit and on this side of the House we have no disagreement in the divestment because we actually started the process. The Government cannot run a sugar estate, so that is no problem. (Applause) All I need to know is that, you get what you are to get. Because, when you speak about cane roots, you have - you spent millions of dollars for replanting, and those roots are there. The major investment in planting is when you start for the first time, that is where the major investment is put in to plant it. And then now, the ratoons, is then you begin to really reap the sweet. And I would really have liked, I would really have liked to know that something was put in there as a value to the thousands of hectares of cane that they are going to receive.

In terms of the factory, you did spend substantially on it also, on them, because, again, you boasted that for the first time in many, many years Frome was able to start in

December and all the other things were done, therefore you can't give it away because you have spent substantial sums on those estates. (Applause) And that is my only concern. I want to know that the people of Jamaica get the value for what is there.

In terms of workers now, I don't know what the new arrangements will be and I tell you, let - you know they are coming into a situation that is totally different from China, so speak with them and let us talk.

Dr. TUFTON: Mr. Speaker, I take note of the Member's concerns, these are not concerns that are to be ignored. And I just say to the Member that it is the options that we have that we have to determine what choices we make. And the Member more than everybody else, being a cane farmer himself, should appreciate the options that were available to us in terms of the industry.

I think under the circumstances, Mr. Speaker, collecting just under J$900 Million for an estate that three years ago was costing the Government J$5 Billion is not a bad deal, with also future projections in the first phase at least, to spend J$11 Billion and with a refinery another J$ 15 Billion, this is over three years. What it says to me is that this is an indication of commitment, and in terms of cultural differences I don't see an investor investing that amount of money and not working in whatever context they need to work to ensure that the investment is successful. But we have a monitoring committee, and I am going to seek advice too from the Member because he understands cane more than I do and I will be willing to speak with him.

Mr. Speaker, can I just make the other statement very quickly?

The SPEAKER: Not as yet. Dr. Phillips has a question on this.

Dr. Phillips.

Dr. PHILLIPS: Thank you, Mr. Speaker.

The question since Frome, Monymusk, Bernard Lodge lands presumably are going to be involved, there was an expression of interest by one of our locally-owned estates in relation to some of the Bernard Lodge lands. And my question is whether in the planning for this divestment, there is any view as to the continued viability or lack of viability for other operations specifically the Worthy Park operations? And overall, is it your view, secondly, that if the refinery was to prove feasible, would that exhaust - would the need for - would local production be totally taken up in satisfying that?

And the third aspect, is there a concept that you operate with, in relation to molasses? Currently, I think most of our major rum producers are importing the greater share of the molasses that they use. Does your long-term development plan include any particular role for increased local production of molasses?

Dr. TUFTON: Thank you, Mr. Speaker.

This process has been ongoing - as the Member suggested - it started under his watch. And we have done a number of phases where we packaged what was on offer, advertised it to everybody including the local interest. The fact of the matter is that we have negotiated with persons who expressed an interest for negotiating.

Unfortunately, in the case of that specific sugarcane investor, their expressions of interest were limited and oftentimes done outside of the ambit of the package that was on offer to everybody. And therefore, we had

a difficulty because it would have been difficult to extract, from the package on offer, a section, particularly a section that is attractive and which would undermine the overall package that we have on offer. And it was a decision that we had to take because we have to keep the package as is.

Having said that, it is our interest to ensure that we have an industry with multiple players and we do have a soft spot for our local entrepreneurs and we would like to see them be a critical part of the way forward.

And so, discussions have taken place, we need some commitments in terms of trying to find alternative to ensure that they too have their throughput; and there is an association that captures all the manufacturers, and I think we will find a way in the months and the years to come.

In terms of rum to molasses, yes; the molasses is an important part of the programme, I had addressed it earlier. It's a multifaceted cane industry, which includes molasses.

Mr. Speaker, can I just quickly…

The SPEAKER: No, no, Mr. Hylton, I know you would like to get on to your second statement, but there are few other questions.

Mr. HYLTON: Thank you, Mr. Speaker.

Minister, do I understand you to - with respect to the refinery – to have indicated that the implementation of what would be Phase II would very much depend on – you reference it largely as the trade policy, and my interpretation of what you said was that, this 200,000 tonnes or thereabout would be primarily for the CARICOM market. If that is so, if I am correct in the interpretation, what is the trade policy that you would be contemplating, where in the first instance, raw material may be necessary to import raw material but you would still need to rely on the Common External Tariff to protect the domestic market?

Dr. TUFTON: Mr. Speaker, I don't want to second guess the investors and what their intentions are. I will, therefore, stick with the framework of their proposal, which is to establish a refinery that will seek to take advantage of the best possible markets.

Now as far as I am concerned, the low-lying fruit would be the local market where we consume about 70,000 tonnes of refined sugar, and the rest of the region where we consume about 230,000/240,000 tonnes. For that to be viable, the CARICOM arrangement, the Single Market arrangement which allows the CET to give some added support to the local manufacturer would be crucial. And that has been raised in discussions. It is for us now, my colleague Minister and his technocrats in Foreign Affairs and Foreign Trade to help us to find a way, Mr. Speaker, to address that issue, but those are the issues which will have to be negotiated. And if we agree that it is a good thing for Jamaica, I am sure we will find a way to make it happen, Mr. Speaker.

COFFEE INDUSTRY/CHINA MARKET

Dr. TUFTON: Thank you, Mr. Speaker. I will go on now to the second statement, quickly.

Mr. Speaker, this Honourable House will no doubt recall that in my contribution to the Sectoral Debate, I highlighted the crisis being faced by the coffee industry caused by over-reliance on the Japanese markets. In a sense, Mr. Speaker, and I would add too that having

said that, I also place on record the appreciation of the stakeholders in coffee and the Jamaican people for the contribution and the investment that the Japanese have made to this market.

In a sense though, Mr. Speaker, as a result of the global financial crisis, the Japanese made significant adjustments in terms of the quantum of Blue Mountain Coffee they purchased, as well as cut back on pre-financing the industry, this is something that they have been doing for many, many years.

What faced the industry therefore, Mr. Speaker, was an inability to sell a significant portion of the current crop and difficulty in finding working capital for the industry.

As we speak, Mr. Speaker, approximately 200,000 kilograms of exportable coffee is now in inventory. This negatively impact farmers in terms of income and working capital to finance operations for the next crop year.

Mr. Speaker, as I indicated in my presentation, the Ministry and the Coffee Industry Board had to move aggressively to secure working capital for the industry in the amount of some $700 Million from the EX-IM Bank to provide rich financing which fell out from the withdrawal of the Japanese. But more significantly, Mr. Speaker, we have seized the opportunity of this crisis to diversify our markets and reduce the risk of this kind of exposure in the future.

It is against this background, Mr. Speaker, as outlined in the Budget presentation, that I led a team to the People's Republic of China to explore more markets for Blue Mountain Coffee. It is well known that China's rapid and sustained economic growth over the last two decades has created considerable prosperity in that country, which has significantly influenced the lifestyle and taste preferences of the Chinese consumers.

Mr. Speaker, on the trip to China in early May, we had discussions with the Hangzhou Coffee and Western Hangzhou Food Association relative to the marketing and distribution of Blue Mountain Coffee in China.

I am happy to report to this Honourable House today that resulting from a mission from this association to Jamaica, only this morning the Coffee Industry Board, Mr. Speaker, signed an agreement with the Hangzhou Coffee and the Western Food Association to market and distribute Jamaican Blue Mountain Coffee in China on an exclusive basis for a period of two years initially.

Under this agreement, Mr. Speaker, the Association will, in the first year, purchase from the CIB some 7,000 kilograms of coffee in the first instance valuing some US$1.7 Million. For the purpose of marketing and distributing Jamaican Blue Mountain Coffee in China, the Association will establish a new company, capitalized at US$2 Million with branches in varying locations in China.

Under the agreement, the company will also assist the CIB in brand protection and facilitate contacts with the relevant Chinese authorities involved in monitoring and protection of the brand. This is very important to us, Mr. Speaker, our Blue Mountain and our Jamaican coffee brand is world famous and the protection of the brand and is absolutely critical.

Mr. Speaker, by way of the information Hangzhou Coffee and Western Association represents over 800 cafes, coffee roasters and specialists within China and over the last 10 to

15 years made significant strides in popularizing coffee within the Chinese culture.

Members of the delegation, Mr. Speaker, from this Association are present with us today in this House and I would like us to recognize them, they are in the Gallery somewhere, Mr. Speaker.

(Applause)

Mr. Speaker, there is no doubt that China represents a very significant market that countries like Jamaica should explore in terms of positioning niche products from our commodities, as there is a large cohort of affluent people that has purchasing power and the lifestyle profile to consume our exotic products.

In this regard, Mr. Speaker, under the agreement the Government of Jamaica and the association will fund the placement of a specialist in our Embassy in Beijing to assist with exploring further markets in China, not only for coffee but a number of other commodities. I have already begun discussions with the Ministry of Foreign Affairs and Foreign Trade in order to put this in effect, Mr. Speaker.

Mr. Speaker, this breakthrough with China is but the first in a series of initiatives to diversify our markets. Other initiatives, Mr. Speaker, are on the way with respect to other markets such as Russia, North America and Europe, and as soon as they materialize, Mr. Speaker, this Honourable House will be so advised.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Clarke and then Mr. Hylton.

Mr. CLARKE: Minister, in terms of this new arrangement, is it - in terms of price going to be as good as, our better than what obtained in the Japanese market? As you know, the Japanese contributed significantly to the development of the Blue Mountain Coffee, I don't know what has been the problem that they are undergoing now, but what is important is the pricing arrangement. The Japanese used to extend some level of credit on an annual basis where the farmers were able to do their resuscitation and so forth and then would pay later. Is there any kind of arrangement being put in place for this?

I notice also that this is for two years. I don't know if it's just a one-shot situation or there is the possibility that this arrangement will be over an extended period? The other thing, I know that we have already advanced some substantial sums from the EX-IM Bank, I think it was, how are you faring in that regard? Because right now, as we speak, I know of complaints from farmers that they have not been able to be paid, so how are we faring in the situation right now?

Dr. TUFTON: The price for Blue Mountain Coffee and Jamaican coffee in markets that depend on a distribution network, which passes through several middlemen tends to be a lot higher than what it is originally sold for at their point of origin, and this was the case in terms of China. It's not that Blue Mountain Coffee did not exist in China, I visited China and I had Blue Mountain Coffee.

Dr. DAVIES: You looked at cassava? (Laughter)

Dr. TUFTON: Yes, the same time I was looking at the cassava. (Laughter) But, Mr. Speaker, the price is much higher because of the logistics network that it flows through. This agreement will allow us to provide more direct, a more direct relationship between the

sellers here, which would be the CIB in the first instance, and the buyers directly in Japan, and will cut some of the middle processes and the margins that are applied to facilitate those middle processes.

In short order, therefore, we expect that we will sell at a price that is similar to what now entails in terms for the dealers. Having said that, having said that, my position, Member, is that we need to find a solution to the current arrangement that we have where we have a lot of coffee - and it's related to your second question - no market for the coffee, the EX-IM Bank to be serviced and the farmers to be paid. And I believe all of this, Mr. Speaker, has stemmed from the over-concentration in one market and if we need to address our pricing mechanism to facilitate marketing, to penetrate new markets and to build new markets, it is a strategy that I believe we need to follow.

Mr. Speaker, the two-year agreement has an option to renew. It's an attempt to try to start a process, build relationship and if it works it will be renewed and strengthened. And the EX-IM Bank, yes, farmers and the EX-IM Bank have not been paid fully and that's part of the challenge. We have the inventory and therefore the efforts of trying to get rid of the stocks in order to deal with the outstanding bills. Approximately 40% of farmers are yet to be paid their final payment and I will be meeting with them soon to discuss with them the new arrangement.

The SPEAKER: Mr. Hylton.

Mr. HYLTON: Mr. Minister, the efforts in China that follow on previous efforts to get to open the Chinese market. Among the issues we face previously was the question of volumes firstly, within the industry and by that I am talking about volume that is constrained, not necessarily by production, but by the quality controls and the standards that is the Blue Mountain standards that we have adhered to over the years. I would want to believe that in order to address what everyone has recognized as a growing and substantial market that the quality controls are not sacrificed in pursuit, so that we have just another commodity rather than the premium brand that the Jamaican Blue Mountain coffee is known for.

Secondly, I'd want to - and I heard your point about within this two-year arrangement, a particular arrangement for the protection of the brand. And I use the opportunity because of my knowledge of where I sat previously, that we should not make the mistake that we made in Japan in respect of the brand names and who owns the brand names. And I say that in particular because of the point that you made about involvement in the marketing and the branding. I think we should be very careful and the lessons in Japan and the difficulties and problems we had I think is an object lesson as to what not to do and I hope we do not make a similar kind of a mistake.

Dr. TUFTON: Very quickly, Mr. Speaker. I fully embrace the Member's comments about the need to protect the brand and which is why I commented on it. And it is also the reason why we took time to visit the marketplace, did some preliminary due diligence on particular entity, visited the outlets. The fact is that, this association does have a reputation for quality and for offering a quality product and we have gone to several, we have seen it. We have demonstrated that the quality exists.

Our branding or positioning of the Blue Mountain Coffee will not change. It is a premium product niched in the marketplace, higher quality and therefore the protection of that is critical. Which is why again we will have a rep as part of the arrangement in that market working with my colleague Minister of Foreign Affairs and Foreign Trade, we will expand our legal network, which we have, the CIB to ensure we are vigilant in terms of monitoring and establishing a standard. Now there are risks involved but we will have to just work on it because we need to expand the marketplace. That's critical.

Rev. THWAITES: Mr. Speaker.

The SPEAKER: Yes, Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, will the Minister kindly just confirm the figures, 7,000 kilograms, 15,400 pounds at US$1.7 Million. By my calculation that works out to about US$110 a pound. Would you check it for me, sir?

The SPEAKER: Very well.

Mr. KELLIER: Mr. Speaker.

The SPEAKER: Yes.

Mr. KELLIER: Could I just engage the Minister since he is on the business of coffee.

The SPEAKER: Sorry, Minister Kellier.

Mr. KELLIER: If you could, Minister, just give us an idea since Blue Mountain is now coming in for more attention, whether or not there will be any emphasis placed on the lowland coffee, for those of us that have to be dealing with farmers in the lowland areas.

Dr. TUFTON: Mr. Speaker, we are dealing with the Jamaican coffee, not just Blue Mountain, we are dealing with lowland and Blue Mountain. And, yes, there is a plan to expand lowland coffee.

ANNOUNCEMENTS

The Clerk laid on the Table of the House copies of the following:

- **Ministry Paper No. 59**
  Cabinet Agenda issues for May 31, 2010
- **Ministry Paper No. 60**
  Cabinet Agenda issues for June 21, 2010
- **Ministry Paper No. 61**
  Cabinet Agenda issues for June 28, 2010
- **Ministry Papers 62-63**
  Agricultural Development Corporation
  Annual Reports and audited financial statements for the years ended March 31, 2006 and March 31, 2007
- National Water Commission
  Annual Report and audited financial statements for the financial year 2007/2008
- General Legal Counsel Annual Report for the period April 1, 2008 to March 31, 2009
- The National Insurance (Increases in Benefits) Order, 2010 under the National Insurance Act
- The Executive Agencies (General) Regulations 2010 under the Executive Agencies Act
- Road Maintenance Fund
  Annual Report and audited financial statements for the financial year 2008/2009
- Consumer Affairs Commission
  Annual Report and audited financial statement for the financial year 2006/2007

- Broadcasting Commission Monitoring and Compliance Report for the period July 2009 to March 2010 (this is on a CD)

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 undermentioned Bills were passed without amendment in the Senate on the 9th day of July 2010:

- AN ACT to Amend the Parole Act,
- AN ACT to Amend the Firearms Act,
- AN ACT to make interim provision extending the powers of arrest and detention under sections 50B and 50F of the Constabulary Force Act,
- AN ACT to Amend the Bail Act,
- AN ACT to make interim provision in relation to the grant of bail in specified circumstances; and
- AN ACT to Amend the Jury Act."

Signed: Oswald G. Harding,
President of the Senate

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Mr. Shaw.

EXECUTIVE AGENCIES REGULATIONS

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

Whereas by virtue of section 18 subsection (1) of the Executive Agencies Act (hereinafter referred to as the Act) the Minister may make regulations generally for the purpose of giving effect to the provisions of the Act;

And Whereas on the second day of July 2010, the Minister made the Executive Agencies General Regulations 2010;

And Whereas it is provided by subsection (2) of section 18 of the Act that regulations made under subsection (1) of that section shall be subject to affirmative resolution;

And Whereas it is desirable that the Executive Agencies (General Regulations 2010 be affirmed.

Now, therefore, Be It Resolved by this Honourable House as follows:

1. This resolution may be cited as the Executive Agencies General Regulations Resolution, 2010; and
2. The Executive Agencies (General) Regulations, 2010

which were laid on the Table of the House on 13th day of July, 2010 are hereby affirmed.

The SPEAKER: Thank you, Mr. Shaw. Mr. Charles.

N.I.S. - INCREASED BENEFITS

Mr. CHARLES: Mr. Speaker, I beg to give notice that at the next meeting of the House, I will move, the National Insurance (Increase in Benefits) Order Resolution, 2010:

Whereas by virtue of section 23(a) of the National Insurance Act (hereinafter referred to as the Act) the Minister may, by order subject to affirmative resolution increase any benefits payable under the Act;

And Whereas on the 13th day of July, 2010 the Minister made the National Insurance (Increase in Benefits) Order, 2010;

Now, therefore, Be it Resolved by this Honourable House as follows:

This resolution may be cited as the National Insurance Increase in Benefits Order Resolution, 2010, the National Insurance (Increase in Benefits) Order, 2010 which was laid on the Table of this House on 13th day of July, 2010 is hereby affirmed.

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

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, you will note that the time for questions has passed. I, therefore, move for the suspension of Standing Orders to allow us to take questions.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the item Questions and Answers to Questions to be taken at this time.

Put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Rev. Thwaites.

CIVILIAN FATALITIES/SECURITY FORCES

Rev. THWAITES: Mr. Speaker, I beg to give notice at the expiration of 21 days, I will ask the Honourable Prime Minister the following questions:

Question 1: How many citizens have been killed by the security forces for the first six months of 2010 and how does the number compare with the last three years?

Question 2: Will the Government require that the security forces make public disclosure of the number of such fatalities each month from now on?

The SPEAKER: Thank you. Mr. Arscott.

Mr. ARSCOTT: Mr. Speaker, I beg to give notice that at the expiration of 21 days I will ask the Prime Minister the following questions:

Question 1: Was there an Environmental Impact Assessment done for the proposed design?

Question 2: If no EIA was done for the new proposed design, will the Minister state what will be the impact of these designs on the environment?

Question 3: If the EIA was done will the Minister say what the scope of the environmental evaluation was?

Question 4: How have the changes in designs (2007 - present) been communicated to:

a) Relevant Agencies
b) General Public

Question 5: Can the Minister clearly indicate whether or not this dredging is necessary? If yes,

a) Where will it be done?
b) When will this be done?
c) At what cost is this to be done?

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business, we will be continuing the Sectoral Debate. Thereafter, Mr. Speaker, we will then have the Minister of Finance.

Mr. Speaker, we have two presenters in the Sectoral Debate, the Honourable Deputy Prime Minister and Minister of foreign Affairs and Foreign Trade, he will open; and then that will be followed by the Member from Westmoreland, Central.

But before we do that, Mr. Speaker, the House should take note of the passing of one of our former Members, a former Minister of Government, MR. HORACE CLARKE. I am sure, Mr. Speaker that Members on both sides would want to make brief comments.

The SPEAKER: Thank you, House Leader. Leader of the Opposition.

TRIBUTES TO FORMER MP/MINISTER HORACE CLARKE

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

I think it is appropriate for us to remember at this time and to express condolences to his wife, son, grandchildren and members of his family.

MR. HORACE CLARKE was a Member of the House himself. He served for many years this country both as a Member of Parliament and Minister of Government. He was a very special kind of politician. I remember when the People's National Party was badly beaten at the polls and only nine (9) Members of Parliament escaped that whopping, HORACE CLARKE was one of the nine. I had the opportunity then to serve with Horace Clarke as one of the nine (9) and the youngest, then, of the nine. I found him to have been such a caring person. Apart from being a very serious politician, he was one that could move across the political divide. But he would call when I had no car to get to the Parliament, he would call to find out how I would be getting to the Parliament. He would make it his duty to get me to Parliament and back home. He was then very protective of me, the one female among the team of eight (8) men.

I think that his contribution to both government, the Parliament, to his people of St. Mary, the Parish he loved so much, and the constituency he served, will always remember him fondly.

I was given a joke about Horace that there was an election, and coming up to the election, somebody went to him to tell him that somebody who was very supportive of him was changing support. He called the person to his office, the person came. He said, 'I don't understand, I'm getting some information that you're switching your support.' And the person responded, 'Boss, yuh help me so much that it is a shame to come back to yuh for any help, a have to go to somebody else now.' (Laughter) And I heard, rather than being angry, he laughed and he laughed, because he could not believe it, but what was said then, had touched him.

He touched the lives of many and we on this side, and the People's National Party, we

will miss him, we will always remember him and we will continue to recognize the valuable contribution he made to his country, the people of St. Mary, to this Parliament and the Government.

Thank you. (Applause)

The SPEAKER: Thank you, Mrs. Simpson Miller.

Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, I wish to join the sentiments expressed by the Leader of Opposition as it relates to Horace Clarke.

I came to this House in 1980, and I served with him and that time there was a special relationship between myself, HORACE, FOGGY MULLINGS, DUDLEY THOMPSON and to the less extent, TERRY GILLETTE.

Horace was always very quiet, rarely speak, but one of the things with Horace, he has this baritone voice, when he speaks you have to listen, and he always showed respect to everybody. And one of the important and interesting things then, is that, at this stage, I reach out to everybody evenly, co-operative, helpful and what have you. (Laughter)

A MEMBER: You?

Mr. WARMINGTON: When I came here that time in 1980 – I guess someone will say now, youthful exuberance – I was not as mellow and as calm in those days. (Laughter)

Mr. SHAW: Hear, hear! That is true!

Mr. WARMINGTON: I came back and most people asked if I'm a Christian, based on my attitude towards both JLP and PNP overall, whereby I deal with Jamaicans as Jamaicans. In 1980 there was a big difference, whereby I must admit I was more partisan and what have you. And regardless of my attitude then, Horace and myself and Foggy Mullings and Dudley were always very, very close and as I said, Terry, to a less extent.

And I wish to express my sincere condolences to his family and to his party and the passing of a very good friend, HORACE CLARKE. (Applause)

The SPEAKER: Dr. Guy.

Dr. GUY: Thank you, Mr. Speaker.

Since the passing of HONOURABLE HORACE CLARKE, there have been so many tributes paid to him for the work that he has done as a Cabinet Minister, and nationally for this country. But this evening, Mr. Speaker, I'd like to, in paying tribute to him, to speak to Horace, the man from St. Mary, who endeared himself to everyone in St. Mary, not necessarily the constituency of Central St. Mary.

Mr. Speaker, in 1970/71 when Horace went into representational politics, his disarming smile and his grassroot type politics made him an instant hit in the constituency of Northern St. Mary. The then seemingly invincible WYCLIFFE CUDJOE MARTIN, no longer could stand up to the challenge that came to him from the tall and debonair young man who came from Belfield, St. Mary.

Mr. Speaker, I was one of those young persons who was privileged to have sat at his feet when he first entered representational politics. And his passion for the young people in the constituency and the parish is legendary. Horace was always concerned about the upliftment of young people, of the masses, the social upward mobility. And that was what spurred him, Mr. Speaker, to, as has been recorded, the transformation of the ownership of land in the parish to the poor in the parish.

His passion for education is also well noted, and he was one of those who gave St.

Mary High School a computer lab before computer labs were fashionable. (Applause)

The people of St. Mary have lost a good son, but we are comforted by the fact, Mr. Speaker, that somewhere along, his contribution in this life, we met him, and his contribution to this country was significant.

In closing, Mr. Speaker, I'd just like to make one final comment and that was an extract from his last sectoral presentation, which was done on Tuesday, July 9, 2002. And I quote, Mr. Speaker:

> "I *can only say, Madam Speaker, in the prevailing circumstances and with the tools we had at our disposal, we tried only to do our best for such was our mission, to build a better life for all."*

Thank you, Mr. Speaker. (Applause)

The SPEAKER: Thank you, Dr. Guy. Mr. Derrick Smith.

Mr. SMITH: Thank you, Mr. Speaker.

I first met HORACE ANTONIO CLARKE, when he was employed to the Telephone Company many years ago. Then we renewed our relationship when we were both parliamentarians here in this House. And one of the things I will always remember about Horace, someone like myself in terms of presentation, we're not a lot a chatter, but precise language, direct and precise language in dealing with his presentations in this House. And as someone said already, in a quieter stentorian voice, I'll never forget that about Horace.

But it was after Horace left the House that I developed a better social relationship with him. There's a particular location that we would meet on many Fridays, have lunch and discussion. The only downside to that was when Horace was coming he would bring a lot of PNP with him, so we had to be careful in our discussion.

But the point is, Mr. Speaker, we had an excellent social relationship; and in Horace I found a gentleman, a decent gentleman, one who serves his country, his constituency, his parish. And I think his sudden departure is something that we should all mourn.

To Norma his wife and the kids and the other members of the Clarke's family, my deepest condolences.

The SPEAKER: Thank you, Mr. Smith. Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, from the tributes that have been given and no doubt those to come, it is clear that all of us, and I think many not in this Parliament, recognize that Horace Clarke was an exceptional human being. A giant of Jamaica, a champion of St. Mary and someone committed in practical ways, to the upliftment of the socially disadvantaged people in this country.

An exceptional politician, Mr. Speaker, he never lost an election, whether for Parliament or internally in the party. And I believe that he was also an exceptional Minister and Administrator. There are many monuments to his ministerial tenure, some of which can be easily recalled: The Jamaica Maritime Institute; the Rural Electrification Programme - which has delivered electricity and modernity to hundreds of thousands of Jamaicans over the years; (Applause) the Rural Agricultural Development Agency, RADA, which was also his brainchild, and of course, the improvement of secondary educational institutions in his parish of St. Mary, for which he worked indefatigably.

But even those measures, Mr. Speaker, don't properly summarize the man. In a sense

he probably defies summary, because he was just an exceptional human being. Direct, but not abusive, committed to his party, but not tribalist, kind, but not naive and most of all he was a tough politician, but extremely forgiving.

You know there are two particular episodes, and I can speak very personally and very appreciatively. The vagaries of politics are such that he was one of the - he was the main manager of my campaign to be General Secretary of the Party. And as fate would have it, one of my first tasks was to go to him to receive his resignation, then, from the Cabinet. And, it's not an easy task, but he never bore any animosity whatever. (Applause) And subsequent to that, certainly performed the role that he had done in my General Secretary campaign, in other campaigns internally that I had contested.

There's another episode, which I think speaks to the measure of the man, because the only time I got the sense that I may have offended him, was when the RIGHT HONOURABLE MICHAEL MANLEY was retiring. And there had been some episodes prior to that which had caused, shall we say, some turbulence. And when sitting where my friend from – the Leader of the House now sits, we had to organize the debate upon Mr. Manley's passing and not really knowing, and not having unlimited space, he was excluded from the list of speakers from that side.

And it is the only time when I've known him to have been upset, because he felt that whatever had been the sources of tension – that arise from time to time in political life – he wanted to have the opportunity to say publicly and in this Parliament, how much he had appreciated the stewardship and the friendship and the leadership of Michael Manley.

He was that kind of person that was able to take the blows of life and never seek to return hurt for hurt or pain for pain and that in today's context, Mr. Speaker, really is rare and reflects an extraordinary human being.

And in his personal undertakings, because he had a career after this House, and **Mystic Mountain** one of his most recent business venture which has made a tremendous contribution to our tourism product and **Clarendon Lime**, another successful business venture, demonstrated that he could have had a very successful and financially rewarding career outside of politics but he always chose politics as his way of contributing to this country. And in a time when so many politicians and indeed the allocation of politics is too often vilified, I think we do well to remember the example that he set and the giant that he was.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Thank you Dr. Phillips.

Mr. Hylton.

Mr. HYLTON: Mr. Speaker, I am very pleased to be in this House at this time to be able to eulogize HORACE ANTONIO CLARKE, someone who has had a very direct impact on my life.

It is little known, Mr. Speaker, that Horace Clarke was the person responsible for recruiting me into the People's National Party. He visited Washington DC at the time and he had not only the persuasiveness, but Horace also had the intellect, he also had the integrity and the personality to convince someone who was skeptical at the beginning but who was open to the entreaties of someone who I

respected a great deal. And it is also true that he did not simply recruit me to the party and left me when I returned. When I returned to Jamaica he took it on as a responsibility to guide and to direct and to advise me and, therefore, he was a mentor to me as he has been to many other young persons, of my generation, entering politics. I also speak on behalf of my colleague DR. FENTON FERGUSON, whose campaign in 1993, Horace was instrumental in supporting us into an entrance into Parliament for the first time.

Also, I'm just reminded that I succeeded him as - not I succeeded him - but when I went to the Ministry of Mining and Energy I realized from reading the materials I was able to view firsthand Horace Clarke's work and the thinking that went into a lot of the activities and initiatives that he took as Minister of Mining and Energy. He advised me accordingly on a range of issues that I was involved in then, and I owe him a personal debt of gratitude that I could never repay and I simply am pleased that I'm standing here in this House, at this time, to pay a tribute to a man who was really a giant of a person.

I was told a while ago that as someone who served in Foreign Affairs and Foreign Trade and have had to take many, many trips, that Horace Clarke still has the record for taking the longest continuing trip of any Minister of government when in the 1970s he embarked on a mission to resuscitate the bauxite industry, to find market for the then struggling bauxite industry and I was told that he went from country to country and every time he attempted to return the then PRIME MINISTER, MICHAEL MANLEY, would send him further and he ended up on that one trip to be outside of Jamaica for 12 weeks continuously. So his records are not only in the monuments that he has built but in the records that he has established in a number of areas.

I want to say that I'm privileged and pleased that his wife, Norma, who is still with us and mourns his loss, that those of us who are privileged to know the family and to associate with them very closely, that we look forward to working and to supporting the family in the days and weeks ahead, in the difficult days ahead.

Thank you, Mr. Speaker.

The SPEAKER: Thank you, Mr. Hylton.

Mr. Vaz.

Mr. VAZ: Thank you, Mr. Speaker. Just to indicate that I share the sentiment of all who have spoken previous to me and to say that I considered the late MR. HORACE CLARKE a friend of mine, who I actually had the privilege of seeing on the night before he took ill and, of course; we know that he did not survive. I would say that Mr. Clarke, outside of his political achievements, I share the sentiment of the fellow Member in relation to him being strident in his politics but never tribal and, as such, as a young person growing up in the political field through my father, I always admired him and his stance in terms of how he interacted among his colleagues inside and outside of Parliament.

So I share in the mourning and wish his wife and family well.

The SPEAKER: Mr. Clarke.

Mr. CLARKE: Thank you, Mr. Speaker.

Last week, my wife got a call to say that they had heard that I had gotten a stroke and was in the hospital. Then on Sunday morning, I got a call and somebody said, 'Is this Mr. Roger Clarke's phone?" And I said, "Yes."

And he said, "May I speak with him?" And I said, "Speaking." And he said, "Praise the Lord!" Because he too thought I had died.

You know the closeness between Horace and myself indicates that his having passed on, a part of me went also with him. But, Mr. Speaker, today, today…

(*Sotto voce* comment)

(Laughter)

…today, Mr. Speaker, today we are here to pay tribute to an outstanding son of Jamaica, a politician and parliamentarian *par excellence*. An icon, I will call him, but when you look at HORACE CLARKE, You regard him as one who is a nation builder, an institution builder and, most of all, he had a real passion for rural people.

The establishment of RADA was established basically to really move the rural areas into a new level of development and today RADA is as relevant now as it was then; and if there is something Minister that we can do to make RADA the kind of institution that he wanted it would be a living memorial to him.

For me, I sat with him on many occasions and you know, he had a passion for business, he wanted to do something all the time and he would say to me, Roger, politics, don't plan to live off politics, try and find something else because this is a very ungrateful job and I watched him at work. When he discussed with me about rugby lime, he spoke with such passion about the potential for limestone and what that could do for Jamaica; and even in his late years when many of us would have wanted to put up our feet and relax, he was still out there trying to deal with investment and he ended up with a world-class investment in Ocho Rios. I think that is the measure of the man.

(Applause)

So how do we remember Horace Clarke? Politician *par excellence*, Member of Parliament *par excellence*, nation builder and, above all, he was a friend of all, a friend of all.

(Applause)

And so to his wife, Norma, his sister and other relatives, I mourn with them, their loss and I know that his soul will find rest.

Thank you, Mr. Speaker.

The SPEAKER: Thank you Mr. Clarke.

Mr. Tufton.

Dr. TUFTON: Mr. Speaker, just to say as Minister with responsibility for Agriculture where Mr. Clarke served for a number of years, that on behalf of the farmers of Jamaica and the Ministry we want to recognize his contribution to the sector. I did not know him very well, I knew of him and we exchanged pleasantries from time to time, but that is the extent of my knowledge of him. But I am aware, as said by my colleague on that side, of the contribution of RADA to the agricultural sector as the chief extension service. And, Mr. Speaker, my colleague said we should do something special for RADA, well, he knows that we have been trying to do that over the past year by doubling the Extension Officers and so on.

So I want to just recognize him on record for his contribution particularly in the field of Extension support. We salute him.

The SPEAKER: Thank you Mr. Tufton. Dr. Davies.

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

Mr. Speaker, many have spoken and I

concur with the views expressed by many. I met Horace shortly after my return to Jamaica and got to know him better following the 1980 loss by the PNP. And I mention that because many persons can do well in victory but very few can stand tall in defeat, and Horace was a major figure during that period in opposition and the rebuilding of the PNP.

But my closest association with Horace came about when I became a Member of the Cabinet and we sat side by side for probably eight (8) years. And one thing nobody has mentioned is that if ever there were an irreverent person, it's Horace Clarke and some of his comments both on the contribution of colleague Cabinet Members as well as about Cabinet Members themselves, I will have to go to my grave with them because they can't be repeated.

(Laughter)

It's not that I disagreed with all but they can't be repeated. But Horace was blunt and there were those who tended to or wished to elaborate on most points and Horace's baritone voice would say, "you never hear the man before you, say the same thing?" He was an amazing person.

After his retirement from politics - and I would like to address this to the Minister of Industry and Commerce and the Ministry of Finance, because since 2007 we have had some conversations where he has raised the issue about the extent to which the policies of successive governments have discriminated against the real economy, production; and it's his involvement in agriculture and in mining and his support for domestic manufacturing, in fact, he has opined, and I believe we will do well to reflect on that, the extent to which our policies are being skewed away from the real economy. It's something which we should remember.

The final point about Horace. Horace's path upward, he didn't have the opportunities which now exist for the majority of young students, but if ever anyone were dedicated to education and his investment in education covered all facets, both in terms of institutions as well as in individuals, and it's something which distinguished him in my mind.

I would like to extend to his wife Norma, his sister, Kirby, who was a public servant for many years, our condolences. And we salute today the life of a great Jamaican, HORACE CLARKE. (Applause)

The SPEAKER: Thank you, Dr. Davies.

Mr. Charles.

Mr. CHARLES: Mr. Speaker, I met HORACE CLARKE in New York, and he became treasurer of the West Indian Student Association. He started winning elections long before he came back, because for four (4) years nobody challenged him. And I found out the best way of becoming president and staying president was to become his friend. (Laughter) And so he said he didn't want to be president, and I couldn't be treasurer. (Laughter)

Dr. DAVIES: Significant.

Mr. CHARLES: So we worked together.

I want to say that I have been asked by West Indian students who were there then, who benefitted from his work - Horace has never written a cheque in his name for the four (4) years that we had a sort of Foundation to assist West Indian students. He has never borrowed a dollar from the West Indian Student Fund and he was able to collect back from those who borrowed. And he did it so well that at every meeting he would present to

the organization how much money we had, how much was spent, and down the line.

One of the things about HORACE CLARKE, sir, is that he was known to be a PNP when he was a student. And I tried desperately, I said, you are too good for the PNP, so I am going to recruit you into the JLP. He said you were too bad for the PNP, so I am going to try and recruit you. And we worked like that for years.

When we came back to Jamaica and several of those who were in America with us got home and heard that both of us were now in Parliament - and if you look down the line, Bobby, you will see that he was Minister of Public Utilities, I was Minister of Public Utilities; I was in charge of Water, he was, REP, he was; Transport, down the line, we worked together.

Mr. PICKERSGILL: Mutt and Jeff.

Mr. CHARLES: I am able to say - yes, he was much taller. (Laughter) But HORACE CLARKE reminds me of HUGH SHEARER. I consider that Horace was a Jamaican and a politician that had friends right across-the-board, and I don't know if anybody has, in the back of their mind, here, anything bad to say about Horace.

I never played domino with him because I watched him giving too many people six-love and then laughed at them, and I said, 'I would not allow you to do that.' We respected him because of the kind of politics that he lived with, worked with, and developed in this country. We have lost a friend, we have lost a Jamaican.

To his wife and family, on behalf of those of us who worked with him as student overseas, I have been asked to bring condolence and to share a moment of grief with her, but wish her and the family well.

May his soul rest in peace.

The SPEAKER: No, no! Mr. Montague.

Mr. SAMUDA: Oh, Mr. Montague, after Mr. Montague. I thought you were blocking me.

The SPEAKER: No, I would like to close it.

Mr. Montague.

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

Mr. Speaker, I rise to pay tribute to one of St. Mary's better known sons, and indeed we could say one of St. Mary's beloved sons.

HORACE CLARKE served the people of St. Mary with distinction. As a matter of fact, he has the distinction of never losing an election. And I have had the privilege and the pleasure of being a student of his. Many of the things I learned about politics and many of the programmes I currently pursue, as a Member of Parliament...

Mr. PICKERSGILL: That's when you were in the PNP.

Mr. MONTAGUE: I never was - Mr. Clarke has sat me down on more than one occasion to impart that knowledge, and I believe I have been a very good student of his.

Mr. M. PEART: Time will tell. (Laughter)

Mr. MONTAGUE: - Indeed, even his educational programme, Mr. Speaker, where he has assisted many persons in the parish to attain education, even at the primary level. He has assisted many mini-bus and taxi operators in acquiring transport licence and to give them a better shot in life. And he has done this on both sides of the political divide. Because when he was assisting people he would tell you that he looked at the need rather than at the political bias of the person.

He was a very good friend of my father who operated business in his constituency. And therefore, the parish of St. Mary, not only the constituency that he served - because he served North West, West Central, Central, a part of his constituency I happen to represent in the current configuration. And even today, Mr. Speaker, while his name is still mentioned and people still revere the gentleman for his contribution, I will tell you that the schools, the high schools in the area, Brimmervale, St. Mary High School, Marymount, they still have the investments that Horace Clarke made in those institutions.

And the parish of St. Mary, the people of St. Mary are with his widow, Norma, with the rest of his family. And we can all from St. Mary say, we have lost, not a good Samaritan, but a good St. Mary man. (Laughter/Applause)

The SPEAKER. Okay. We will have our last tribute, Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, very briefly, this occasion couldn't pass without my saying something about Horace Clarke. Because one of the things that has not yet been said by those on this side, which I can say, is as I recall, in my most colourful history… (Laughter) …I shared a platform with Horace. In fact, one of the most memorable speeches ever given was given at the St. Mary High School at the conference, and I can recall the statue of the man. I didn't know him for a long time before that, although he had been in the Parliament, but I didn't get to know him as well as I did by then. So it is fair to say that this man was not just simply a politician, he was a politician of great statute. He was extraordinarily self-confident, he knew who he was, and he was, as you say, very frank, he spoke his mind.

But by way of just anecdotally, let me say that he was a very feared political personality, so much so that those who shared with him the game of dominoes, there is a small core - and up to this day when you play French dominoes, for those who do, will know that the most feared card in the pack is six-five, and every time if you play with that small group of people and the six-five comes up, it is referred to as Horace Clarke**.**

We were in England once in better times - you were there as well, Peter - and we shared a private box at Lords. And I had the good fortune to be part of the team on that occasion that took a photograph, so in my study...

Dr. PHILLIPS: It was a cricket team, you know.

Mr. SAMUDA: Yea, you were there.

Dr. PHILLIPS: I know, but you said you were part of the team. That was when...

Mr. SAMUDA: No, cricket team, cricket team. So in my study I have a long-life reflection of Horace, because he took a picture with us on that occasion. And I remember why I say this to reflect on the man's self-worth and what he thought of himself. While we were there, across the box was PRIME MINISTER MAJOR. And he went straight across and said, listen, 'why don't you come across and join us, come and have a drink.' (Laughter) That was Horace - come and have a drink, and he came over. And I said, 'but Horace, I recall that you are supposed to go back to Jamaica because you have official duties to perform.' He said, 'yes, the Prime Minister called me, but this is far too good, I am not leaving this, it has to wait a while.'

He didn't care very much about ceremony, pomp and that sort of thing, he was a very natural person. And that's what I think

endeared him to so many of us. He was just who you see - what you see is what you get. And he wasn't afraid to speak his mind, regardless of whether he was on the radio, he was before a television camera, he was in his constituency or wherever, he was just the real deal. And so I think it was really wonderful to have served with him.

And to his family and his close friends and colleagues, may his soul rest in peace and light perpetual shine on him. (Applause)

The SPEAKER: Okay. Finally, under pressure, Mr. Broderick.

Mr. BRODERICK: Mr. Speaker, I reckon that you could not have a better person to close the tributes to Horace. (Laughter)

Mr. M. PEART: *Mek* we hear it first.

Mr. BRODERICK: As I look across this floor, I wonder to myself whether anyone realizes the closeness between myself and HORACE CLARKE. Let's start off. He was and still remains in heaven my daughter Alana's godfather. He has been more than a brother to me. I met him in 1974, thereabouts, and we both worked under the guidance of MINISTER ERIC BELL.

Horace's contribution started from as early as those days when he was a mere accountant that went into politics. I bet you a lot of my colleagues across the floor could not count on one or two hands the contribution he made to the development of this country. I can think of Jamaica Merchant Marine, which opened our eyes that we could enter the world of shipping. And we did that in a rather successful manner, in which we were able to create a national shipping line that ended up with some eleven (11) vessels, and it is unfortunate that, that spirit did not continue. Then there is the trans-shipment port, which I worked with him. And we know today what the Port Authority is. Then there is the water scheme that moved from St. Thomas across to make this city secure, in terms of its need for water. Those are projects led by HORACE CLARKE, and I was fortunate, as a young Attorney, to have worked with him and ERIC O. BELL. He would tease me later in life to say that the only problem he had with me is that I had a liking for the wrong side of the floor, in his language. (Laughter) But he could understand, as a true Jamaican, a Jamaican that was committed, that we all, in our own way, had the same objective. And I am hoping that the lesson we learn on both sides of this House is how to work together, how to behave in a cordial and polite manner with each other… (Mrs. Simpson Miller applauds)

Mr. BRODERICK: Thank you, Madam - and to understand that none of us is here working for a greater cause than any other one. It is perhaps just a moment in time when we get the right to make decisions, and we must approach those moments with a degree of humility, which is something that HORACE CLARKE never forgot.

May God bless his soul. May his wife, Norma, overcome her grief. He was my friend and I loved the brother.

(Applause)

The SPEAKER: Thank you very much...

Mr. HOLNESS: Mr. Speaker, the…

The SPEAKER: No, no, hold it! Mr. Holness.

Thank you very much, Mr. Broderick

I too will miss Mr. Clarke. He was a constituent. And in the process we will ask the Clerk of the Parliament to send a condolence letter to his family from the Members of the House of Parliament. And as we always do for

Members who have served, we will stand for one minute's silence.

(A minute of silence was observed in honour of former Member of Parliament, HON. HORACE CLARKE)

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, the Deputy Prime Minister and Minister of Foreign Affairs and Foreign Trade will now make his presentation to the Sectoral Debate.

BUDGET (SECTORAL) DEBATES

The SPEAKER: DR. KENNETH BAUGH. As I call on DR. KENNETH BAUGH, may I just – I know you may not do this, DR. BAUGH, but may I just, on behalf of the Parliament, congratulate Spain and ask the Ambassador… (Applause) …to convey our greetings on behalf of the Parliament.

(Ambassador Jesus Silva who is in the Gallery rises to acknowledge the congratulatory wishes)

The SPEAKER: Dr. Baugh.

Dr. BAUGH: *Viva Espana!*

Mr. Speaker, once again, I am privileged to speak in the Sectoral Debate in this Honourable House. Like all my colleagues, Mr. Speaker, I express my indebtedness to those who have afforded me this opportunity, my Councillors, the Constituency Executive, workers, electors of West Central St. Catherine, and not the least, Mr. Speaker, to my wife and family.

I take this opportunity to commend our Prime Minister, the HONOURABLE BRUCE GOLDING, for his leadership and his commitment to the pursuit of solutions, for being receptive and responsive to his colleagues, and for having the courage, Mr. Speaker, to take innovative and decisive action on so many issues which have remained outstanding for decades. And we heard some of those today. The fact that sugar was such a burden on our economy; it's no longer a burden. The fact that Air Jamaica was such a burden on our economy; it's no longer a burden. These seeds that are being planted will bear fruit. The rewards of this, Mr. Speaker, are already evident and augur well for the people of this country.

Government MEMBERS: Hear, hear!

Dr. BAUGH: Once again, I record my affirmation of the experience and the expertise which exist in the Ministry of Foreign Affairs and Foreign Trade, in the CARICOM Secretariat and the Ministries with which we collaborate. Mr. Speaker, in the House, today, are members of my team from the Ministry of Foreign Affairs and Foreign Trade. The Permanent Secretary, AMBASSADOR EVADNEY COY, AMBASSADOR MARGARET JOBSON, AMBASSADOR VILMA MCNEISH, UNDER-SECRETARY for TRADE, MARCIA THOMAS AND AMBASSADOR WAYNE MCCOOK. (Applause)

Mr. Speaker, these people really represent a tremendous volume of experience and expertise that's available to us. And I think that they must feel very good today when they heard the Minister of Agriculture inform this House of developments taking place in relations with China, especially AMBASSADOR WAYNE MCCOOK, who has just come home from China, having spent at least four years there. (Applause)

Mr. PICKERSGILL: And got married over there. (Laughter)

Dr. BAUGH: A lot of the ground work... He wants to talk about his personal life.

(Inaudible comments)

Dr. DAVIES: Foreign Affairs.

Dr. BAUGH: Foreign Affairs. But a lot of the groundwork and preparation for this was laid, this economic diplomacy, they had worked very hard to make this possible. The relations with China is intensifying and expanding. Work is now being done in Jamaica and we anticipate much more to be done. But more about that later. But all of this is possible because of the economic diplomacy that is pursued by our people who work on the frontiers and interface with the world abroad, on our behalf.

Mr. Speaker, I want to also recognize the Diplomatic Corps who are now here with us today. THE DEAN OF THE DIPLOMATIC CORPS as you just acknowledged, who is the AMBASSADOR OF SPAIN TO JAMAICA, HIS EXCELLENCY JESUS SILVA... (Applause) ...through him, I join you, Mr. Speaker, in extending our commendations and congratulations to Spain for their victory in South Africa. (Applause)

I take this opportunity also, Mr. Speaker, since I'm now speaking in the House, well, first of all, to note the passing of Horace Clarke. I just want to associate myself with all the compliments that have been paid to him. I knew him personally when I joined this House in 1980. I found him to be a very good person, a giant of a man, very calm, very soft in his speech, but very effective. And I think that he deserves all the accolades that have been heaped on him.

I want at this time also to take the opportunity of speaking of the passing of DR. HERBERT ELDEMIRE. I do so because he was a source of inspiration to me when I first ran in Montego Bay and became a Member of Parliament in Montego Bay. He was previously a Minister of Health and I assumed that position in the 1980s. And, of course, he was always an advisor to me. DR. ELDEMIRE served this country well. The Cabinet in which he served, presided over, the most progressive and prosperous period of our history. His leadership was instrumental in bringing about innovative and transformative changes in the health services of this country. It is important to know that when he undertook the far-reaching initiative of family planning in Jamaica, being a devout Roman Catholic, he was criticized, but stuck to his commitment. And the success of that is now history.

The programme of decentralization of hospital management to ten (10) Regional Boards, was crowned with the initiation of the construction of the Cornwall Regional Hospital in his native city and parish where I worked just before becoming a politician, Mr. Speaker. And I would like to say that his policies have been vindicated, his dreams fulfilled during his lifetime. (Applause)

Mr. Speaker, I also note with regret the passing, not of a parliamentarian at this point, but DR. JOHN MCHARDY, former General Surgeon, Neurosurgeon, Senior Medical officer of the Kingston Public Hospital and for many years, the Chief Medical Officer of Jamaica. He was Registrar of the Medical Council of Jamaica for 17 years. He also worked at the University Hospital of the West Indies and taught the full cross-section of health personnel and contributed in the years that I knew him, to the execution of the re-building and reform of the health facilities throughout Jamaica.

Mr. Speaker, when I last spoke in this Sectoral Debate, the main focus of our attention was the impact of the global

economic crisis on Jamaica. This year, these issues remain important, demand our continued attention. But we are encouraged by the international recognition of the promising steps that have been taken so far. Not only have we dealt with the great fiscal challenge that we face, but we have also succeeded in laying a foundation for real growth and progress in our economy. We have taken decisive steps to implement a new economic programme where the macro-economy is not the subject of creative manipulation, but the outcome of enlightened policies.

I wish to congratulate the Prime Minister, the Minister of Finance and the economic team, the Ministry of Finance, the Bank of Jamaica, the Planning Institute of Jamaica, the private sector, banks and the agents and their clients who hold government instruments that developed the Jamaica Debt Exchange bonds and secured through difficult negotiations, an IMF Agreement that will help to chart the tough but necessary path to sustainable economic growth and development and a lasting progress for all Jamaicans. (Applause)

Today, Mr. Speaker, this positive achievement, and those of our athletes in Beijing and Berlin, have been overshadowed by the troubled question of security and threats that we face from criminals and gangs linked to transnational criminal networks. These networks, Mr. Speaker, exploit the very mechanism of globalization that should foster new opportunities for development and progress in countries like ours. Recent events in Jamaica have laid bare the magnitude of that threat. When the campaign against criminal forces massed in West Kingston began several weeks ago, we all recognized that we stood at a perilous crossroads. The dangers that face citizens of these communities and the threat posed to our national security and public safety, served as a catalyst for urgent action, thus beginning an unprecedented campaign against criminal gangs across Jamaica.

Government MEMBER: Hear, hear!

Dr. BAUGH: Mr. Speaker, Jamaicans at home and abroad in the Diaspora support the efforts to transform our society by seizing this moment to set a new paradigm in our politics and in our culture. They support our efforts to put in place the social intervention programmes that will address the root causes of the problem, poverty, social dysfunction, marginalization of our young people, deprivation and despair.

Mr. Speaker, I must take time to share my own thoughts with the Honourable Members of this House. I know only too well we cannot dwell on symptoms. We must seek to find and treat the root causes of the problem, because only then can recovery and true progress be assured.

Indeed, it is only then that our efforts in the international arena will achieve the success that we seek and redound to the benefit of the people of Jamaica. What are these challenges, Mr. Speaker that we must overcome? To my mind - and I'm certain to most Members of this House - crime is the single most important deterrent to the inflows of foreign direct investment and to the accelerated tourism growth, in response to the enormous efforts that are being made by our Ministry of Tourism. Jamaica has pursued many varied socio-economic initiatives over the decades, Mr. Speaker. In the 1950s and in the 1960s, diversification of the productive export-oriented economies which resulted in

significant growth in tourism, bauxite, agriculture and manufacturing. And then came the Socialist revolution in the 1970s, Mr. Speaker, with the State seeking to control the commanding heights of the economy, which together with the high price of oil, ended with economic collapse.

Third, Mr. Speaker, the structural adjustment and de-regulation of the economy in the 1980s which gave rise to private sector-led growth, but with insufficient trickle-down effect resulting in the disaffection of the body politic in Jamaica.

(*Soto voce* comments)

So you see, I am not trying to be partisan, we're talking about the errors on both sides. Unfortunately, Mr. Speaker, the promised continuity of the 1990s, a market economy managed by ambivalence, resulted in a vicious cycle of incredibly high inflation, devaluation, interest rates, culminating in an economic and financial meltdown. The overall effect, Mr. Speaker, is that Jamaica has never been able to correct the legacies of the past, principally, the dismantled family, the dismantled community institutions, poor infrastructure of the community water and roads, and absence of capitalization for recovery and growth in Jamaica

Mr. Speaker, a well-known writer, a psychiatrist and an anti-colonialist who came from Martinique, wrote the book, *The Wretched of the Earth*, he is also a psychiatrist. In that book he tells us that,

> *"people, psychologically oppressed and victims of violence, normalize oppression as a method of survival, internalize that violence, considering it a method of social empowerment."*

Mr. Speaker, we need to invest in healing hearts and brightening the future of our youths, removing the barrage of barriers that confront them. Youth crave their own kind of competition when they are neglected in which they feel they have a better chance of being victors, despite the high risks. So while we design the clear distinction between right and wrong, reward and punishment, to pursue a just, equitable and law-abiding society, we must coordinate our efforts, the efforts of Government agencies, private sector, NGOs and others, to build community leadership around economic opportunities.

Many children end up in school, Mr. Speaker, streamlined by circumstances where they expect little of themselves, their teachers expect very little of them and consequently, they become disconnected and unattached. Youth of whom our Minister speaks, when he makes his presentation. This leaves many vulnerable, especially adolescents in transition, to the appeal of crime, and fuel the growth of gangs and their territorial rivalries. A survey of similar conditions done in industrialized countries, Mr. Speaker, finds that significant numbers of young people - and this survey was of undergraduates in colleges - also exhibit personality disorders that predispose to hostilities and to violence.

This, Mr. Speaker, is the effect of marginalization of individuals and communities of the society on a whole.

THE HONOURABLE ROBERT NESTA MARLEY has put to music, **Marcus Garvey's** timeless challenge for our nation:

> *"Emancipate yourselves from mental slavery, none but ourselves can free the mind."*

which echoes the Shakespearean admonition:

"The fault, dear Brutus, lies not in our stars, but in ourselves."

Regrettably, Mr. Speaker, these words remain relevant today, as our nation has not broken some of the harmful legacies of the past. Far too many communities are beset by poverty and by social stress. Generations of young people have matured, conditioned by a society perceived as uncaring or even hostile and in which they are marginalized economically and socially. Into this void have rushed crude tribal systems under the influence or control of overlords, and people are held captive by fear, favour and dependency.

Mr. Speaker, this is the domestic context which pre-empts my specific task as Minister responsible for Foreign Affairs and Foreign Trade, in which capacity I must seek to secure international understanding and support for our efforts to deal with the symptoms and the root causes of this crisis that confronts our nation.

The Ministry of Foreign Affairs and Foreign Trade has been active in all aspects of our national response in securing support and cooperation from our bilateral and international partners in the area of security, social intervention, and by no means least, fostering a greater understanding and appreciation for Jamaica's actions.

We have helped regional and international partners to better understand and appreciate our shared commitment to dealing with the problem of transnational crime and addressing concerns of human welfare and human rights, Mr. Speaker.

In our international engagements, we are also at pains to draw attention to bilateral and multilateral partners to several global issues that continue to negatively affect small vulnerable economies, like Jamaica, and make actions such as our efforts to address the root causes of crime and violence even more difficult. We are, therefore, focusing greater international attention to the issues of the small and vulnerable economies, the fact that we suffer from diseconomies of scale, the fact that our economies are so open and susceptible to so many exogenous influences from abroad, the lack of diversity of our economy and our exports, the dependence on a few enterprises, our susceptibility to natural hazards.

And, Mr. Speaker, it is worthy to note that when Hurricane Gilbert hit Jamaica in 1988, 30 per cent of our GDP was lost. The recent earthquake in Haiti has severely damaged the economy of that country. Added to this, Mr. Speaker, is the fact that we are susceptible to the economic crisis that occurs in the world, which we import here. And most importantly, the concerns have heavily indebted middle income countries which we have touted abroad, made certain that it is registered in every possible venue when we have the opportunities.

Mr. Speaker, I have raised these points in several meetings, including a recent informal meeting of Caribbean Foreign Ministers and the United States Secretary of State in Barbados. There, we discussed important issues in the Caribbean/US relations. A major focus of our discussions was crime and security in the region. It is also worthy of note that this meeting came several days after the General Assembly of the Organization of American States which also pays special focus on crime and security. It complemented the recent high level meeting in Washington DC,

where was launched the Caribbean/United States of America Security Dialogue, which gives life to a commitment made by the United States President, BARACK OBAMA, at the Fifth Summit of the Americas in Port-of-Spain, in Trinidad and Tobago in 2009.

I am pleased to say that in these and other bilaterals and multilateral meetings, we received expressions of solidarity and support from our regional and hemispheric partners who recognize the challenges that we face in Jamaica and support our determined action to confront them.

This commitment, Mr. Speaker, is underscored by several initiatives now underway to help us improve our capacity in the area of security and implement new social intervention programmes in vulnerable communities.

Working with the Ministry of National Security, we have been able to secure material and logistic support for our security forces. And we continue to engage key bilateral partners in discussions, through which we hope to obtain further assistance for equipping and strengthening our capacity in this critical and very important area. We are equally engaged in discussions with our partners on the matter of development cooperation.

Let me pause here, Mr. Speaker, to express sincere appreciation to our bilateral partners as well as the multilateral agencies that have so readily responded to our appeal for support for the recovery and social intervention efforts in West Kingston and beyond. (Applause)

This support is vital, as we seek to transform this crisis into a real opportunity to change and progress for the people of these communities, and as we strive to build a better Jamaica for all Jamaicans.

DIPLOMATIC CORPS

I am indebted also to the Diplomatic Corps, many of them present with us here today, for their full cooperation in attending briefing sessions on issues relating to the West Kingston event. We appreciate their keen interests in the resolution of that confrontation, as well as their commitment to ensure that communications and advisories was based on accurate information, bearing in mind their responsibility for the safety of their citizens in Jamaica, as well as the stability and recovery of the Jamaican economy. We owe them a debt of gratitude.

(Applause)

Mr. Speaker, we are confronting the challenge of attempting to reverse these negative fortunes for Jamaica, at a time when the global economy is in a protracted crisis and world GDP is indeed contracting. Larger economies, industrialized economies and their regions are already preoccupied with their own efforts to stem the flow of the crisis with unprecedented bailouts and stimulus packages. The Developing World, Mr. Speaker, appeared to have not been as hard-hit initially, and many people blame us for not having a good assessment of it and assessing it right in the first instance.

But, in many developing countries, we felt we were spared. Many are now caught up in its vortex, facing declining demand for commodities, declining remittances, foreign direct investments and tourism flows.

DOHA ROUND

The World Trade Doha Development Round, which was to embrace the concerns of developing countries has stalled, and the divide between developed and developing countries remains unresolved. While we confront these external challenges, Mr. Speaker, we must address some fundamental domestic problems which relate to competitiveness and productivity which translate into lack of jobs and entrepreneurial success. This has prevented us from applying our comparative advantages to the production of internationally competitive goods and services, certainly not at the scale that our economy and our society demand. There is much room for improvement.

The time has long passed when being endowed with factors such as low cost of labour, advantageous access to basic raw materials, and even of good macro-economic framework can ensure competitiveness in the global marketplace, Jamaica and many other vulnerable economies, for too long have been constrained by the failure to, **one,** adequately apply modern research and development models, technological innovation to maximize efficiency. **Secondly**, adequately supply strategic measures to diversify our productive base and move us out of the arena of primary commodity export-dependent economies to higher value-added goods and services, particularly in manufacturing.

CHINA'S INVESTMENTS

And, therefore, I am pleased to note that the Minister of Agriculture, today, presented a situation where diplomacy and contact have resulted in interested partners in China to make an investment in Jamaica, who is going to show a further interest to a refinery product. We have always lamented, over the years that we export raw sugar and imported granulated refined sugar. Mr. Speaker, this is a positive step in the right direction.

Without this transformation we cannot achieve the economic growth that our society demands. Without it, all our trade and economic agreements will be of little to no effect. Without it, the youth who turns to the informal economy will find no pathway to realize their goals and aspirations in the formal economy and therefore, they will remain susceptible to the pull of crime, violence and dysfunctional social behaviour. I say this realizing that we can make the leap to competitiveness and greater productivity.

We are encouraged by pockets of progress in agro-processing, in world-class tourism services and telecommunications, to name a few. We see the benefits from an increasingly aggressive strategy for developing community-based enterprises in agriculture, in agro-processing, to bring capital and technology to the grassroots and the inner-cities.

COMPETITIVE INDEX

Mr. Speaker, the Global Competitive Index of 09/10 ranks Jamaica at 91 out of 133 countries, way below Trinidad and Tobago at number 86. That Global Competitive Index has captured some of the constraints in a sobering assessment of our business framework in Jamaica. Mr. Speaker, this is how we are perceived.

The most problematic factors listed for Jamaica, affecting our competitiveness and our attraction to investment are: crime and theft, inefficient bureaucracy, corruption,

inflation, access to finance - I am certain, this, of course, refers to the days of high interest rates. This is going to improve, Mr. Speaker, the fact that interest rates are now coming down - to taxes, and to poor work ethics. Mr. Speaker... and energy, but not listed among those, according to the Global Competitive Index.

A comprehensive approach to enhancing competitiveness must embrace many of the initiatives that are already underway and applies those necessary elements now missing. We must fill the institutional gaps and complete the modernization of legal and administrative frameworks for good business, and the mechanisms for effective public/private partnerships. We must continue the steps to strengthen our infrastructure, especially those that favour the efficient movement of goods and services internally, and to international marketplaces. We must complete the transformation of the human and social requirements for human capital for a productive society, particularly those in health and education.

And I must pause, Mr. Speaker, to accept the importance of the initiation of the policies of universal access in health, and in education as a critical turning point. Without these investments in our all-important human resource, we cannot compete in a knowledge-based economy of the 21st Century, or meet our goal of moving up the value chain in production.

I emphasize, we are now dealing with the number one inhibitor to competitiveness, which has been crime and violence, and corruption. The success of this campaign, matched by a renewed push for technological innovation for productivity and export enhancement, complemented by focused training and higher education in relevant skills, in dexterity and innovation, will be the proverbial game-changer for Jamaica.

With these things in place, Mr. Speaker - and I can assure you, that the Ministry of Foreign Affairs and Foreign Trade will be better able to provide secure and viable markets in the global economy, and attract more investments to the country.

E.P.A./EUROPE/CBI

The Economic Partnership Arrangement signed with Europe, now in place, the Trade and Development Agreement which we are now negotiating with Canada, the Caribbean Single Market and Economy where we lag, Mr. Speaker, but is certainly not dead, is waiting to be stimulated; the Caribbean Basin Initiative which we have under-utilized, all will have new meaning for dynamic and productive world-class Jamaican businesses. They will compete and excel in the global economy because of the demand for the quality and the innovativeness of our goods and services.

Mr. Speaker, recently I had the opportunity of visiting warehouses in London when I was caught there by the volcano. I took the opportunity to go and visit warehouses dealing in Jamaican business. And the point was made that there was increasing demand for Jamaican products. As a matter of fact, one of the warehouses said that their business doubled in the last three to five years. I saw warehouses packed to the roof with Jamaican products. And they explained to me that there was a need for us to be able to export meat

products to that country which we cannot now do so because of the standards that we have not yet already met.

Mr. Speaker, the twelve-pillars used by the World Economic Forum to assess our productivity and competitiveness are instructive. There are three groups; the **first**, the basic ones, are the institutions that we have, legal and administrative framework, the maturity of our private companies and the interaction of private sector with Government.

The infrastructure, especially infrastructure that links markets locally and abroad, and communications network as well as roads, ports, airports and railroad, macro-economic stability and the health and education for skills and dexterity of our human capital.

Secondly, the next move, Mr. Speaker, are those things which promote efficiency, higher education and training to move up the value chain beyond the simple productive processes to adapt to a changing environment. Market efficiency, markets for goods, for labour, for finance, technological readiness, Mr. Speaker, which is our challenge to apply more technology to our productive processes. And Mr. Speaker, importantly, market-size, the extent to which we participate in regional and international markets, as a matter of fact, in the global marketplace.

And the **third** group, Mr. Speaker, is our business sophistication being on the cutting edge of technologies, our abilities through education to employ creativity and innovation.

Mr. Speaker, we are not at **ground zero**. Infrastructure and institutions are in place to facilitate our forward thrust. We have turned the corner in fiscal and macro-economic management. Our challenge is clear we must deal effectively with crime and violence, corruption and inefficiencies.

We must employ technological innovation for productivity and export enhancement, on-the-job training, higher education for skills and dexterity and innovation. We must establish private sector and government partnerships in pursing larger markets regionally, internationally, and all of this with linkages backward to the community enterprises. Because, Mr. Speaker, the overall and ultimate goal is that the quality of rural agricultural and urban inner-city citizens, their quality of life must continuously improve in the context of growth with equity and with social justice.

INTER-REGIONAL INTEGRATION

Mr. Speaker, I turn now to the issue of integration inter-regional, hemispheric and global markets. In order to overcome the disadvantages of economies of scale, Mr. Speaker, which means, basically high costs relative to output, we must have access; we must integrate into regional and international markets taking advantage, not only of our own resources but regional resources in the Caribbean, of raw materials, of land and water. International goods will be available in local shops, if we enter into international markets, while local producers must have access and must compete in the international markets. This must be done strategically so as not to wipe out small and micro businesses in the process.

Within the context of globalization of trade since the end of World War II, Mr. Speaker, under the aegis of several rounds of

negotiations, under the General Agreements of Trade and Tariffs, that is GATT, giving way to the succession of the World Trade Organization in 1995, Mr. Speaker, preferential trade is being replaced by WTO compatible free-trade with reciprocal two-way trading. Developing countries are being given adjustment periods to compensate. But it is clear that even with preferential trade and much moreso under reciprocal trade we are at a disadvantage. Diversification based on technology, based on technology-driven enterprises is a must for our developing countries to diversify our products, and to broaden the base in which we compete.

The protracted stagnation of the development agenda of the WTO, which is the Doha Round, which started in 2001 and it is now nine (9) years old, based on disagreements on subsidies, on countervailing measures, especially special safeguards mechanisms, Mr. Speaker, mostly between the industrialized countries and the transitional economies, has caused delays in making progress under this round of the World Trade Organization. The developing countries are hapless victims, while the industrialized countries and the major transitional economies have their dispute unresolved.

While we review and analyze the misfortunes of small developing economies in a globalized trading system, we have to accept that we have no choice but to participate in the process through building alliances and efficiencies, alliances with other countries like ourselves. Building efficiencies in productivity using technology CARICOM, CARIFORUM but it is 15 to 16 votes and 16 million people is an indispensible platform and a tool for such action internationally.

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

House Leader.

Mr. HOLNESS: Mr. Speaker, I move for the suspension of Standing Orders to allow the Deputy Prime Minister sufficient time to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Deputy Prime Minister to complete his presentation.

Motion put to the House and agreed to.

The SPEAKER: Dr. Baugh.

Dr. BAUGH: Mr. Speaker, turning to the issue of diplomacy and national security, let me reiterate that the problem of poverty and crime will be a corrosive effect, Mr. Speaker, and are not unique to Jamaica or this region. In fact, this is a global phenomenon. Indeed, globalization has not only empowered bold new enterprises in the formal economy, it has unleashed powerful and resourceful actions in the criminal networks that are no respecter of borders, no respecter of Government, or rules except their own.

SECURITY/JUSTICE/ARMS

The Government will, therefore, continue to participate actively in the global dialogue on issues pertaining to the international dimension of security and justice, especially those which affect small states like Jamaica.

In June of this year, Jamaica participated in the Fourth Biennial Meeting on Small Arms and Light Weapons, as well as a high level meeting in Transnational Organized Crime at the United Nations Headquarters in New York. One issue we will continue to promote is an international agreement on the tracing of small arms. Our view is that the discourse on

this issue must not only focus on the illegal flow and the use of small arms. It must also comprehensively address the supply side of the problem, the financing, the manufacturing, the distribution, all of this is financed from the industrialized well developed countries. We will continue, Mr. Speaker, to be fully engaged in the negotiations for an Arms Trade Treaty, the need for which is widely accepted.

Mr. Speaker, you will recall that at the invitation of the Prime Minister of Canada, PRIME MINISTER HARPER, on the 25th of June, the Honourable Prime Minister participated in the Summit of the Group of Eight, highly industrialized countries in Muskoka, Canada, at a special outreach meeting focused on security, specifically transnational organized crime. Our Prime Minister used the opportunity to highlight the socio-economic context in which Jamaica and other CARICOM countries were confronting the security threats engendered by organized crime. He renewed the appeal to the G-8 leaders for assistance to tackle this problem.

Our Prime Minister emphasized that such assistance must be broadbased and must recognize that rooting out crime is not just a law enforcement exercise, but must be seen as a major development issue. By the same token, both the supply and the demand side of the drug trade must be addressed through synchronized international cooperation to reduce demand and supply, enhance surveillance of roots and strengthen law enforcement. We are confident that the personal appeal by the Prime Minister and his counterparts from Colombia, Haiti, Senegal and other African countries, to the world leaders has resulted in a greater understanding of challenges facing our countries and the imperative for a more comprehensive strategy.

CARICOM

Last week, July 4-7, Jamaica, under the chairmanship of the Honourable Prime Minister, hosted the Thirty-First Conference of the Heads of Government of the Caribbean Community in Montego Bay. For the first time in 37 years, the Community welcomed, as special guests, the Secretary General of the United Nations, the Managing Director of the International Monetary Fund, as well as the Secretary General of the OAS. (Applause)

Mr. Speaker, there were so many issues on a very packed agenda, but it was quite clear from the beginning that the spirit of the meeting was to determine the direction that CARICOM must take in the near future. There is no doubt that civil society and the media and Members in the House here, have been consumed with issues concerning the stagnation of the Caribbean Single Market and the Caribbean Single Market and Economy.

The Conference addressed a number of critical matters relating to this, including the issue of governance. The Heads agreed to set up a special committee comprising the Bureau of the Conference. The Bureau is the current Chairman, our Prime Minister, the Prime Minister of Dominica, the Prime Minister of Grenada, as well as, to join them, the President of Guyana, the Prime Minister of St. Kitts and Nevis, the Prime Minister of St. Vincent and the Grenadines and the Prime Minister of Trinidad and Tobago. This powerful team, Mr. Speaker, will be supported by a technical working group, which will undertake a review of proposals which have been placed on the

table by Jamaica designed to ensure greater effectiveness and decision-making capacity of the Caribbean Community. The review will be presented to the CARICOM Bureau and thereafter, to a special meeting of Heads Government, which will take place in late September with a view to the adoption at their intercessional meeting of the Heads of Government in February, 2011.

It is considered to be a matter of great urgency, Mr. Speaker, because it may well be that one of the reasons why we are not making rapid progress is the issue of our weakness in governance and decision-making. In a related matter, the Heads agreed that an Independent Review Team should be commissioned to undertake a comprehensive review of regional institutions of CARICOM, of associated institutions, and also to review the Secretariat with a view to, effectively, rationalizing their functions, rationalizing their funding and the structures within CARICOM.

This review will be presented to the Community Council under my chairmanship and will help to inform the decision to be taken in relation to improving governance within the structure of CARICOM.

Other important issues including Haiti and the reconstruction efforts, the Secretary General of the United Nations and of the Organization of American States and the CARICOM special representative on Haiti, former PRIME MINISTER PJ PATTERSON participated in the deliberations on this issue, with the full support of both the regional and international community for the reconstruction efforts in Haiti was again reaffirmed. (Applause)

CSME/CBSI

The progress and challenges, with respect to the Caribbean Single Market and Economy were also addressed as were future developments with respect to the economic and financial crisis; to agriculture, tourism climate change and the oil spill in the Gulf of Mexico were all discussed.

Unquestionably, the issue of crime and violence remains a priority of the Community. To this end the Conference reaffirmed the urgency, our Regional Crime and Security Resource Mobilization Plan. It was also agreed that priority attention should be placed on the implementation of the Caribbean basin Security Initiative, the CBSI, with the United States of America and in this regard, focused attention is to be given to the establishment of the Technical Working Groups to advance the plans agreed on by both parties. As is well known, Mr. Speaker, the Secretary of State was present in the meeting in Barbados, made an announcement of the funding to be contributed by the United States of America, some US$129 Million towards that effort.

CHAIRING THE 26TH MEETING

I was honoured to chair the Twenty-Sixth meeting of the Community Council of Ministers, and the meeting between the Community and the Dominican Republic. Heads recognized that the Community Council had, for the first time, effectively fulfilled its mandate as the second highest institution of CARICOM, making a number of important recommendations which were endorsed by the Conference.

It is noted, Mr. Speaker, that the Community Council has been neglected. It has

not been regularly attended by the Ministers responsible and, therefore, this second highest body of authority within CARICOM has not been fulfilling its mandate effectively. Among some of the decisions were the decisions on governance referred to earlier, and the decision of the Bureau of the Conference to engage urgently to the President of the Dominican Republic to pursue the various issues impacting on the relationship that we have with the Dominican Republic.

DOMINICAN REPUBLIC/CARICOM

It should be well known, Mr. Speaker that the Dominican Republic has applied to become a member of CARICOM. It is also known that the Dominican Republic and CARICOM are tiered up in CARIFORUM, because CARIFORUM is an organization of CARICOM, plus the Dominican Republic, plus Cuba, so designed to facilitate the negotiations with Europe concerning the economic partnership agreement which has already been signed.

Immediately following this Conference, in response to an invitation from the HONOURABLE BRUCE GOLDING, the new Prime Minister of Trinidad and Tobago, KAMLA PERSAD-BISSESSAR, agreed to remain on the island for a two-day working visit.

Mr. Speaker, I think everybody is fully aware of the visit. She took the island by storm. During this visit, bilateral talks were conducted in an atmosphere of friendship and cooperation, covering areas such as agriculture, energy, health, crime and security, free movement of persons, trade and investment, including the agreement for the sale of Air Jamaica to Caribbean Airlines.

JAMAICA/TRINIDAD & TOBAGO

The Prime Ministers underscored the importance of the partnership between Jamaica and Trinidad and Tobago both bilaterally as well as within CARICOM. They reaffirmed their strong commitment to further enhancing these relations through regular consultations and joint actions in the areas of mutual interest.

PRIME MINISTER PERSAD-BISSESSAR advised that the Government of Trinidad and Tobago would honour the agreement for Caribbean Airlines to take over the operations of Air Jamaica and announced that the brand name Air Jamaica would be maintained. Both Prime Ministers underscored the importance of bilateral trade under the CARICOM Single Market and agreed on the need for trade relations between Jamaica and Trinidad and Tobago to develop on a mutually beneficial basis. In this regard, it was agreed to promote reciprocal visits of business delegations to explore opportunities and enhance economic linkages. And I must announce that the Minister of Industry, KARL SAMUDA, is slated to visit Trinidad very soon on the invitation of his counterpart, to have discussions there with the private sector and with those people who are interested in investments within the Caribbean.

Of note, PRIME MINISTER PERSAD-BISSESSAR announced the establishment of the Children's Life Fund with an initial endowment of some J$50 Million with financing to come from the Trinidad Cement company and the Caribbean Cement Company Limited. (Applause)

The Fund will assist children in need of overseas medical intervention and will be

open to contributions from other interests including the general public. So, Members of Parliament can take note and make their contributions as well.

Mr. Speaker, overall the visit was a very good one and we really appreciate the orientation of the Prime Minister of Trinidad, to listen to the complaints that we had, very frank discussions took place, and to indicate very clearly her desire and the desire of her team to resolve the issues that remain between Jamaica and Trinidad within the context of CARICOM. I have no doubt that the position she has taken and the partnership between herself and our Prime Minister will lead to benefits in terms of improved relations and improved trading with Trinidad and Tobago within the context of CARICOM.

Mr. Speaker, the fundamental mission of my Ministry is to keep the framework for Jamaica's external relations intact, to ensure that as far as is humanly possible, we maintain good and excellent relations with all nations and contribute to the maintenance of peace and security, and human and social economic and development for all people. It is within this framework that we seek to advance Jamaica's priorities at the bilateral and multilateral levels.

Since Independence, Jamaica has sought to exercise prudent, carefully considered and balanced diplomacy. His has ensured the maintenance of strong relations with countries with which we have had longstanding ties, while enabling us to explore exciting and beneficial relations with new partners in order to enhance our international position and promote growth and development in our country.

I want to place on record, our deep appreciation of the achievements of all Heads of the Diplomatic Missions in Kingston, who together with their staff, have worked effectively to strengthen their country's relations with Jamaica. We have, here, an excellent Diplomatic Corps whose professionalism and friendship for Jamaican are unquestionable.

(Applause)

JAMAICA/U.S.A./CARICOM

In relation to the United States, Mr. Speaker, in the light of doubts which have been raised in certain quarters, let me affirm here that our relations with the United States are based on a firm foundation and remain strong. Our recent disagreement over matters relating to the extradition request involved just one aspect of what is a wide-ranging relationship that is based on shared values and mutual respect.

(Applause by Government Members)

I can assure this House, Mr. Speaker that Jamaica and the United States are committed to deepening our bilateral relationship and we are intensifying our cooperation with each other. The assumption of duties by our new Ambassador to the United States of America in May of this year, and the announcement of designation of a candidate for Ambassador to Jamaica, underscore this position.

(Applause by Government Members)

I am not in a position to discuss any details, my counterpart has been on the radio discussing it, but we respect the need for the State Department to make their announcement before we can enter into discussion about the details about the person and her service. But

we anticipate that she is somebody who is going to be exceedingly valuable to Jamaica.

This commitment is projected across our CARICOM/USA relations, as well as the robust bilateral trade and economic partnership. We welcome in this regard the recent ten-year extension of the Caribbean Basin Trade Partnership Act within the Caribbean Basin Initiative framework, which provides valuable trade opportunities for Jamaica and other beneficiary countries.

Over 70% of our goods enter the US duty free under CBI. We are focused on continuing to strengthen our trade relations with the United States of America, our largest trading partner.

NAFTA

And I must at this point, Mr. Speaker, explain that the Caribbean Basin Initiative which started in the 1980s and which has expanded in about 1995, I think it is, when the Caribbean Basin Trade Partnership Act was added in order to create some parity with the North American Free Trade Arrangement, when that was set up, Mr. Speaker, when NAFTA was set up, it is well known that we lost a lot of our factories and other enterprises to the NAFTA arrangement in Mexico. They subsequently lost out to China and, therefore, the Trade Partnership Act was designed to assist us to have some parity there, especially in relation to garments and apparels. But Mr. Speaker, we have not taken advantage of it. We experienced a major trade deficit. We import at least $2.9 Million worth of imports from the United States of America; we export only $734 Million, half of which is ethanol as compared to Trinidad. And it's important for people to note this; that our deficit is not only with Trinidad or with the Caribbean; it is with many other countries. As a matter of fact, I know of only two countries where we have a positive balance, where we have a surplus in terms of our trade, one of them is Canada, which is predominantly due to bauxite and alumina. But within the CBI the report is that Trinidad has a healthy surplus, at least US$6 Billion worth of surplus in trading within the context of CBI with the United States of America.

HAITI

Right here in our neighbourhood, Mr. Speaker, significant events have transpired over the past year, foremost among which was the catastrophic earthquake which hit Haiti in January of this year. We mourned with the people of Haiti the tragic loss of more than a quarter of a million lives and shared their distress at the hundreds of thousands made homeless. As a matter of fact, I believe the homeless is in the region of 1.2 to 1.3 million, and the massive destruction of property from which the country is still reeling.

We are proud that some 500 Jamaicans including military, medical and technical personnel selflessly contributed to the relief and recovery programme.

(Applause by both sides)

I am pleased, Mr. Speaker, that we were able to provide an air bridge, using our airports, to Haiti, providing a vital logistical asset to many countries seeking to rush assistance to our neighbour. Jamaica and CARICOM partners remain fully committed to Haiti's reconstruction and development.

Other Caribbean neighbours to whom we must pay tribute for their support of Haiti are Cuba and the Dominican Republic, who

remain engaged in the international effort for Haiti's recovery.

(Applause by both sides)

Jamaica and its CARICOM partners will fulfil their commitment to supporting Haiti through all stages of its recovery and rebuilding process.

MEMBERS: Hear, hear!

Dr. BAUGH: We in Jamaica continue to provide vital support to the CARICOM high representative, whose work on behalf of Haiti anchors the CARICOM effort. We are also pleased that the University of the West Indies has offered tuition-free spaces for 100 Haitian students, and that CARICOM is making progress on a mechanism to facilitate enhanced movement of skilled Haitians and CARICOM nationals between the rest of the Community and Haiti. This will contribute to the recovery effort and promote mutual development.

Jamaica has also approved **visa free** entry of Haitian holders of Diplomatic and Official Passports. We are pleased that other CARICOM countries are doing likewise.

We call upon the global community, Mr. Speaker, to ensure that pledges made, materialize with the greatest of urgency to avoid further disaster in the coming months.

Mr. Speaker, as everybody knows, Haiti suffers tremendously in the hurricane season from hurricanes. Under the circumstances now, it would be absolutely disastrous if we do not move expeditiously to get some people in homes and to secure some communities before the hurricanes hit.

LATIN AMERICA & THE CARIBBEAN

I turn to Latin America and the Caribbean.

Mr. Speaker, we are deepening our engagement within the framework of the Rio Group and the Summit on Integration and Development in Latin America and the Caribbean. Last November, we hosted the inaugural Ministerial Meeting of the Summit on Integration and Development in Latin America and the Caribbean, and the Ministerial Meeting of the Rio Group which was followed by a meeting in Cancun, Mexico, which I attended, and which was dedicated to advancing Caribbean and Latin American Cooperation and Integration. Mr. Speaker, this underscores our renewed commitment to strengthening our ties with partners in our region. And this also, Mr. Speaker underscores our commitment to penetrating other marketplaces, expanding our access in larger marketplaces to attract investments also from these marketplaces to our country, and to give our investors and our manufacturers and business the opportunity of catering to bigger markets to neutralize our deficiencies in respect of economies of scale.

BRAZIL/ETHANOL

In respect to Brazil, we have made real progress in strengthening our relationship with Brazil, which I visited last year and our Prime Minister visited in April, this year. We have entered into an agreement between HEART and SENA, which is the counterpart of HEART in Brazil, to establish a facility in Portmore to expand and widen the scales in industry and production of the HEART/NTA Academies.

Brazil has played a vital role in the development of our ethanol industry and remains an important trade and economic partner. More importantly, Mr. Speaker,

Brazil's economic transformation and its commitment to strengthening its links with the Caribbean present a great opportunity for mutually beneficial cooperation in trade, cultural activities and in economic areas. In fact, a few weeks ago a high level team of Brazilian experts was in Jamaica consulting with our officials on socio-economic matters in fulfilment of a commitment made during the recent visit to Brazil by our Prime Minister. Following my official visit, and that of our Permanent Secretary, AMBASSADOR EVADNEY COYE, the Prime Minister has visited and has had an earnest request from PRESIDENT LULA to visit again later this year and to take with him the Minister of Industry and Investment and his team, to commence discussions concerning investments and cooperation and industrialization in Jamaica.

VENEZUELA - OIL

Turning to Venezuela, Mr. Speaker, we continue to build on our longstanding ties of friendship with Venezuela, rooted in the legacy of the LIBERATOR SIMON BOLIVAR and maintained by successive administrations. We are strengthening our cooperation with Venezuela, especially in the context of the PetroCaribe.

(*Sotto voce* remarks by Opposition)

Dr. BAUGH: Do you want us to abandon it? Is that what you are saying? (Referring to Mr. Pickersgill)

Our relationships go back even before your time, Mr. Pickersgill.

(*Sotto voce* remarks by Mr. Pickersgill**)**

Dr. BAUGH: The relationships go back way before your time. But we appreciate that you continued and you expanded on it. Jamaica continues to benefit enormously from our bilateral relationships with Venezuela in partnerships in the oil refinery, in financing, in infrastructural work which will underpin a productive economy.

CHINA

Further afield, Mr. Speaker, in respect of Asia, we are building our relations with countries and regions of Asia that are playing significant roles in global trade and economic affairs. Mr. Speaker, it deserves repetition that our visit to China was highly productive and resulted in signing many agreements with China, which is going to address infrastructural concerns in Jamaica, especially in terms of roads, water supplies. And we have heard today another dimension to do with agriculture and manufacturing and we have heard before in mining and energy, the interest of Chinese companies with great reputation, large companies and also the interest of the China Development Bank and the Government of China in pursuing great interest in Jamaica. The Conference Centre in Montego Bay is already an imposing site. It's under construction and I am certain that will be opened in time to meet the requirements of the Minister of Tourism who is chomping at the bits to bring large conventions to Jamaica. (Applause)

INDIA

Mr. Speaker, we also recognize the important role that India has played as an innovator in several fields of economic activity. It is our intention to strengthen our collaboration with India, not only in obvious areas like information communication technologies and development but also in small enterprise development. We will also

work together to shape complimentary positions on important global issues, including in trade &d economic matters.

JAPAN

Mr. Speaker, I plan to pay a visit, an official visit to Japan later this year, who has been a longstanding partner in development cooperation, in culture and trade. And as you have heard before earlier today, Japan has been a great partner in terms of our industry and marketing coffee abroad. (Applause)

MID-EAST - GULF STATES

In respect of the Middle East and the Gulf State, the Middle East has had a significant impact on global affairs as well as in the evolution of the Jamaican society. We have recognized, in particular, the role being played by the Gulf States in issues of shipping and logistics, development cooperation, energy and global investment and finance. With a combined GDP of over US$1 Trillion and control over 40% of the world's known oil reserves, the influence of the Gulf, on global affairs, will continue to grow.

KUWAIT

Against this background, I am pleased to announce to this House that our commitment to establishing a presence in this region will shortly become a reality when we establish our Embassy in Kuwait City. (Applause) We began a relationship with Kuwait in 1974. This relationship has been sustained over several decades and several administrations. Our two countries have cooperated on several initiatives at the multilateral level and implemented important bilateral cooperation projects. The Kuwait Fund has been a valued source of development financing for infrastructural projects in Jamaica. We anticipated that with our presence in that country and the wider Gulf region, we will be better able to establish opportunities for collaboration in several areas, especially in trade and investments.

AFRICA

Mr. Speaker, in Africa, it is now regarded as a zone of dynamic activity and great potential to which global investors are directing increased attention. Jamaica enjoys strong bonds of history and culture with Africa. The time is right for us to develop meaningful economic and business links with the African continent. Our High Commissions in Pretoria and Abuja are engaged in facilitating this outreach.

FOREIGN TRADE ISSUES

I now turn to Foreign Trade issues. (Are they circulated, copies of the speech? I am sorry. I thought it was circulated. I am sorry - they were there. They were not circulated.)

Mr. Speaker, Jamaica's share of global trade is minuscule. We have a burgeoning trade deficit. From information provided by the Statistical Institute of Jamaica and also reflected in ITC trade data for 2008, that imbalance stood at approximately **minus** US$6 Billion. This comprise exports valuing US$2.4 Billion which was far outstripped by imports valuing US$8.4 Billion. Earnings from trade in services are estimated to be about US$3.2 Billion from mainly investment flows and tourism. These figures for trade in goods and services clearly demonstrate that if Jamaica is to achieve sustained growth, the trade in both goods and services must be

increased to significant levels. This Administration is determined to seek every opportunity to expand our trade capacity and to ultimately reduce the crippling deficit with a view to promoting sustainable development and economic growth. Trade Agreements are very important to us and - their negotiations and executions are integral to this approach and together with the formulation of a broader trade policy, which is a significant aspect of the work of my Ministry, Mr. Speaker. And we recognize that trade agreements cannot please everyone because our countries are so varied, so diverse and so different. But nevertheless, Mr. Speaker, the time it takes is of great importance to us. We note, as I said before, the protracted negotiation taking place at the World Trade Organization level and this, of course, is because of the multiplicity of concerns and interest and because the World Trade Organizations is committed to consensus, then, of course, Mr. Speaker, the prolonged and protracted discussions are understood. From all perspectives, however, they are only effective to the extent that we can make them work. I use this opportunity, therefore**,** to again make a call to action on the part of the private sector to effectively utilize trading agreements such as the Economic Partnership Agreement and the Revised Treaty of Chaguaramas, to which we are parties. The time has come for private-sector to private-sector contact to take place, entrepreneurs to entrepreneurs, and professionals to professionals. My Ministry is fully prepared to lend all necessary support to Jamaican enterprises in maintaining and achieving market access and providing information about these agreements and negotiations.

The direct corollary to the negotiation of a trade agreement is the development and expansion of our productive base to enable us to take advantage of the market access for goods and services which I have emphasized, Mr. Speaker, is absolutely indispensable. We can only achieve economic growth through increased production and more investments, particularly in the area of services.

In the implementation of trade agreements, the private sector must find creative ways of tapping into the existing potential to expand our productive base, increase productivity levels, penetrate new markets, buttressed, of course, by government action to unblock bureaucratic log-jams. We are continuing to be fully engaged in the multilateral negotiating process with the World Trading Organization. In this arena, we are seeking to develop a rules-based system which takes account of the development needs of small and vulnerable economies like Jamaica. It is very important that we forge and form alliances with other small economies and middle income countries because it is the power of these alliances that can assist us to make the weight and the concerns of small countries felt at the level of international negotiations. Following the WTO, the World Trade Organization Doha Round, a stocktaking exercise, this year, was done. We continue to hope that the major trading countries will become fully engaged in the process with a genuine commitment to ensuring that development remains a central objective of the negotiations.

Also, in the context of the World Trade Organization, we are now engaged in preparations for Jamaica's 2011 Trade Policy

Review – our third such review in the World Trade Organization. We very much welcome this indepth and comprehensive review of our national trade policy which help us to evaluate our achievements in implementing trade policy.

CANADA/CARICOM/U.S.A.

On the bilateral front, we are currently engaged in the CARICOM-Canada Free Trade negotiations. We are committed to unlocking the potential for investments and market access, with a view to promoting further trade with Canada. We are also focused on continuing to strengthen our trade relations with the United States of America, our largest trading partner. Over 70% of our goods entered the United States duty free under CBI.

Critical discussions are taking place on the development component in our negotiations. Impact analysis that we have done, reveal that because of our trade capacity to produce diversified exports, we benefit little from Preferential Trading Agreements, and this is even worst when we enter into Reciprocal Agreements which open our markets to imports from industrialized countries which can inundate our relatively smaller industries. (Applause) And, therefore, Mr. Speaker, we insist that the agreements that we enter into must have a development component. By that I mean investments in our country and partnerships to help us to establish air capacities to diversify economies into technology-driven manufacturing processes so that we have more exports to take advantage of the agreements we sign.

EU/EPA

The European Union remains one of Jamaica's most important trade partners. It is also our largest grant donor. Jamaica's relations with the EU are pursued, not only at the bilateral level but also in the context of the ACP/EU, that's the African Caribbean and Pacific countries, the EU-LAC, Europe and Latin American and Caribbean countries and he CARIFORUM-EU framework. The European Union continues to be a significant partner, working with us to realize our national development objectives. Emphasis is currently on the implementation of the EPA that we signed. These bi-regional partnerships provide ways in which we can link our national development priorities to broader regional and international initiatives.

In seeking to promote and develop our export base, the Ministry of Foreign Affairs and Foreign Trade is fully supportive of the initiative led by the Ministry of Industry, Investment and Commerce and JAMPRO with regard to the National Export Strategy. The use of our missions as a focal point for investment and market promotion has intensified and the Ministry of Industry has moved to install, in some of our Missions, their own personnel to work along with our Ambassadors to undertake this challenge. The implementation of this strategy is a priority for this Government and we expect that as the implementation process unfolds we will see the benefits. We should be mindful, however, that there is a **nexus** between the implementation of this strategy and the implementation of trade agreements such as EPA and, of course, the productive process.

PRODUCTION AND INVESTMENT

In the area of production and investment, my colleague, the Minister of Industry, Investment and Commerce, detailed Jamaica's imperatives of creating and enabling business environments, promoting local and foreign direct investments, growing our micro, small and medium-sized enterprises and promoting science, technology and innovation. These objectives go hand in hand with the Export Strategy and the implementation of trading agreements.

WTO

We are all encouraged by the early signs of progress in agriculture and related industries. Of course, some of this, especially the use of high tariffs to defend our vulnerable sectors, has been made possible by the use of policy space that we have defended in our WTO arrangements. We have established ceilings and tariffs known as bound rates that give the Ministries of Agriculture and Industry and Investments and Commerce, room to manoeuvre to protect and nurture our industries within WTO compatibility. Progressive farmers and processors have embraced these measures and improved their domestic market performance even as they build their competitiveness.

HACCP

We are pleased that many entrepreneurs are seeking to bring our farms, factories and other facilities, to the highest standards of production - applying the HACCP - HACCP means Hazard Analysis and Critical Control Points - and other internationally recognized standards up to speed. Thus is vital to the success of our efforts to compete at the international level.

TASTEE/BROILERS

The recent certification process which was accorded **Tastee Patties** and the Jamaica Broilers to qualify them as suppliers of patties and poultry to the Caribbean Single Market and Economy, represents progress in the intra-CARICOM trade and underlines the importance of these efforts and also demonstrates the value of effective inter-ministerial and public-private sector collaboration.

While recognizing these positive developments, let me stress that we must remain vigilant to the use of these standards, including SPS measures, as barriers to trade in many markets. We are cautious of this within CARICOM, which is also important in other markets, because if in the absence of tariffs, when tariffs are removed according to international agreements, what we have to contend with are technical barriers to trade, including SPS standards and HACCP standards.

My Ministry will continue to work with our colleague ministries, to break down all such barriers within our Caribbean Single Market, as well as in other regional and bilateral agreements. The Caribbean Single Market and Economy does represent opportunities for our businesses to expand into other countries in the region, but we must make use of these opportunities. While we admit that there are some barriers to trade - both bureaucratic and technical - these are not insurmountable and must be addressed within the provisions of the Revised Treaty of Chaguaramas.

CSME

The CSME also represents an opportunity for movement of skilled nationals within the region. Part of the skepticism of free movement regime is the perceived immigration threat that movement itself implies and the possible - sorry - that immigration itself implies and the possible attendant impact of the labour markets of other countries. I wish to assure you, Mr. Speaker, that the statistics clearly confirm that there has been no mass influx of other nationals into Jamaica, or significant migration of Jamaicans to other CARICOM countries.

I must mention, Mr. Speaker, the concerns being expressed by our fellow CARICOM partners about the transfer of negative moral values. While recognizing the freedom of speech and expression that we hold dear in Jamaica, we urge our entertainers and others in the music industry to be mindful of the laws and regulations of our partner countries in the region, taking into account those partners' rights and obligations under the Treaty. Nevertheless, the issue is placed on the agenda of CARICOM to ensure that such action fulfils the requirement of CARICOM for due Record of Notice.

(Applause)

In the current global mix of complex bilateral, regional and international trading relations, Jamaica's participation in arrangements such as the CSME and the EPA is necessary, absolutely indispensable. Our trading partners and donors are increasingly viewing the small vulnerable economies of the Caribbean under the regional umbrella of CARICOM and less in a bilateral context especially in areas such a development assistance.

This, Mr. Speaker, is a reality which we must now confront. An immediate priority for my Ministry, therefore, is to ensure that regional arrangements complement our domestic and foreign policy goals and to make them work for us especially as we seek to advance our national trade policy agenda.

Mr. Speaker, let me assure you that my Ministry will continue to facilitate the consultative process with our stakeholders. In this regard, we will do the following:

First: Through our Jamaica Trade and Adjustment Team we will remain engaged in the private sector and civil society with stakeholders, in our efforts to advance our common agenda in trade and policy negotiation.

Second: The time has come for direct contact between players in the private sector in all our countries. The mainland countries of the Caribbean - Suriname, Guyana and Belize have indicated a desire for Caribbean investors to take advantage of the assets, the resources and comparative advantage of their countries, arable land, water for partnerships in investment and growth. The private sector should seize these opportunities, Mr. Speaker. The Foreign Minister of Belize actually said to me, that in his memory, Jamaicans came to Belize to farm. He remember the Pollacks and did exceedingly well, he's wondering why more Jamaicans won’t come, because they have great opportunities and

they need the skills and investment.

Thirdly: Despite the inevitable constraints of budget, we are committed to enhancing our programme of Public Education. And,

Fourth: We will work to enhance the two-way flow of information between our Ministry and our partners in Civil Society and the business sector, in particular.

HUMAN RIGHTS

Mr. Speaker, I turn to Human Rights. The Government of Jamaica is committed to the promotion and protection of the human rights of its citizens in keeping with its Constitution as well as its obligations under international treaties. It is important for me to address this, at this point because of recent events. We fully recognize the special circumstances, constraints and institutional deficiencies which, over many years, may have prevented many citizens from fully enjoying the rights guaranteed under the Constitution.

A MEMBER: Hear, hear!

Dr. BAUGH: For the first time in history, the Government of Jamaica invited a United Nation's Special Rapporteur to visit Jamaica. The unprecedented visit, by the Special Rapporteur on Torture, in March, highlighted this Government's intention to be open and transparent. (Applause)

Mr. SHAW: Hear, hear!

Dr. BAUGH: Only a year before, a similar invitation was extended to the Inter-American Human Rights Commission. Later this year, Jamaica will present its report to the Universal Periodic Review of the Human Rights Council in Geneva.

We fully expect that questions will be raised during this review about the impact on human rights of persons in the zones affected by the State of Emergency. However, Mr. Speaker, this is not the reason for the Government's insistence on a thorough investigation of all the allegations of abuse of human rights during the security campaign to dismantle criminal gangs. Let me make it clear, that we stand behind the security forces in the difficult work they are doing to help safeguard this country. (Applause) Let me also reaffirm Jamaica's resolve to tackle our decades-old crime problem, not only in terms of hard law-enforcement, but also with respect to the fundamental human rights of all inhabitants and the application of appropriate socio-economic interventions.

You will note, Mr. Speaker, that this Government is not reticent about subjecting the country to international scrutiny, so long as it is not unilateral, it is driven by an inter-governmental process, and is done in a fair and a balanced manner.

MEMBERS: Hear, hear!

Dr. BAUGH: We believe that such scrutiny can only redound to the benefit of the country and allow us to better protect and safeguard the rights of all our citizens.

(Applause)

A MEMBER: Hear, hear!

MILLENNIUM GOALS

In respect of Millennium Development Goals, Mr. Speaker, with five years less to go until the deadline 2015, progress towards achieving the Millennium Goals is mixed. Many developing countries are not on target to meet the goals for halving extreme poverty, achieving universal primary education,

reducing maternal and infant mortality and halting the spread of HIV/AIDS and other diseases. The global economic crisis, coupled with the food and energy crisis have threatened and, in fact, derailed the achievements made by many countries, including Jamaica, to meet these targets.

UN

We, therefore, welcome United Nations SECRETARY-GENERAL BAN KI-MOON'S convening of the High-Level Plenary Meeting of the United Nations General Assembly in September, to accelerate progress towards the MDGs. This meeting must not only assess where we are. More fundamentally, it must agree on an action plan accompanied by a commitment of resources to achieve these MDGs. Critically to the achievement of the goals, is the global partnership for development between developed and developing countries, based on the principle of shared responsibility and accountability.

Jamaica will also actively participate in this high-level meeting to review strategies and initiatives to assist Small Island Developing States to confront the challenges facing these countries and address their vulnerabilities.

CLIMATE CHANGE – GLOBAL WARMING

Mr. Speaker, I turn to Climate Change. I represented the Honourable Prime Minister at the high-level segment of the Climate Change Conference in Copenhagen, Denmark, last December. This House may recall that in light of the importance of the issue, the Jamaican delegation, including a Member of the Opposition, the Member from South West Clarendon, following the invitation of the Prime Minister to the Leader of the Opposition. I wish to highlight the constructive role that the Member played as a part of the delegation. He is not here but we appreciate it. (Applause)

Mr. SHAW: Surprises, surprises!

Dr. BAUGH: Given Jamaica's vulnerability to the catastrophic impact of climate change, I joined other member states of the Alliance of Small Island States, in urging the conclusion of a legally-binding, verifiable and enforceable agreement in the shortest possible time. We called on all major greenhouse gas emitters, developed and developing, transitional economies, to play a role in climate change mitigation, while taking account of their development needs. Recent pronouncements indicate that the scientific data was in fact reliable. We came under a lot of scrutiny, Mr. Speaker, at that time. We continue to hold to these positions.

COPENHAGEN CONFAB

As you are well aware, the Copenhagen Conference fell short of the expectations and failed to deliver a comprehensive agreement. What emerged out of Conference is at best a political document that does not satisfy the requirements of a robust climate policy framework. Nevertheless, well over 120 countries, including Jamaica, have associated themselves with the Accord, recognizing the political impetus it provides for advancing these negotiations. Like the majority of developing countries, we have registered our reservation that the Accord has no status on the international law, it has no teeth, and that a legally-binding agreement continues to be our goal.

We are cautiously optimistic, Mr. Speaker, that significant progress will be made towards the next climate change conference, which is to be held later this year in Cancun Mexico. And we had the pleasure of having the Minister of Foreign Affairs, PATRICIA ESPINOSA, come to our conference in Montego Bay, to address the Foreign Affairs Ministers about the conference to be held in Cancun Mexico, seeking of course, full support. In the meanwhile we urge developed countries to make good on their funding commitment of US$30 Billion in 2010 to 2012 period in fast-start funding and US$100,000 by the year 2020.

Mr. Speaker, this fast-track funding is to help countries who are right now suffering, to help them adapt and to mitigate the effects of climate change.

DIASPORA

Turning to the Diaspora, Mr. Speaker, two of the most significant events of the previous year, including the convening of a Conference for Future Leaders in August, and the formal establishment of the long awaited Jamaica Diaspora Foundation as a legal entity.

The inaugural Board meeting of the Diaspora Foundation was presided over by the late Professor, the HONOURABLE REX NETTLEFORD, OM. The late Professor's sterling efforts in furthering the objectives of the Diaspora Policy were invaluable, and he is sorely missed.

The historic Joint Select Committee of the Houses of Parliament on Diaspora Affairs met twice. This Committee heard submissions from across the Diaspora. Here for the first time the Diaspora was afforded the opportunity to present submissions to Parliament on issues of their concern. These sittings were lively and thought provoking. Submissions were heard from as far afield as Shashemene, Ethiopia, on topics such as parliamentary representation for the Diaspora, voting rights and the issues of dual citizens standing in local elections.

The scheduled biennial Jamaican Diaspora Conference for 2010 was postponed, because of the circumstances at the time. And discussions are ongoing with all stakeholders to agree on a new date, which may well be later on this year.

Mr. Speaker, what is now necessary is a deepening of the public/private sector partnership at the diplomatic level, which will help us to pursue more effectively, our corporate and national development goals. As part of the redoubling of our economic diplomacy effort, our missions will be making resource mobilization as an important priority in accordance with the plans of the Ministry of Finance.

My Ministry has been instrumental in having the ground work for some of the successes already achieved in areas of grant and concessionary funding, for example, those secured from the Chinese government and the EX-IM Bank. It will be monitoring resources of grant and concessionary funding as well as financing for investments to contribute to the growth of economic development in key sectors of the economy.

Mr. Speaker, this is not all. We intend to explore opportunities for supporting our small and medium-sized enterprises. In my travels I've seen the important role played by micro, small and medium-sized enterprises in even the largest and more powerful economies. Micro enterprises is the foundation of

successful development of economies. While the mega corporations make news, thousands of small and medium-sized businesses create jobs and drive their growth and provide the greatest opportunities.

We will be identifying best practices in MSME development and pursuing technical assistance for this critically important sector of the economy. This is an important priority on which we will work in conjunction with the Ministry of Industry, Investment and Commerce and its agencies. Not only is this important for economic growth and development but small and medium-sized businesses are the best hope for generating sustainable jobs and economic opportunity for our communities at risk. At the policy level, we will be continuing to use diplomatic tools to advance Jamaica's views and objectives on a number of international financial issues. We are lobbying key international partners in support of regional and our international financial institutions from which we derive benefits. In this regard, we will continue to urge support for institutions such as the Inter-American Development Bank and the Caribbean Development Bank as well as the Caribbean Development Fund in the Caribbean. Mr. Speaker, it is important to note that one of our problems creating difficulties in moving forward is the undercapitalization of CARICOM. We need more financial support and we need to generate some of the funds ourselves.

We will also be continuing to lobby for the International Community's recognition of the concerns of small, highly indebted middle-income countries like Jamaica. We have already sensitized a number of key allies to our position and expect to continue to make the case at the G20 level and other influential global bodies.

Mr. Speaker, Jamaica is an island but it does not stand alone. Our foreign affairs and foreign trade policy will continue to ensure that Jamaica deepens its relationship with all partners around the world in the interest of Jamaica and all Jamaicans. Mr. Speaker, the world is rapidly changing. Without creativity and innovations we are lost, the population was 2.5 billion in the world in the 1920s, it is now 6.8 billion, it is projected to be 10 billion by 2050. Mr. Speaker, this rapid growth of population was predicted to outrun itself in terms of food supplies predicted by **Mathis** but this was proven to be wrong, Mr. Speaker, because of the rapid technological development in the 1940s to 1960s. But one can expect that, in the future, there are going to be difficulties but people will survive once markets prevail, once technological creativity is explored and once people have access to capital and knowledge and once these move freely.

We in the Caribbean, Mr. Speaker, must resolve the issues of governance. We must utilize the resources of the Caribbean for the common good of our people but we have to pursue common policies, common policies concerning energy, concerning transportation, concerning agriculture all of these must contribute to a better quality of life for the people of the Caribbean and Jamaicans in particular.

Mr. Speaker, I thank you very much.

(Applause)

The SPEAKER: Thank you, Dr. Baugh.

Mr. Clarke. (Applause)

Mr. CLARKE: Mr. Speaker and Members of this Honourable House, I wish to begin my Sectoral Presentation by thanking the good people of Central Westmoreland.

(Applause)

Mr. BUCHANAN: Hear, hear!

(Applause)

Mr. CLARKE: …including Dr. Chang, Minister Spencer, the Bartletts...

The SPEAKER: Remember, don't call the names.

Mr. CLARKE: No, I wasn't referring to them as Members of this House, Mr. Speaker. I was referring to them as members of the constituency of Westmoreland… (Applause) …for their continued support as their representative. My gratitude is extended also to all the people of Westmoreland where, Mr. Speaker, the only green things down there are the leaves on the sugar cane, the verdant grass and the fruitful trees; everything else is orange, ripe and ready.

I know, Mr. Speaker that the people of Westmoreland are suffering because they have been really singled out for special treatment for daring to, for daring, in 2007, not to change the course. (Applause)

Mr. PICKERSGILL: Hutchi, Hutchi!

Mr. HUTCHINSON: You don't talk.

(Laughter)

Mr. CHARLES: Just like what you did Hutchi.

Mr. HUTCHINSON: Quite so.

Mr. CLARKE: Anyway, Mr. Speaker, I say to them, 'three years are already gone', and when they ask me how long?

Mr. SPENCER: Not too long.

Mr. CLARKE: I say, 'not long.' And they say, how soon? I say, 'soon, soon.'

(Laughter by Mrs. Neita-Headley)

(Applause)

Mr. Speaker, weeping will endure for a night but joy cometh in the morning and we look forward, with great anticipation, for the dawning of a new day.

(Applause)

Mr. CHARLES: How you *gwine* manage when all a *dem* turn fog.

Mr. CLARKE: My continued gratitude to the people of North East St. Elizabeth because they were the ones who helped me to taste victory.

(Applause)

Thanks to my Party Leader, the MOST HONOURABLE PORTIA LUCRETIA SIMPSON MILLER.

(Applause)

She has always reposed confidence in me, she continues to, and we are inseparable. The spokespersons, council, colleague parliamentarians, Senators, all in this House, I must say, thank you all for the kind of camaraderie that exist between us all and the way we operate and thanks, especially, to the people on my side for the continued support that they have given me.

(Applause)

And, Mr. Speaker, I am what I am because of the support of my family…(Applause)…but especially…

Dr. TUFTON: Your wife.

Mr. CLARKE: I don't just call her my wife, she is more than that.

(Heckling)

She is the precious lady who has been the soul of my inspiration, who has stood beside me for 36 ½ years.

(Applause/Heckling)

I had requested, sometime ago, that she be given special recognition by the Government of Jamaica…(Laughter)…for staying with me so long and, most importantly, **still loving** me.

(Applause)

Mr. LAWRENCE: Is she here, Roger? Is she here?

Mr. MONTAGUE: Wipe the tears from your eyes.

(Applause)

Mr. CLARKE: Well if I am asked to cry, I will.

(Laughter)

Mr. Speaker, the Minister of Agriculture, my friend made a presentation on the 29th of June and, oh! What a presentation it was! I nearly cried.

(Laughter)

As is his wont, Mr. Speaker, he mesmerized…

(Inaudible comment by a Member)

Mr. CLARKE: They are part of the people of Central Westmoreland. Mr. Speaker, he mesmerized us.

Mr. CHARLES: That's an achievement that you couldn't have done.

Mr. CLARKE: I would really like, Mr. Speaker, to ask the Member from North Central Clarendon, who is an absentee Member of Parliament, to just give me a chance to say my few words.

(Laughter)

I passed through there recently and they asked me to tell him, hi, if I ever saw him.

(Laughter)

Mr. BUCHANAN: Hear, hear! Deliver the message, deliver the message.

(Heckling)

Mr. CLARKE: Mr. Speaker, I would be mean-spirited if I did not say that the Minister of Agriculture isn't trying and so, the Ministry, but most importantly, the farmers of Jamaica who have been resilient, who have taken all kinds of battering but continue to try to strive to feed the people of this country.

(Applause)

I must confess, however, Mr. Speaker, that I will never be able to compete with my friend, either, in PR or in marketing.

(*Sotto voce* comments)

We'll come to that in due course. He has done a tremendous job.

Mr. LAWRENCE: In PR.

Mr. CLARKE: Especially marketing himself number one, and that is good.

(Laughter)

That is good, and I won't compete. I won't compete.

(Heckling)

He is a specialist in marketing and, Mr. Speaker, in that discipline, I can't fault him for excelling in what he knows best. His PhD is well deserved.

Mr. GALLIMORE: *Di* man *mek* you look bad Roger.

Mr. CLARKE: I have not seen a better marketer. As a matter of fact, Mr. Speaker, if he did not have the PhD in marketing I would find a way to give him a PhD in PR. He is in a class by himself.

(Applause)

Mr. CLARKE: Never have I met anyone who can take so little and make it look so much.

(Laughter/Applause)

Mr. Speaker, I have seen him on billboards all over Jamaica and on those billboards I see him cooking and when I see it I say to myself, 'I wonder if is stress?' because I know of someone who says, 'any time I'm under stress, I cook.' (Laughter)

So I don't know if is stress, but I see him on the billboards. (Applause)

Mr. Speaker, in the 2008 Budget presentation, I heard the Minister, and he spoke about cassava. That was the panacea for all our worries, all our problems would be solved by cassava.

Mr. MONTAGUE: You eat that too, Roger?

Mr. CLARKE: Hold on, just hold on. Fasten your seat belts and relax. (Laughter) Cassava, cassava, cassava! Bammy, cake, cassava chips, cassava paste, bitter cassava, sweet cassava, every type of cassava. And what cassava could have done to people like me, Oh, my God! Mr. Speaker, I nearly left.

Mr. CHARLES: It *mek* you drop weight, though.

Mr. CLARKE: I nearly wanted to drink cassava water, but I remember that grandma say no, you can't trouble the cassava water.

(*Sotto voce* comments by Government Members)

But you know, Mr. Speaker - and we are talking about figures - in 2006 we produced - and this is by their figures, not mine, and I will speak about that further on. In 2006 we produced 17,711 tonnes of cassava, in 2006, my last full year. In 2009, Mr. Speaker, we produced 13,995, figures; 3,700 tonnes of cassava were produced more in my time when I wasn't even talking about cassava.

(Laughter/Applause)

Mr. BUCHANAN: True figures! You talk, mouth free! Figures!

Mr. CLARKE: Mr. Speaker, in 2009 the new panacea was rice. Millions spent dealing with new varieties. I passed out at Bodles where there was never any rice cultivation, but you put it right beside the roadside that people who were passing could see that you were doing some rice.

Government MEMBERS: Marketing! Marketing!

Mr. CLARKE: Yes. Oh Lord, I concede that, you don't have to remind me, I have already conceded that. So rice on the roadside at Bodles. And then...

Mr. SHAW: Was that your five acre plant?

Mr. CLARKE: That wasn't even five acres. We didn't have to experiment with rice, we planted rice. We went to Amity Hall and with Jamaica Broilers we took up 25 acres. And I was there and my dear friend the Minister brought me there and they had me getting my package of rice, they never even ask me to speak, but they had me there to endorse the rice thing. I did endorse it.

(*Sotto voce* comment from a Government Member)

Hold on, just fasten your seat belt and listen, man. We were told that, oh, this rice is going to ratoon and ratoon and ratoon. Well, where are we today? Where are we today?

I have, in Elim, one man who is in this great rice project. I visited him on Sunday. He is planting 1.25 acres of rice. Really, me would a eat off *dat.* (Laughter/Applause) And we hear that we going do thousands of acres.

Minister, the P.R. has been good, but we don't have the rice yet. The P.R. that I want you to deal with…

Dr. TUFTON: Can I ask the Member to yield, Mr. Speaker?

Opposition MEMBER: On what grounds?

No, no, no, no! (Heckling)

Mr. CLARKE: Mr. Speaker, he doesn't even have to ask me, I can tell him. The yield is probably 6,000 pounds per acre.

But let me say this, when you plant one acre of rice, as if you plant one acre of cane, and if you plant one acre of banana, you get production to the maximum.

Dr. TUFTON: Mr. Speaker...

The SPEAKER: A correction or a point of order?

(Opposition Members heckle)

Mr. GALLIMORE: The Member is misleading the House.

Dr. TUFTON: Mr. Speaker, I must apologize for interrupting the Member's presentation, I am thoroughly enjoying it.

But, Mr. Speaker, just a point of correction. The fact is that we have almost 90 hectares of rice under cultivation now in different parts of the country, and the yields are approximately five tonnes per hectare, better than Guyana, and we have the evidence to support it. So, the Member is misleading when he speaks about one acre. (Applause) Thank you.

(*Sotto voce* comment from Mr. Shaw)

Mr. BUCHANAN: Cool Oasis, just cool!

Mr. CLARKE: Minister, Minister, if after two years we are talking about 90 hectares, I don't have a problem, any figure you want to put on it.

I went to Amity Hall, it was the most archaic way of reaping rice that I have ever seen in my life. You brought a piece of machinery from Thailand which virtually came out of the ark, and that was there to reap rice, and the people had to cut the rice and go put it inside it. I hear you have new machinery now, bring them come.

My only thing to you, Minister, P.R. for me means 'plant rice'… (Applause/Laughter) …and more rice. If you are going deal with rice - there is nothing that you are doing that I am opposed to, you know. There is nothing...

Mr. E. SMITH. ...in today's *Gleaner*, they forget about agriculture.

Mr. CLARKE: I am a farmer. The *Gleaner* has not visited my farm. Don't tell me about foolishness. Talking about *Gleaner*!

Mr. E. SMITH: You need to read the *Gleaner* and their comment about agriculture.

Mr. CLARKE: Mr. Speaker, following on 2008 and on 2009, Mr. Speaker, the panacea, this year is the pineapple from Costa Rica. So we have - you know, let's bring it on. Lovely pineapple. Bring it on. Let pineapple flow all over Jamaica. Don't bring one-one, and give us all one to take home, we want more pineapple. So plant it. That's all I am saying to you, you know, just plant pineapple. I am with you, just plant pineapple. So we don't have a problem. (Heckling)

Next year, Minister, I want you to promote some other things. Try Noni, heart of palm, you can go back to that, just don't stop. Don't stop the progress. Keep on going because you are doing well.

Mr. SHAW: What *'bout* **aloe vera**?

Mr. CLARKE: Plant **aloe vera**, sinkle bible, plant Macadamia nuts.

Mr. BRODERICK. Roger, why you wouldn't plant? Why you fail to plant?

Mr. CLARKE: You don't understand.

Mr. Speaker, in assessing the nearly three years, sometimes it's put down as though there was nothing happening. It is as though you started from scratch, it is as though the previous Administration, the previous

Ministers weren't doing anything. Hear me good.

Mr. E. SMITH: No, you tried your best.

Mr. CLARKE: Mr. Speaker, let the records show, in terms of sugar, in terms of sugar and the sugar transformation, we left €83.5 Million, signed, sealed and delivered.

Mr. BRODERICK: Tell me how much sugar you plant. How many hectares you plant?

Mr. CLARKE: I am the largest cane farmer in St. Elizabeth, both in size and production... (Laughter/Applause) ...and one of the most efficient cane farmers in Jamaica. (Applause)

Mr. BRODERICK: Sixty-five thousand acres of sugar cane...

(The speaker leaves the Chair and the Deputy Speaker presides at 6:12 p.m.)

Mr. CLARKE: And even speaking of dasheen, Minister, this year I contributed to whatever figures you have by producing tonnes of it.

(Applause)(*Sotto voce* comments)

Yes, yes. So don' worry. And when I speak in this Parliament about agriculture, I dare anyone of you on that side of the House to come and challenge me with anything in agriculture! (Applause/Heckling) I dare you! That has been my life...

Mrs. NEITA-HEADLEY: Farmer speaking! Farmer speaking!

Mr. CLARKE: …and it continues to be my life, and it will always be life. I have given more support to the Minister than I even gave to myself when I was Minister. (Applause) Come talk foolishness!

Mr. E. SMITH: How come you never carry no dasheen come give us in the Parliament?

Mr. CLARKE: We had in place $700 million for Rural Diversification. You got that.

Irrigation.

Mr. GALLIMORE: So everything was just about that.

Mr. CLARKE: Irrigation. The Minister will concede that there was US$100 Million irrigation scheme in place when he came.

Mr. M. PEART: Inheritance!

Mr. BUCHANAN: Legacy!

Mr. CLARKE: Your constituency, the scheme is in place, all you had to do was put in some tertiary lines and so forth and expand. US$100 Million in terms of irrigation. Cambridge, Colbeck, St. Thomas, wherever.

Mr. BUCHANAN: Tell your colleagues! Tell your colleagues! No, tell them! Tell them! Stand up and tell them!

Mr. CLARKE: The Land Titling Programme - and you have improved on it - LAMP was there providing titles. We started in St. Catherine and we are moving on. You have gotten assistance from the Koreans. May it…

(*Sotto voce* comments from Government Members)

Oh, yes, I even hear you claiming for the Land Titling Programme - yes, I see it.

(*Sotto voce* comments from Government Members)

Mr. GALLIMORE: No, nothing was there when we went there.

Mr. MONTAGUE: It started under you but we improved it!

Mr. BUCHANAN: You are a dishonest fellow.

Mr. CLARKE: Madam Speaker, the small ruminant programme was in place. Sheep, goat, we brought in Dorper sheep out of South Africa, to improve the genetic

material that we had, and we had that on the move.

The Pig Improvement Programme was there working with New Port genetics. I have last year's speech, I will get it for you.

Bee Keeping Industry was on the move. The Poultry Industry - the Poultry Industry we were almost self-sufficient in eggs. We had put up our liquid-egg plant and we were moving forward.

We had established a forestry fund, flavor extraction plant in St. Elizabeth, and I hear you are going to use it now to provide drinks for school children. That was there. You know something, Mr. Speaker, even callaloo, we had opened a significant market for callaloo to the United States. Callaloo. I don't know if you are exporting now. We had problems with ackee. It was on my watch that ackee got its *visa* to the United States of America. (App1ause) We even got them to accept whatever chemical treatment we were using on our yams because you know there was a time when they were objecting to what we were using and we sat down with them and got them to accept the treatment that we were putting on our yams. We established the Citrus Protection Agency when **citrus tristeza** was devastating the industry and we put together that to certify our nurseries that, today, we have a citrus industry that is there; and that was there.

(Inaudible comments)

I know I did. I didn't want you to tell me because you don't know who can do good job. (Applause) We worked…And you know, sometimes you hear that nothing never happened on rural road development. With Stabex, under this Prime Minister, we were able to move into many communities to deal with our rural roads. (Applause)

A MEMBER: Rural what?

Mr. CLARKE: Rural roads, many were done. A Fruit Tree Crop programme was in place; fruit tree crop programme. We were expanding coconuts in the Western end of the island because lethal yellowing was destroying everything in the East. And, you know, again, Madam Speaker, when I speak, I speak with a sense of passion because I did it myself. I put in 25 acres to show the people that, that is what we are about, to plant the coconut. And, Minister, you have promised to visit my farm, come drink some a *mi* coconut that I planted. (Applause) I will save some dasheen for you. I will save some cashew for you. I will save some ackee for you. I will save some breadfruit for you. I will give you some cane to eat. I will give you some pepper. I will give you some breadfruit. Any God Almighty thing grows, away from that thing, and if you go to the back of my farm, you will get the best because the guys in the bush doing their thing. Yes, come. We improved the one-stop centre at Sangsters. We opened a new one in Montego Bay and the Port Bustamante one was well on its way as one-stop centres.

The Agricultural Support Services Project was in place. Out of it has come your new investment programme.

Mr. MONTAGUE: Improved on that.

Mr. CLARKE: He has improved. We had an agricultural development strategy. Even the much touted Centre of Excellence, we were in discussion with the Spanish Ambassador. You carry on and you do it. But let it not be said that nothing was happening. If you listen...

(Cross talk)

The fisheries legislation still not yet completed. But, Minister, the fisheries legislation, we are together on it.

Dr. TUFTON: This year! This year!

Mr. CLARKE: Let it happen. Even the protected areas that you have launched, the sanctuaries, fish sanctuaries, same thing, it is better that you have a minimal amount, properly policed than to announce that you have a thousand sanctuaries over the place. Let us move step by step.

Mr. BUCHANAN: You a *guh* ship the sand?

(Inaudible comment)

Mr. PICKERSGILL: Work better than the sand.

(Inaudible comments by Dr. Tufton)

Mr. BUCHANAN: No problem, but I say, put some strips.

Mr. CLARKE: But the strange thing, I don't know, but when I pass Whitehouse and go down to Belmont where we – all of us went out on the boat. I see people there with the fish string along the road. I don't know where they get it from. We don't know whether it's being policed properly or not.

Opposition MEMBER: And the fish gears.

Mr. CLARKE: Yes. And we had promised something down there.

Mr. BUCHANAN: Yes, the fish gears.

Mr. CLARKE: Bring it on.

Mr. BUCHANAN: Empty promise! Come *pon* boat come *mek yuh* big promise. Empty promise!

(Interruptions)

Mr. CLARKE: Madam Speaker, we talking about figures and that is what I hear all the time and oh, the great comparisons.

The Minister indicated that Domestic Agriculture producing 489,671.5 tonnes. And I tell, you have reached a new stage in collating agricultural production facts. You are so precise, I imagine that every Extension Officer has a scale in his hand who goes out there and weighs every pound of yam, pumpkin, dasheen that is produced. If you know the amount of point five of this, four hundred and something point five this, point this. What the…? I say, my God, how could it be that we…

A MEMBER: Now, careful!

Mr. CLARKE: No, how could you be so exact, Minister…? Real technology…that you can go into a man's farm and just check everybody and when you finish…

(Crosstalk)

Yeah, man, you do three point two...

Mr. BUCHANAN: Ah google him google it!

Mr. CLARKE: Oh my God!

Mr. BUCHANAN: Minister, is google *yuh* google it?

Mr. CLARKE: But Minister, even taking your figures, and we have spoken about it *ad nauseam,* about the great strides you have made, your production this year is four point six per cent (4.6%) more than 2006, domestic agriculture.

(Inaudible comments)

Four point six per cent (4.6%) more.

(Inaudible comments)

Don't talk about drought. Please! Don't you ever mention about drought! A beg you, don't.

(Inaudible comments)

Hold on, hold on! This against the doubling of your Extension service. And therefore, Madam Speaker, when you have

twice the amount of Extension Officers out in the field…

Mr. M. PEART: Double counting.

Mr. CLARKE: ...and you're dealing with collating facts, you are going to get a greater reach because one had two.

(Inaudible comments by Mr. M. Peart)

Mr. CLARKE: But that is it. But away from that, Madam Speaker, we have 12,000 more people they say entering the agricultural sector because some were made redundant...

Mr. M. PEART: Alpart.

Mr. CLARKE: ...so they put their money into agriculture. So they are into agriculture. And even more than that, we hear that $537.4 Million was loaned to farmers. Then we have, Madam Speaker, the thousands of these Production and Marketing Organizations, PMOS. We had the establishment of more greenhouses.

The DEPUTY SPEAKER: (Gavels)

(The Member's time for speaking having expired, the House Leader called for the suspension of Standing Orders to allow the Member an additional thirty minutes to complete his presentation)

The motion was put to the House and agreed to.

The DEPUTY SPEAKER: Continue.

Mr. CLARKE: Thank you, Madam Speaker.

Madam Speaker, we talk about PMOs, and a letter came to hand from my constituency. I don't know if it was intended for me to...

(Inaudible comments by Mr. Buchanan)

The Minister of Agriculture and Fisheries has identified the need to improve the contribution made to our national food security strategy by increasing the levels of production and productivity. In this regard we are empowering all the production and marketing organizations by providing production incentive support. Great! The programme to be pursued by these PMOs must be endorsed by at least 75% of the membership before implementation. The leadership of the various groups must ensure transparency and accountability. Great! Members of Parliament are being asked to support the Production and Marketing Organizations in achieving their desired objectives. Distribution of benefits will be through a voucher system. The RADA parish management will handle the process. Please find a list of the Production and Marketing Organizations for your constituency and the corresponding allocation.

Opposition MEMBER: What?

Government MEMBER: What's wrong with that? What's wrong with that?

Mr. CLARKE: You know what is wrong with it?

(Crosstalk)

Just relax, just relax! Llandilo Phase 6, $20,000; Llandilo Phase 2 and 5, $20,000; Ricketts Avenue, $20,000. These places, to my certain knowledge, housing schemes. I don't know. Minister, we have to sit down and talk about it. You might *mek* me cry because, so help me God, where on God's earth in Sav-la-Mar, in Ricketts Avenue…

Mr. BUCHANAN: Pork barrel, pork barrel!

Mr. CLARKE: …and down in Llandilo…

(Interruptions)

PMO, PMO to do what? So you, under the Production and Marketing Organization, a

man raises ten (10) chickens at the back of his yard will come under that organization? Ten of them together is a …(Inaudible)

Mr. BUCHANAN: …don't defend the pork barrel, master. Pork barrel man.

Mr. CLARKE: Madam Speaker, we cannot operate any country like that. (Applause)

Mr. CLARKE: Madam Speaker, we cannot operate any country like that. We cannot have it like that.

(Applause)

We are here, and when I go through this, when I go through this, Madam Speaker, and I look at the figures, every little one of them is a nest of the Jamaica Labour Party.

MEMBERS: No, no, no! Pork barrel, pork barrel.

Mr. KELLIER: How much the JAS get?

(Cross talk)

The DEPUTY SPEAKER: (Gavels)

Dr. TUFTON: Madam Speaker...

The Deputy SPEAKER: (Gavels) Members of the House…

Mr. BUCHANAN: Hutchie, Hutchie, *nuh* you set them up? A *yuh* in charge *yuh nuh*!

The DEPUTY SPEAKER: (Gavels) Members of the House, hold on! Members on both sides of the House, I expect that when this gavel is hit, both sides of the House must respond.

(Applause)

I don't think I should have to continue like this and, I am going to say the Minister stood on his feet. At least allow him to speak. The whole country is looking at us. Please, allow the Minister to speak.

(*Sotto voce* comments/Laughter)

Dr. TUFTON: Thank you, Madam Speaker.

Just again, on a point of clarification. The Production and Marketing Organizations were not created by this administration. They are a mandate - they are part of the mandate of RADA when it was formed back in 1992 under the leadership then, of the late MR. HORACE CLARKE who we spoke to here today and credited him with the formation of RADA.

MEMBERS: None was formed, none was formed!

Mr. GALLIMORE: He said it was mandated.

(Heckling)

Dr. TUFTON: Madam Speaker, I have... Madam Speaker, I have copies of the original brochures that were printed back in 1990 or '92, the year when RADA was formed.

Mr. BUCHANAN: How come? How old are you. No, no, sir, don't mislead the House.

Dr. TUFTON: Madam Speaker, please…

Mr. MAIR: Listen *nuh* man, you learn from…

The DEPUTY SPEAKER: (Gavels) Members, Members, please, the public is watching. This is a presentation to Parliament…

MEMBER: True!

The Deputy SPEAKER: ...and I am asking you all to acknowledge the speaker on his feet.

Dr. TUFTON: Thank you, Madam Speaker.

So, the brochures back then required of RADA the formation of farmers organizations - community-based farmers organizations, which would include both crop farmers, livestock farmers or fisherfolk. It is not our fault, Madam Speaker that the administration before us chose not to implement what was

mandated by RADA. When we came on board, myself and my colleague Minister felt it was necessary because of the...

(*Sotto voce* comment by Mr. Gallimore)

Mr. CLARKE: May I ask, what is this intervention for?

(Cross talk)

Dr. TUF'TON: Madam Speaker...we cannot have the Member, Madam Speaker, attempting to politicize an organization. It was mandated by RADA back in 1992, and we are only implementing. All of these members, Madam Speaker, are registered with RADA. None of them, we have asked what their political affiliation is. They are all registered farmers, verifiably registered that are involved in some form of agricultural activity.

(Cross talk)

Mr. MONTAGUE: Drink some water, Roger. Calm him *dung*.

Mr. CLARKE: Madam Speaker... Madam Speaker...

Mr. M. PEART: Political corruption that, man.

Mr. CLARKE: This allocation... this allocation to these PMOs comes up to $544,817.00, this PMO. And, let me say this, Madam Speaker...

(*Sotto voce* comment by Mr. M. Peart)

...the PMOs as originally thought of, the concept was not to have one thousand or three thousand PMOs.

A MEMBER: It was.

(Laughter/*Sotto voce* comments)

Mr. CLARKE: It had to do... it had to do, Madam Speaker - we had a PMO in Portland.

(*Sotto voce* comments by some Members)

And you know what it was, Madam Speaker? Within a geographic area, production of dasheen on a large scale; they targeted that area and said this is an area that is suitable to put that kind of organization in place. How do you end up with PMOs in Portmore?

A MEMBER: Where, where? Prove it, prove it!

(Laughter/Cross talk)

Other MEMBER: *Unnu shudda* shame! Shame *a yuh*, shame *a yuh*!

Mr. CLARKE: Madam Speaker, there is not one Jamaica Agricultural Society branch which is really a farmer's organization…

(*Sotto voce* comments)

…that can tell you that they have gotten these kinds of allocations.

(The Speaker returned to the chair)

(Cross talk)

Mr. Speaker…

Mrs. NEITA-HEADLEY: Shame, shame!

The SPEAKER: (Gavels) Allow the Member to complete his presentation, please, on both sides.

Mr. CLARKE: Mr. Speaker, one needs to look at Jamaica's agricultural production - domestic agriculture, over the years. Mr. Speaker, in 2001, we produced 404,750 tonnes. We had a serious drought and production declined to 362,000 tonnes.

(*Sotto voce* comment by Mr. Montague)

In 2002.

Mr. MONTAGUE: Right!

Mr. CLARKE: We bounced back in 2003 to 491,473, a whopping 35% increase.

Dr. HARRIS: Point seven.

Mr. CLARKE: Then Hurricane Ivan, and then we declined again to 414. And then…

A MEMBER: Four hundred and fourteen point what?

Mr. CLARKE: …thousand - 414,790.0000…

(Laughter)

…nought, nought, nought, nought…yes, we weren't using the scale then.

(Laughter/*Sotto voce* comments)

In 2004…in 2005…then now, by 2006, we up again, 467,802, an increase of 19.5 per cent. This thing is cyclical.

A MEMBER: Cyclical.

Mr. CLARKE: Yes, cyclical.

(*Sotto voce* comment)

Oh, my God, I nearly forgot you…

(Laughter)

…the great ginger, the national…the national…the national project. The national was the greenhouse in your place where we would expand ginger, left, right and centre over Jamaica.

Mr. M. PEART: A gingervitis!

A MEMBER: Experiment.

(Crosstalk)

Mr. CLARKE: Mr. Speaker, Mr. Speaker… I took the liberty… I took the liberty…

A MEMBER: What?

Mr. CLARKE: I took the liberty to go and visit…

(*Sotto voce* comments)

…yes. That greenhouse that was supposed to be doing wonders with ginger, you know what *inna di* place?

(*Sotto voce* comments)

You put up a fantastic greenhouse for the propagation of ginger, and if you go there today, Mr. Speaker, guinea grass…and any other thing that can be grown except ginger.

A MEMBER: All that thing? All that thing?

Mr. CLARKE: As a matter of fact, Mr. Speaker...

Mr. STERN: Point of Order, Mr. Speaker.

(Laughter/cross talk)

Point of Order, Mr. Speaker.

The SPEAKER: What is the point of Order?

Mr. STERN: Point of Order, Mr. Speaker.

The SPEAKER: Have a seat, Mr. Clarke... Yes, Mr. Stern, what is the point of Order? What is the point of Order? Okay. What is the point of Order, Mr. Stern?

Government MEMBER: Easy, Roger, easy!

Mr. BUCHANAN: How, how, how? Careful, you know. Mind we censure you, you know. How?

Mr. STERN: Mr. Speaker, clarification. Clarification, Mr. Speaker.

(Cross talk)

Regarding the ginger, we didn't experiment.

The SPEAKER: What is the point of Order?

Mr. STERN: He is misleading the House.

Opposition MEMBERS: How, how?

The SPEAKER: Okay, let's hear.

Mr. BUCHANAN: Mind we censure you now, you know. How?

Mr. STERN: We wanted… we had an experiment in North Clarendon to solve the **rhizome** disease. And that **rhizome** disease had been investigated by the Ministry of Agriculture in conjunction with them and has been proven as one of the most successful in terms of research.

(Heeckling)

The research is that we don't produce

ginger to sell. We tried to solve the **rhizome** disease that affect many of the farmers in North Clarendon.

Opposition MEMBERS: Rubbish, rubbish!

Mr. STERN: And the experiment has proven that we solved it. We are now expanding on it, this time. We are putting in more greenhouses for the experiment.

(Cross talk)

Mr. BUCHANAN: What is the point of order?

Mr. JACKSON: What is the point of order?

The SPEAKER: Mr. Stern, what is the point? Is it that ginger was not being grown?

(Cross talk)

Mr. PICKERSGILL: That's a point of disorder!

The SPEAKER: Mr. Clarke, he is saying that ginger is not being grown.

Opposition MEMBER: You don't know the difference between guinea grass and ginger.

Mr. CLARKE: Mr. Speaker, Mr. Speaker, solving the problem with **rhizome** rot, that's it. Did start up there? The Scientific Research Council had already done that.

Opposition MEMBER: Thank you.

Mr. BUCHANAN: So, you are misleading the House? (Pointing to Mr. Stern)

Mr. CLARKE: What was put up at that place was this lovely greenhouse…

Mrs. NEITA-HEADLEY: That's correct.

Mr. CLARKE: …to continue the propagation, so as to expand it in the areas. Don't tell me that you spend so much money just to put up a fantastic greenhouse with all cottage for people to live. There is a house there for the caretaker to live.

(Cross talk/Laughter)

And when I go there...

Mr. PICKERSGILL: You have all cottage up *deh*?

(Cross talk)

Mr. CLARKE: There is a caretaker's cottage there.

Mr. MONTAGUE: Roger, what wrong with that?

Mr. CLARKE: This was supposed to be a long-term arrangement.

MEMBERS: It is, it is, it is!

Mr. CLARKE: The day when I went to visit ...

Mr. PICKERSGILL: Where was the caretaker?

Mr. CLARKE: The day when I went to visit, the Minister's assistant found out that I was there and came. And I was in the company of some farmers, and he came to them and said...

Mr. MONTAGUE: Azan? Azan is a farmer?

Mr. CLARKE: He said...

(*Sotto voce* comments)

His caretaker...the caretaker came and said to the farmers who were there with me, "oh, you know, we are going to be having a meeting on Friday." And they said, "About what?" And he said, "Ginger, man, we are going to start up the ginger thing again." Because I was there.

(*Sotto voce* comment by **Mr. Montague**)

Don't you ever - don't question anything I say, because I quietly, without the fanfare of the media...

Mrs. NEITA-HEADLEY: That's it.

(Applause)

Mr. CLARKE: I *gwine* say something about...I *gwine* say something to the Minister. In your figures here the other day - and that is

why sometimes I am a little doubtful - you said that between Spring Plain and Amity Hall, you have brought some 500 acres under production. Check with the guys. I was at Spring Plain.

(*Sotto voce* comments)

I have the thing.

Mrs. NEITA-HEADLEY: You have the tape.

Mr. BUCHANAN: We have the tape; we have the tape.

(Laughter)

Mr. CLARKE: Mr. Speaker, and this was about the Agro Investment Corporation…

Mr. BUCHANAN: And you are reading.

Mr. CLARKE: Yes, and I am reading.

Mr. Speaker, the change of name to reflect renewed emphasis on the mandate, this is June 1, 2010 Statement by DR. THE HONOURABLE CHRISTOPHER TUFTON, in relation to piloting the Bill entitled: AN ACT to Amend the Agricultural Development Act.

Dr. DAVIES: Read again. Montague, he is reading.

Mr. CLARKE: Let me speak to the relevant part.

Dr. DAVIES: No, read the whole speech.

Mr. CLARKE: No, I can't do it.

"*We have also consolidated in the new entity some eight thousand acres of land which the entity is now using to promote investments in a number of enterprises. Since the merger, we have prepared 47 business plans which have since been submitted for funding to financial institutions involving investments of over $260 Million. Over 290 jobs have been created in this effort; two agro-industrial parks are currently being established involving over 30 investors on over 500 acres of land brought into production at Amity Hall and Spring Plain.*"

I went to Spring Plain, I went to Spring Plain, and I have been watching the development at Spring Plain. You bulldozed 200 acres and you use a D-9 to do it. And I warned you about it; that you can't do that to deal with simple agriculture. But worse than that, you know how much production is now there? 17 acres, 17 acres. When you go to Amity Hall, Minister…

(*Sotto voce* comments by Members) (Heckling)

Mr. CLARKE: Minister, as they were carrying you wide in sugar, they are carrying you wide in many other things that you have been announcing. *Dem* a fool you, *dem* a fool you, and you are a young man, you are a young man, don't make them fool you. Put on your waterboots and go out there and go look and see *wha a gwaan*. You might know everything, but get out there and see what is going on. (Applause)

(*Sotto voce* comments by Members)

Mr. CLARKE: Seventeen (17) acres at Spring Plains all kind of a things. We can go tour, we can go tour. Mr. Speaker…

(Continued *sotto voce* comments by Members)

Mr. CLARKE: Some people including somebody beside you.

Mr. Speaker, 2007 we had Hurricane Dean, and we decline, then come Gustav 2008, another decline and then you bounced back to 489,000.

Mr. Speaker, much has been said about – let me tell him quietly, *nah mek* everybody know, I am *gwine* to help him fire some.

Mr. PICKERSGILL: Listen to what is being said. You can't mislead the Minister…

(*Sotto voce* comments by Members)

Mr. CLARKE: Mr. Speaker, much has been said about the '*eat what you grow, grow what you eat*.'

A MEMBER: MICHAEL MANLEY'S words.

Mr. CLARKE: The MOST HONOURABLE MICHAEL MANLEY has a patent on that. (Applause)

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

Mr. HOLNESS: Mr. Speaker, we were so enjoying the Member's presentation for the comical value, but Mr. Speaker, we will give the Member – I will ask for the suspension of Standing Orders to enable the Member enough time to complete his presentation. (Applause)

The SPEAKER: The motion before the House is for the suspension of the Standing Orders to allow the Member sufficient time to complete his presentation.

Motion put to the House and agreed to.

The SPEAKER: Mr. Clarke.

Applause)

Mr. CLARKE: Mr. Speaker, I will not trespass on the generosity of this House, and if I am not interrupted, I can dispose of this in another two hours. (Laughter)

You did produce some more things, can't quarrel with you. You did some more sweet potato and I contributed to the dasheen, but I *gwine* tell you about the sweet potato.

You know, in Rose Hill, because of bauxite mining, we decrease substantially in that area. But then, in the Mile Gully area, the bauxite area and it started from my time, they weren't mining and the people moved in and sweet potato moved like wildfire in Manchester, virgin soil and free land. So, concede, you did some more hot peppers and oh God, the day you die will make sure that they put hot pepper on your coffin, because you really have done a tremendous lot of work to push hot pepper. (Applause)

Mr. M. PEART: Clap him for that!

Mr. CHARLES: You are trying to insult the Member, you are being disrespectful.

(*Sotto voce* comments by Members)

The SPEAKER: Mr. Charles, please. Continue.

Mr. CLARKE: I am saying that the Minister did a tremendous job in promoting pepper and that is a fact. You work with the peppers down there and you are doing well.

(*Sotto voce* comments by Members)

Mr. CLARKE: What I must say?

(*Sotto voce* comments continue by Members)

Mr. CLARKE: Pumpkin, carrot, plantain, lettuce, sweet pepper, but many of that...

(*Sotto voce* comments by Mr. Charles)

Mr. CLARKE: I would like to really answer but I can't answer you.

(*Sotto voce* comments by Members)

Mr. CLARKE: I would really like to find an appropriate parliamentary term to describe him, but I don't think I can.

(*Sotto voce* comments by Members)

Mr. CLARKE: Mr. Speaker, would you believe that, with all addition of the greenhouses, we produced less tomatoes this year than we did in 2006? You know that Minister? Yes, less tomatoes with greenhouses and greenhouse is one of the things that you really can expand, we produced less than 2006. We produce less gungo peas, less red peas, less peanuts, less cucumber, less scallion, less paw-paw, less watermelon, less cocoa, yam almost flat between 2006 and now, yam. Even the major thrust, in Irish potato

saw an increase in production of 0.18%, this is Irish - and 0.18% more and you had drought problem. But let us not glorify these things when it doesn't really happen. Even the cassava as I said before. In 2006, we produced 17,711 tons and this year you produce 13,900, cassava drought, you didn't hear about drought. Much has been said about domestic agriculture, but what has been the fate of the traditionals and the exports?

The Sugar divestment, and you know, the Minister came this evening and I wish you well. I hope the Chinese come, I hope they come. I hope they take over, because we had the Brazilian one who strung us out for a year and walked away.

(*Sotto voce* comments by Members)

Mr. CLARKE: Anything negative, give it to me, I will take it.

Mr. MONTAGUE: You will take me too?

Mr. CLARKE: I will even take you.

Mr. MONTAGUE: Not in my Cabinet.

Mr. CLARKE: And they walked away. Eridania came and they came to do certain things that fell through and we switch now to Tate & Lyle and now we have a new one, the Chinese – "Chin Fang Fu" – whoever, I don't know their names. But they are here and I – no disrespect to you, Mr. Speaker, neither to you Member from North West St. James. I want them to come, but hear me and I am not going to speak about it.

We divested St. Thomas Sugar for US$500,000. Mr. Speaker, we spend over $200 Million to refurbish that plant.

Hear me! We bought a new Front-end Loader for US$139,850, a new standby plant for US$217,800, making a total of US$357,650. Now, that is what we put in there and then we sold it for US$500,000. I never quarrel, I didn't say a thing because oh, I get rid of the thing. But let the facts speak for itself.

(Applause by Opposition Members)

Mr. CLARKE: We spent US$357,650.

Mr. BUCHANAN: Figures don't lie. Who said that?

Mr. CLARKE: You know what we spent in all of the process, Mr. Speaker, we paid out about $2 Billion for redundancy. We had to pay $100 Million to settle with Comex, legal services came to $16 Million.

Opposition MEMBER: What?

(*Sotto voce* comments by Opposition Members)

Mr. CLARKE: And then, and then, and then, and then, Mr. Speaker, we had an arrangement where a particular entity was getting approximately $3 Million a month for nearly 16 months.

Opposition MEMBERS: What!

(*Sotto voce* comments by Opposition Members)

Mr. CLARKE: From the government coffers.

Mr. BUCHANAN: How much million, me no hear good!

Mr. CLARKE: Nearly $3 million per month for nearly 16 months.

Mr. BUCHANAN: Jesus! Who know *bout dat*? Cabinet approve *dat*? Cabinet approve *dat*?

Mr. CLARKE: Mr. Speaker, Mr. Speaker, Mr. Speaker...

Mr. PICKERSGILL: It's a rip-off, man.

Mr. CLARKE: Mr. Speaker, that is sugar. This year, the Minister boasted that this is the first year that we are starting crop in December, brand new. And, Mr. Speaker…

Mr. SHAW: Is $16 Billion of debt we took over from you.

Mr. CLARKE: (Laughter) We know that. We know that.

(*Sotto voce* comments by Opposition Members)

Mr. BUCHANAN: Cool Oasis, just cool. Cool Oasis, just cool. Cool Oasis, just cool. (Laughter) Cool Oasis, you just cool!

Mr. CLARKE: Mr. Speaker, this year is a disaster in terms of what the farmers are receiving for their cane at Frome and Monymusk. They have had to, right now, be offering them to give them back the money that they had paid for fertilizer to see if they can keep them going in cane. Just go down to Westmoreland, my constituency and look.

Mr. CHARLES: You need to teach them because you live there.

Mr. CLARKE: Well, I know what to do…

Mr. CHARLES: You live there.

Mr. CLARKE: …and I deliver to a good factory.

Mr. CHARLES: Yes.

Mr. CLARKE: Yes, and that is why I want a good man to come. And your cane, I don't know what you get this year, because you don't know *nuttin bout* cane, any *ting dem* give *yuh, yuh hav fi tek* it.

(Laughter by all)

Mr. CLARKE: Mr. Speaker, Mr. Speaker, look at citrus, look at citrus, look at citrus, look at citrus, and we are in a serious problem. The Minister has been trying to work with them, I don't know what is going to be the end game, but the fact of the matter is, very simple. Last year, the Citrus Growers plant in Bog Walk processed 260,000 boxes of oranges. This year the plant is closed. The Minister made an arrangement with Trade Winds, all they have taken off is approximately 60,000. The farmers have not been able to dispose of their oranges.

If you go to Clarendon, North Clarendon, dropping off the trees, not even one box of grapefruit was processed this year.

Mr. E. SMITH: I am just coming from up there and that is not true! (Laughter)

Mr. MONTAGUE: Hey Roger, what was the production like? (Laughter)

Mr. CLARKE: (Laughter) Mr. Speaker…

Mr. MONTAGUE: Roger, Roger, what the production like?

Mr. CLARKE: Mr. Speaker, you *caan* measure it when it drop off a *de* tree. (Laughter)

(*Sotto voce* comments by Govt. Members)

Mr. CLARKE: Mr. Speaker, look at coffee, Mr. Speaker. And the Minister came again and he is working out an arrangement with the Chinese, again, but let us look at coffee.

Crop 2006 to 2007, we produced 475,415 boxes of Blue Mountain Coffee and this is measurable, you know, no guess. And we did 80,031 of low-land coffee. You know how much we did this year? 273,284 of the Blue Mountain and 58,285 of…

Mr. MONTAGUE: Drought.

Mr. BUCHANAN: Which drought!?

Mr. CLARKE: (Laughter) Bananas, bananas. We sat in this House, we sat in this House, Mr. Speaker, after the 2007 hurricane, we were approached to pay-out some money to allow some people to continue in bananas.

Mr. PICKERSGILL: Four million US.

Mr. CLARKE: We *sey* we wouldn't do it. We ended up by providing US$4 Million to save 850 jobs…

Mr. PICKERSGILL: Yes.

Mr. CLARKE: …and what is the situation? Place closed down, but the new arrangement or the arrangement was that the Government would do an insurance that in case we had another hurricane, we would be covered. Well, it didn't happen, and hear me good. When I enquired of the US$4 Million, I was told it was written off.

Mr. PICKERSGILL: Yes.

Mr. CLARKE: And when I asked about the insurance. No less a person than the Prime Minister stood up across there and said, you know, inadvertently, they didn't put in the insurance, but is a good thing they didn't do it because even if they did it, we wouldn't get anything because Gustav was a storm and not a hurricane, so we lose US$4 Million.

Mr. BUCHANAN: Ginnalism!

Mr. CLARKE: You know what is happening now? You know what is happening now, Mr. Speaker? The small farmers who used to have their little arrangement with the hotels, that don't happen anymore. Some bigger guys with their nice little tags and they are the ones dealing with it.

But even - worse than that…

The SPEAKER: (Gavels) Members, we cannot use the cellphone in here, please.

A MEMBER: Mr. Speaker, you must say those on the Government…

Mr. CLARKE: There were farmers in this country who had their special arrangements with the hotels, where they used to use their pick-ups to go to the hotels, with their bananas and - they are now a dying breed. Now a dying breed. They have to go through some other people now.

Inland Fisheries – The people will speak in due course. Inland fisheries. When I visited some of the fish farms, Mr. Speaker, I was in Hill Run recently, production is down because what is happening, fish is coming from China and all around. I hear they are going to stop it. I hope they stop it because the local producers are suffering because of the competition.

Mr. Speaker, irish potato. Much was spent in promoting irish potato this year, and in the quest to say just go plant irish potato. People went out, they borrowed money. You know what has happened and in your constituency you have the problem, in St. Elizabeth you have the problem, in Westmoreland you have the problem, you *caan* just get up and *sey* go plant irish potato, there has to be timing, you have to deal with the conditions to promote proper growth, you have to get proper seeds. The end of it all now, is that many of the farmers are out of pocket and the companies which loaned them the money - and it was said that it was cheap rate, the way they calculated it, it look small per month, but when you check it out is big money. They are now in a situation where they are bankrupt, irish potato, bankrupt, can't pay.

Mr. Speaker, I could go on for the entire night, but I am just going to close.

I have heard all the spectacular things that have happened in agriculture. Hear me good, Mr. Speaker. Let us not pat ourselves on the back and become complacent like everything is *honky dory*, we are in serious problems.

The praedial larceny thing continues to plague the farmers.

Dr. DAVIES: Hutchie! Hutchie!

Mr. PICKERSGILL: Hutchie! Hutchie!

(Laughter by Members)

Mr. CLARKE: Praedial larceny continues to plague the farmers. They are even worse than that now. They go into your place, they take out the battery, they take away your gas oil, they… agriculture is an endangered enterprise right now. People are there who would want to invest, but they cannot because of the problem and the scourge of praedial larceny.

Mr. BUCHANAN: And no chip. (Laughter)

Mr. CLARKE: Mr. Speaker, another thing, if people are going to continue in agriculture, profit must be the motive. If you are going into agriculture and you can't make a profit, you are not going to continue in it. We have to find a way.

Mr. PICKERSGILL: You have to have a State of Emergency for the farmers, right?

Mr. CLARKE: And I ask my farmer here, how are we doing in agriculture?

(Mr. Clarke looks at Mr. Samuda)

Mr. SAMUDA: Who, me?

Mr. CHARLES: I am making a profit.

Mr. SAMUDA: Me?

Mr. CLARKE: Yes. You are fine.

Mr. CHARLES: He's not a farmer.

Mr. CLARKE: Red Poll, race horse.

Mr. SAMUDA: I think that is uncertain.

(Laughter by Members)

Mr. CLARKE: A friend of mine, you see, a friend of mine, Mr. Speaker, when I asked him, quietly, who is really making serious money out of agriculture…

Mr. MONTAGUE: You!

Mr. CLARKE: …And you know what the person said to me? The man who sell the land.

(Laughter by Members)

Mr. SAMUDA: Which friend told you that?

(Laughter)

Mr. CLARKE: I won't tell you the friend. (Laughter) I will not tell you.

Mr. Speaker, the expansion of the LAMP programme is commendable. Access road for farmers must be a priority… (Applause by Opposition Members) …must be a priority. And there are so many people who cannot get access to the market because of bad road conditions.

They have taken away the money from the Councils now, even then, the little money that used to go to the Councillors…

Mr. MONTAGUE: Which money?

Mr. STERN: Which money?

(*Sotto voce* comments by Government Members)

Mr. CLARKE: Some money, some money from the Councils. Some money that the Councils used to get, some, they have taken away, some.

Mr. MONTAGUE: Mr. Speaker, Mr. Speaker…

Mr. BUCHANAN: Sit down and don't embarrass yourself.

Mr. MONTAGUE: Mr. Speaker, if the Member will yield. If the Member will yield, Mr. Speaker.

(*Sotto voce* comments by Opposition Members)

Mr. MONTAGUE: If the Member yields, Mr. Speaker.

Opposition MEMBERS: No, no, no Point of Order, sit down!

Mr. MONTAGUE: Mr. Speaker, Mr. Speaker.

The SPEAKER: The question is whether he'll yield. Are you willing to yield, Mr. Clarke?

Mr. BUCHANAN: No, no!

Mr. CLARKE: What you want me to yield for?

Mr. MONTAGUE: To clear up the matter…

Opposition MEMBERS: No, no! Sit down!

Mr. MONTAGUE: He is misleading the House.

The SPEAKER: He is not prepared to yield, you know, unless it's a Point of Order.

The SPEAKER: Let's hear the point that you are misleading.

Mr. BUCHANAN: Sit down!

Mr. MONTAGUE: Mr. Speaker, the Councils.

Mr. BUCHANAN: What is the Point of Order?

Mr. MONTAGUE: The Member, Mr. Speaker, said that the money is taken away from the Councils.

Mr. BUCHANAN: Trelawny doesn't agree with it.

The SPEAKER: Mr. Buchanan, just let us hear it *nuh*?

Mrs. NEITA-HEADLEY: Enforced voluntarism.

Mr. MONTAGUE: Mr. Speaker, I will be allowed to speak in this House. I am quoting a famous Member of this House. Mr. Speaker, the Councils sat down voluntarily, agreed to a programme of giving up 50%.

Mr. BUCHANAN: No! Mr. Speaker, that's not so. Fagan, you are the spokesperson.

Mr. MONTAGUE: Mr. Speaker, the Councils had a choice. Nobody forced them to give up 50%. It was done voluntarily. Mr. Speaker, in 2004 and in 1999, 20% of the PRF was forcibly taken from the Councils by ministerial edict,

The SPEAKER: Okay, Mr. Montague. Montague.

Mr. BUCHANAN: Mr. Speaker, that is bad precedence.

Mr. KELLIER: Mr. Speaker, that is a speech.

Mr. BUCHANAN: Mr. Speaker, you cannot allow it.

Mr. MONTAGUE: The funds they are to get is to be spent back on the Parish Council road network.

The SPEAKER: (Gavels) No, Mr. Kellier. Mr. Clarke, I think the slight distinction he is making is that you say it was taken when he is saying that it was agreed by the Councils.

Mr. BUCHANAN: It was not agreed.

Mrs. NEITA-HEADLEY: Enforced voluntarism.

Mr. CLARKE: Mr. Speaker, the debt swop was voluntarily given up by the people of this country and the Councils voluntarily gave up.

Mr. MONTAGUE: You sound like you are hurt.

Mr. CLARKE: No, no, I am not! But they have voluntarily given up. But the fact of the matter is that the Councils don't have it anymore.

Mr. MONTAGUE: They are going to get much more.

Mr. PICKERSGILL: The same thing you said about the gas tax!

Mr. CLARKE: Meanwhile the ass a grow, the grass a starve.

Mr. MONTAGUE: What about Crook Street?

Mr. CLARKE: Crook Street. Don't let me talk about Crook Street. I beg you. I beg you.

Mr. MONTAGUE: Talk about Crook Street.

Mr. CLARKE: Don't let me talk about Crook Street.

Mr. BUCHANAN: Talk about the gas tax money and where it is now.

Mr. CLARKE: Mr. Speaker, rural electrification, we are almost there and I believe that the time has come for the rest of the country to be online in terms of rural electrification. And I believe, sincerely, Mr. Speaker, that the Jamaica Public Service Company should play a role in assisting for the expansion, because in the end they are the ones who are going to - It cannot be left just to the Government to deal with REP.

Mr. MONTAGUE: Good recommendation.

Mr. E. SMITH: That's a JLP proposal anyway.

Mr. CLARKE: Mr. Speaker, the extension of domestic water in many of the rural areas, we need to bring back life into our rural communities. (Applause) Because when they lack those basic amenities, they don't feel like staying.

Mr. MONTAGUE: Talk about road.

Mr. CLARKE: We spoke about roads. The expansion of the fish sanctuaries, I spoke about that. We must make sure that those that we have, we can manage them.

The SPEAKER: (Gavels) Could you hold a second, Mr. Clarke? Yes, Mr.Holness.

Mr. CLARKE: I will finish in ten minutes.

Mr. HOLNESS: We are enjoying your presentation. Mr. Speaker, the appointed time for the House is drawing near. I, therefore, Mr. Speaker, move for the suspension of Standing Orders to allow the House to sit beyond 7:30 to conclude the business of the day.

The SPEAKER: Members, the motion before the House is the suspension of the Standing Orders to allow the House to sit beyond 7:30.

Put to the House and agreed to.

The SPEAKER: Continue.

Mr. CLARKE: Mr. Speaker, during the period of the 70s we had a major Tank-Building programme in the rural areas and I believe that wherever we can source some of that funding, because I hear we are now awash with…

(*Sotto voce* remarks by Mr. Samuda)

Mr. CLARKE: Well, don't let them sell it. I am happy to hear what the Minister has said; that those who lease the land, if they are not using it, we will take it back. I have said so, too.

(*Sotto voce* remarks by Members)

Mr. CLARKE: But we want some action now. We want some action and I have no problem.

Mr. MONTAGUE: That's the action Minister.

Mr. CLARKE: Yes, and I have no problem with him but you must come with the facts and the figures.

Mr. Speaker, agriculture has a role to play in this country. It has its problems, many,

many problems; and there is no magic wand that is going to solve Jamaica's agricultural problem. We have been spared hurricanes, last year we never had any so we get smooth sailing. We had some drought.

Mr. MONTAGUE: Prolonged drought!

Mr. CLARKE: Yes, prolonged drought, but with all the prolonged drought we were able to produce at optimum. So I was wondering, Mr. Speaker, if we shouldn't have more drought because if we can do so well in dry weather what we doing with rain. But when it comes to the measurable things…

(*Sotto voce* remarks)

Mr. CLARKE: …drought, but the things that can't be measured; performance, Mr. Speaker, we want reality and when we come here the truth must come to live and the lies must come to die.

Thank you very much, Mr. Speaker.

(Applause)

Mr. BUCHANAN: Boundary, boundary!

Mr. E. SMITH: You know anything about agriculture?

The SPEAKER: (Gavels) Members, just a short matter to deal with. Members will recall on June the 8th there was an intervention by Mr. Montague in relation to the use of the Montego Bay Civic Centre and there was interruption on both sides of the House as to what was the policy or what was Mr. Bunting's application to use the Civic Centre and Mr. Montague, on a point of order, said that the policy of the Civic Centre was that it should not to be leased or to be used by political party. The various letters and comments suggest that Mr. Montague was correct in that there was not a written policy but in fact the Mayor had in fact indicated that it would not be leased or rented out to a political party. Mr. Bunting, on the other hand, contended that when he spoke he said that the Civic Centre, in not allowing a person or an organization with political views to use the Civic Centre, that it was wrong and that the Council was wrong in not allowing him to do so.

I asked the opinion of the Solicitor General who is of the view that the Civic Centre, that the Council is incorrect not to allow the Civic Centre to be used by a person holding a political opinion or an organization holding a political opinion and therefore the Council, according to the Solicitor General, is wrong in not allowing a political party to use the… (Applause) …centre. In the circumstances, not only was Mr. Montague right, but Mr. Bunting was also correct in his criticism and, therefore, both the party that is in wrong and this opinion will be sent to the Local Government and also to the St. James Parish Council so that that policy...

(*Sotto voce* remarks by Mr. Buchanan)

The SPEAKER: Please, Mr. Buchanan, I am speaking…so that, that policy if it is the policy, it must be reconsidered in the light of this opinion. So that is the ruling of the Chair. (Applause)

Mr. CHARLES: Mr. Speaker.

The SPEAKER: (Gavels) House Leader.

Mr. CHARLES: Mr. Speaker, I would like to be recognized to ask you a question on your ruling.

Mr. BUNTING: Sit down!

Mr. CHARLES: The statement you made a while ago, I want to ask, if the Civic Centre, if the Parish Council at present has a ruling which was passed to Mr. Bunting, if the Solicitor General is going to say the ruling is not correct, it cannot say that the Parish

Council was wrong at the time when they prevented Mr. Bunting from using it.

(*Sotto voce* remarks by some Members)

Mr. CHARLES: Cannot say that until the Solicitor General.

The SPEAKER: Mr. Charles, Mr. Charles…

(*Sotto voce* remarks by Members)

The SPEAKER: Please Members, Just to correct Mr. Charles; Mr. Bunting, when he spoke – please sit, Mr. Charles.

Mr. CHARLES: Yes.

The SPEAKER: Mr. Bunting, when he spoke, was very critical of the policy or critical of the Council, the St. James Council refusing him. What the Solicitor General said, and it is available to Members to read, is that, in refusing the use of a centre because of a politically held opinion, it conflicts with the Constitution.

Mr. MONTAGUE: No, no, no!

The SPEAKER: Well, it conflicts and has had…

(*Sotto voce* remarks by Members)

The SPEAKER: What the Solicitor General - please could you allow me to just complete. What the Solicitor General is saying, in his opinion to me, is that the St. James Parish Council would be discriminatory in allowing any - in disallowing an organization based on political opinion and I say that my understanding of the ruling is that there is no need for an apology in this House from side, Mr. Bunting or Mr. Montague. (Applause) Okay, House Leader.

Mr. HOLNESS: Mr. Speaker, we have several short matters to address. Mr. Speaker, the Minister of Health has Item Number 5 on the Order Paper, a very short matter which he will dispose of and then the Minister of Finance has items Number 2, 4, 6 and 7, all of them very short matters to dispose of, and then Minister Charles afterwards.

The SPEAKER: Okay, Mr. Spencer.

CHILD CARE/CHILDREN'S HOME

Mr. SPENCER: Mr. Speaker, this is not a controversial issue. We just need to do some tidying up.

The Child Care and Protection (Children's Home) Regulation of 2005, the (Validation and Indemnity) Act. On Monday, March 2010 the Cabinet approved, for introduction into Parliament, the Bill entitled the Child Care Protection (Children's Home) Regulations 2005, (Validation and Indemnity) Bill (hereinafter called the Bill). The Ministry sought this approval because the Child Care and Protection (Children's Home) Regulation, 2005 were made under the Child Care and Protection Act and published in *the Gazette* on April 6, 2005. This publication was made without the ministry obtaining the affirmative resolution of each House of Parliament which was required by the Child Care and Protection Act. Consequently, those regulations were not lawfully made.

Between April 5, 2005 and June 8, 2007, Child Development Agency in the belief that the Child Care and Protection (Children's Home) Regulation, 2005 were lawfully made, licensed, registered and regulated Children's Homes pursuant to the Child Care and Protection Act Regulations of 2005. Subsequently, the error was noted and the Ministry obtained the requisite affirmative resolution of each House of Parliament.

The Child Care and Protection (Children's Home) Regulation, 2007 were lawfully published in *the Gazette* on June 8, 2007.

Those acts done by the Child Development Agency between April 5, 2005 and June 8, 2007 under the 2005 regulations must be validated and confirmed by legislation so as to indemnify the Child Development Agency and persons employed to the agency from any liability in respect of such acts.

Cabinet Decision 6/06 dated 13th day of February 2006 approved the drafting of the Bill which was prepared by the Chief Parliamentary Counsel and approved by the Attorney General's Chambers and therefore, Mr. Speaker, I ask the House to confirm.

Mr. PICKERSGILL: What you are asking?

Mr. SPENCER: I ask the House to approve it. Mr. Speaker, I ask that the Bill be read a second time.

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

Put to the House and agreed to.

Bill entitled:

"AN ACT to Validate and confirm acts done in good faith by the Child Development Agency in enforcing the provisions of the Child Care and Protection (Children's Home) Regulations, 2005 April 5, 2005 to June 8, 2007 and to indemnify the Agency and persons from liabilities in respect to such acts."

read a second time.

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

COMMITTEE STAGE

Clause 1 put and agreed to.

Clause 2 put and agreed to.

The Title and Enacting Clause put and agreed to.

Mr. KELLIER: Mr. Speaker.

The SPEAKER: Yes.

Mr. KELLIER: In Clause 2, section 2, it's on page 3, it says, the Child Development Agency and every person liable to be legally proceeded against.

The CHAIRMAN: I don't see anything wrong with that.

Mr. KELLIER: So, if they are to be proceeded against?

The CHAIRMAN: Liable.

Mr. KELLIER: It means the action would be in trade.

The CHAIRMAN: Capable of being proceeded against.

Dr. DAVIES: Capable.

The CHAIRMAN: In other words, you have to prove it.

(*Sotto voce* remarks by Mr. Pickersgill)

Mr. KELLIER: So we free them of that, indemnify them of that.

The CHAIRMAN: Okay, we put Clause 2 already.

The Title and Enacting Clause put and agreed to.

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. SPENCER: 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 Validate and confirm acts done in good faith by the Child Development Agency in enforcing the provisions of the child Care and Protection Children's Homes Regulation 2005 from the period of April 5, 2005 to 2007 and to June 8 indemnify the agency and persons for liability in respect to such acts",

read a third time and passed.

The SPEAKER: Bill passed.

Mr. Shaw.

THE CREDIT REPORTING ACT

Mr. SHAW: Mr. Speaker, I need some guidance. The question of the Credit Reporting Bill, you will recall we had suspended it. I think it's at Committee Stage.

The SPEAKER: Yes, I think we are at Committee Stage. Members will recall that when this matter came before us, we were at Committee Stage, so it's a question of committee resuming and putting it back.

So the House will now resolve itself into a Committee of the whole House to continue deliberations on the Bill clause by clause.

COMMITTEE STAGE

The CHAIRMAN: Mr. Shaw, I don't think we had put anything as yet. Could you indicate if there are any changes that you would…

Mr. SHAW: Yes, Mr. Chairman. The last time we were here we suspended the session. You will recall that the Honourable Prime Minister had put forward proposed amendment in relation to the question of the penalty of imprisonment in relation to offences under Clause 13(5). Upon review, Mr. Chairman, it is being recommended that - the Opposition also had expressed concern about whether the penalty should be touched at all in terms of trying to segregate, to remove the penalty of imprisonment and just leaving a fine as a penalty.

On review, Mr. Chairman, we feel that it is more correct to deal with the problem of the offence rather than the problem of the penalty. And to be very specific Clause 13(5) which now reads:

"a person who knowingly receives, uses or discloses credit information obtained by any person in contravention of this Act commits an offence."

In discussion with the Media Association and others and in review, some recommendations sent to us by the Bank of Jamaica, Mr. Chairman, the most offensive part of this clause is the question of knowingly receiving. And the danger there, Mr. Chairman, it is being suggested, is that, take for instance if somebody sends you an e-mail or were to send a member of the Press an e-mail with information, it would be difficult to say that that person had knowingly received information. And so the proposed remedy there, Mr. Chairman, is, it is proposed to delete from subsection (5), the words "knowingly receives, uses or discloses" and substitute therefor the words, "knowingly uses or discloses."

The CHAIRMAN: But isn't that the same as just removing "receives"?

Mr. SHAW: Yes, take the word "receives" out.

The CHAIRMAN: So remove "receives" and the comma after "receives".

Mr. SHAW: The real offence is, if you use it or disclose it in the course of, illegally,

Mr. Chairman. And consequentially with that in the Fifth Schedule in paragraph 12, column (a) you would have to also.

Mr. PICKERSGILL: Knowingly receives or, but you can knowingly receive.

The CHAIRMAN: No, we are removing "receives."

Mr. SHAW: You are taking "receives" completely out.

Mr. PICKERSGILL: You can receive without knowingly receive but you can receive knowingly. So why you don't put or?

The CHAIRMAN: No, no! The change I understand that is being made is whether you use - the offence whether you use or disclose. So whether you receive advertently or inadvertently is no longer an offence.

Mr. PICKERSGILL: No, but is after you have received it you would have known. So once you use it, it would be knowingly.

Mr. M. PEART: That is not the issue.

Mr. PICKERSGILL: Why it's not the issue.

Dr. DAVIES: You can keep quiet.

Mr. SHAW: The real abuse is if you use it and disclose it; that is the real abuse.

Mr. PICKERSGILL: I thought you were saying that people can receive it knowingly and unknowingly that's why you wanted to differentiate.

The CHAIRMAN: No. The point, Mr. Pickersgill, if I understand it, if something is seen on your computer or seen on your desk, the complaint is that you could be charged with an offence, because once it is seen on your computer or in your cell phone that you have received information, it would be extremely difficult to avoid saying that you have not knowingly received it. But my understanding is that…

Mr. PICKERSGILL: But no, Mr. Speaker.

The CHAIRMAN: My understanding, Mr. Shaw, was basically that they were saying that if somebody sends information to you, from you receive it, it would have been an offence.

Mr. SHAW: Absolutely. If somebody sends you an e-mail whether it's unsolicited.

The CHAIRMAN: Right. So they want to remove that possibility and that is what is being done.

Mr. SHAW: That's right.

Dr. HARRIS: Mr. Chairman, does this Bill have anything to do with the lotto scamming and the regulations to control that? It has nothing to do with that?

The CHAIRMAN: No!

Dr. DAVIES: Mr. Chairman, the adjournment or the suspension of the discussion at Committee Stage was occasioned by the Prime Minister's intervention reflecting his discussion with the Media Association. I would like, from the Minister, the assurance that subsequent to our adjournment the Media Association, they have been exposed to this proposed amendment and their concern is now removed?

Mr. SHAW: Well, I'm advised by the Bank of Jamaica in their consultations, that this issue of knowingly receiving was really the main burden in terms of the offence itself. And so it is in making that correction that we've decided that the question of the penalties, as you had pointed out, should not be touched, and that is a decision that we are making as a matter of policy, it's not a matter of negotiation.

Dr. DAVIES: But I must confess - through you Mr. Chairman, to the Minister - I

must confess that I thought that their objection was related to freedom of the press, even the issue of whistleblower, that somebody - that there was information which may even be true, but should not be disclosed, that they felt that the laws which applied to John Brown - John Public, should not be equally applied. I thought that they were seeking a differentiation between the law as it applied to John Public…

(Inaudible comment by Mr. Shaw)

Dr. DAVIES: Well no, but I have no difficulty with the amendment as you've proposed it…

Mr. SHAW: Hmm.

Dr. DAVIES: …I just wish to have your reassurance that their – the original cause of their objection has been addressed.

Mr. SHAW: Yes, but at the same time, Mr. Chairman, the point is to be made to the media themselves as well, that they have a responsibility, and the responsibility crosses the line if you frivolously decide to use or disclose the information inappropriately then you will be subjected to the penalties. That has to be made clear.

Mr. PICKERSGILL: So there is no offence now for knowingly receiving? Knowingly receiving, no offence?

Mr. SHAW: No, because somebody could send you, Mr. Pickersgill, an e-mail.

Mr. PICKERSGILL: That's not knowingly, but there is a way in which you can receive knowingly.

Mr. MONTAGUE: But that's not a crime when you know what you do with it.

The CHAIRMAN: No, no, the point you are trying to remove, Mr. Pickersgill, is basically that somebody might put a letter on your desk, and what the Media Association…

Mr. PICKERSGILL: That is not knowingly receive, sir. If somebody from the Credit Union calls me and say, "Listen, I have some information for you, I'm going to send it to you", you knowingly receive it.

The CHAIRMAN: No, but Mr. Pickersgill, it would be very difficult…

Mr. PICKERSGILL: Yeah.

The CHAIRMAN: …for the accused, the defendant to prove that they didn't know about it. It is right on your desk, it is on your computer…

Mr. PICKERSGILL: Yes, that's what I was saying put 'or'.

The CHAIRMAN: ...so that's what the Media Association was complaining about so that's why you're removing the "receives."

Mr. PICKERSGILL: No, that's why I just put 'or', because don't tell me that you can't knowingly receive, because you can.

Dr. DAVIES: No, but if you put 'or', you still make reception.

The CHAIRMAN: Yes, Mr. Hylton.

Mr. HYLTON: I must tell you that even as we're discussing this particular provision, and would even considering the amendment, if you consider what we're about to - well what is being contemplated with respect to the libel laws and what is being sought, and if that is agreed to, then you really have, with respect, certainly to public figures, if you're talking about this Sullivan standard that is being sought.

The CHAIRMAN: But it's a different matter, Mr. Hylton.

Mr. HYLTON: Well I know, but Mr. Speaker, what I'm saying, it is a different matter and I recognize that, I'm saying we're being asked, and when we come as legislators we have to know what the thinking is, ahead.

Because if this is passed, and we go down the line of the libel laws and the changes that are being sought, we can really have mischief if it gets on the desk, however it gets on the desk, and once you're public figure, that is publicized everywhere.

The CHAIRMAN: We'll deal with that when it comes.

Mr. HOLNESS: No, but in this instance the mischief is disclosure not necessarily receives, because you would capture the disclosure on both ends, the person sending and the person receiving, if they disclose. So I think the amendment...

The CHAIRMAN: And that is what is being clarified and resolved now. So can we now go into the clause by clause, okay. Members, if you don't mind, can I put Clause 1 to 12 and then we go to 13, would that be agreeable?

Clauses 1 to 12 *en **bloc*** put and agreed to.

The CHAIRMAN: I put Clause 13. Now I put Clause 13 as amended - sorry, I put the amendment to Clause 13.

The amendment to Clause 13 put and agreed to.

Clause 13 as amended put and agreed to.

The CHAIRMAN: I now put Clauses 14 to 30.

Clauses 14 to 30 *en bloc* put and agreed to.

The CHAIRMAN: I put Schedules 1 - I put the First Schedule.

First Schedule put and agreed to.

The CHAIRMAN: I put the Second Schedule.

Second Schedule put and agreed to.

The CHAIRMAN: I put the Third Schedule.

Third Schedule put and agreed to.

The CHAIRMAN: I put the Fourth Schedule.

Fourth Schedule put and agreed to.

The CHAIRMAN: I put the amendment to the Fifth Schedule.

A MEMBER: It's the same as the…

The CHAIRMAN: Sorry, it's a consequential change. So I put the Fifth Schedule with the change.

Put to the House and agreed to.

RESUMPTION

The CHAIRMAN: I put the Title and amending clause.

Put to the Committee and agreed to.

The CHAIRMAN: The question is that I de report the Bill as having passed with one (1) amendment.

Put to the House and agreed to.

The SPEAKER: I do report the Bill as having passed Committee Stage with one (1) amendment.

Mr. Shaw.

Mr. SHAW: Mr. Speaker, I beg to 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 provide for the sharing of Credit Information between specified bodies, the licensing of Credit Bureaus and for connected matters",

read a third time and passed.

(Inaudible comments by a Member)

Dr. DAVIES: The way we treat you, all we get in return for it is cussing.

(The Speaker leaves the Chair at 7:52 p.m. and the Deputy Speaker presides)

Mr. SHAW: Can I proceed?

The DEPUTY SPEAKER: Yes, yes, I'm sorry.

THE TOURIST DUTY-FREE ACT

Mr. SHAW: Thank you, Madam Speaker.

Madam Speaker, the Bill before us is a Bill entitled The Tourist (Duty-Free Shopping System Change of Name and Amendment) Act, 2010. The Bill seeks to allow for duty-free shopping by all arriving and departing passengers, which would include residents as well as tourists. This is a Bill that has been in gestation for some time from the previous Administration. And it is in keeping with Government policy to encourage, increase tourist arrivals and spending, which could result in increased hard currency earnings accruing to Jamaica and to improve Jamaica's position in the duty free industry.

The duty-free industry worldwide is a multibillion dollar one and in 2002 it was valued at US$20 Billion. We are aware that there have been challenges since the event of September 2001, the 9/11 event, and the recent recession, however, the multiplier of potential of the industry on the economy cannot be ignored.

The idea, Madam Speaker, of duty-free shopping is not new, as the Airport Authority of Jamaica has been pursuing this aspect of tourism since the early 1990s. Further, presently in the Caribbean region, Panama, Trinidad and Tobago, Barbados and St. Maarten have established and operate arrival duty-free shopping system.

Mr. PICKERSGILL: Yes.

Mr. SHAW: The main purpose is to offer arriving visitors and residents, the option to defer duty-free purchases until their arrival at airports in Jamaica. The In-Bond shops would be located at the airport before processing for immigration and customs, and will provide convenient shopping for arriving passengers.

Mr. PICKERSGILL: How do I get…

Mr. SHAW: Hmm? You want one of the shops? (Laughter)

The goods purchased will be treated in the same manner as duty-free goods purchased at the ports of embarkation, or on the aircraft before arrival.

Madam Speaker, regarding the Jamaican nationals, the goods will be assessed in accordance with the duty-free allowance of US$500.00 eligible to passengers who have attained 18 years. Accordingly, where goods are purchased from the In-Bond shop by an arriving passenger, such goods would be deemed to have been imported by the passenger as baggage, and would fall within the passenger's baggage allowance.

Currently, only Jamaican nationals are entitled to the baggage allowance of US$500.00. The Bill, therefore, proposes to amend Item 6 of the Second Schedule to the Customs Tariff revision resolution 1972, by removing the requirement for the passenger to be the holder of a Jamaican passport, or is able to satisfy the proper officer that he or she is ordinarily resident in Jamaica. In this way, all passengers over the age of 18 years will be able to qualify for the same allowance of US$500.00. Additionally, this would greatly assist the administration and avoid the differences in the passenger baggage allowance.

Further, Madam Speaker, the Bill seeks to do the following:

- to remove the distinction between sale of approved goods and consumer goods;

- to revise the penalties associated with the operations of duty-free shops;
- the existing penalties were first established in 1974;
- to improve the administrative procedures for monitoring the in-bond system, by requiring periodic returns;
- to ensure that the holder of a duty-free operation licence has sufficient resources to carry out his operations;
- to provide for the removal of certain restrictions on the number of display centres in the parish in which the licensed duty free shop is situated;
- to authorize the Minister by order subject to affirmative resolution of the House of Representatives to increase any penalty impose under the Act; and
- to provide certain safeguard to the In-Bond merchants where the Commissioner cancels a licence or permit.
- The proposal is that the Commissioner shall notify the holder of the licence or permit, of his intention to cancel at the end of 30 days and also to state his reasons for cancelling.

Madam Speaker, the Schedule of approved goods have also been amended to expand the number of items for sale and to provide a more complete shopping experience. This has been done on the request of the In-Bond Merchants Association, in their bid to offer a wider range of goods for sale, in keeping with competition in other destinations in the region.

The additional items include leatherware, perfumed soaps, sunglasses, loose gem stones - precious and semiprecious cut and polished, watch straps, watch bracelets, and other watch accessories and writing instruments, including mechanical pencils. The Schedule also provides for items which were approved by the Bank of Jamaica, under the foreign exchange regime in 1990. The In-Bond merchants have been importing those goods since then, although the Schedule was never amended to include them. The goods are leather goods, video cameras, fashion clothing, children clothing, optical frames and perfumed soaps.

Madam Speaker, in regard to the Regulations, the title to the Regulations has been changed in keeping with the proposed amendment to the Act. Amendment is, therefore, sought to regulation 7 to provide for an increase of the fee payable pursuant on appeal to the Minister from $200 to $2000. The fee of $200 was set in 1975. Regulations 11 and 13 provide for every sale of approved goods or consumer goods to be recorded on a sale slip as prescribed in the Third Schedule. In view of the number of questions to be answered on the sales slip, representation was made by the In-Bond merchants due to loss of business and encountered particularly during tour stops, it was too bureaucratic, Madam Speaker. Additionally, the fact that most of the sale transactions are done by way of credit or debit card, customers are reluctant to give certain personal information for fear of identity theft - which of course is a major issue that has emerged now.

Madam Speaker, a committee involving customs officials and representatives from the In-Bond merchants was set up to review the requirements and the recommendations from the committee to delete some of the requirements were adopted in the Third

Schedule to the Bill. The number of sales slips to be completed would also reduce from four to three. Provision is made at Regulation 10 for duty-free shops which are allocated other than at an airport or a seaport to sell approved goods and consumer goods for export only.

The First Schedule, Madam Speaker, to the Act which provides for the application for the grant of duty-free shop operator's licence has been amended in keeping with the amendment to the Act. A valid Tax Compliance Certificate is required of the applicant.

So this, basically, Madam Speaker - I don't think I have need to go through the detail of every clause. Most of them are really minor changes to conform to the issue of widening now where we are allowing shopping for inbound passengers.

I put the Bill - I beg to move - well, the debate will continue. I beg to move for second reading.

The DEPUTY SPEAKER: Member, go ahead.

Dr. MCNEILL: Madam Speaker, we rise to support this Bill. If we have any concerns, Madam Speaker, it is how long it has taken for this legislation to reach this stage. The process started as far back as 2003; and I will remind the House that in 2006 it was one of the last pieces of legislation brought by the former PRIME MINISTER, PJ PATTERSON, to the House; but because of concerns which were raised by the sector at the time we put it off to make some changes to it.

When I say concerns about the period of time, I'm not talking about this government or that government, I'm really talking about a matter of governance in how long it is taking us to get the legislation through. And I think that we need to understand that something like this, that is not a contentious Bill has taken so long for us to bring forward.

Madam Speaker, in terms of the history or this, the Tourist (Duty-Free) Shopping System Act was formulated back between 1972 and 1974 by then Minister of Finance, DAVID COORE, and was later amended about 1974/1975. Since then there have been real changes in the industry. We have had, as you said, credit and debit cards, the cruise shipping industry has grown exponentially, we now have the internet and all these things have made for a much bigger business.

In 2003 discussions began to amend the Act to incorporate some of these advances and to look at two other changes, as you made the point.

The **first** was to broaden the list of items that were allowable and thereby expand the offerings of the industry, because this is an attraction and the more you put into it is more you would become a bigger attraction and make us competitive with the other islands.

The **second** thing was to allow for the duty-free purchases on arrivals and inbound passengers. This is a win, win situation. In the first place it would give another stream of revenue for the airports and in the second place, it would allow persons who are travelling to Jamaica whether they are visitors or Jamaicans just travelling back, to rather than purchase something in Miami duty free or in Heathrow duty-free, to come to Jamaica and they could purchase it here before they came through customs. It would mean that the margin would be here, they wouldn't have to lug whatever it is. The problems now when you carrying liquor, if you buy liquor there are difficulties, so it would allow for that.

So these were not contentious issues. However, when the amendments were brought in 2006, as I said, one of the things that happened is that the Ministry of Finance at the time raised the penalties, raised the penalties that were on the fines for breaches. This was a major problem to persons in the industry because the system was a manual one, prone to translation and transcription errors and each of these errors is a breach.

Now, Madam Speaker, the breaches are simple things. Sometimes they make a mistake on filling out the passport number or they omit the address or something lack, and before it wasn't a problem because if you had a breach the fine was $100 - was $1000. So if somebody had 500 breaches in a year it may cost them $500,000 but what happens now is that the fines have been raised in some cases to $250,000, from $1000 to $250,000. So of course, what happens now is that they can't afford - they couldn't afford under the old archaic system to allow for these breaches with the increased penalties.

So the revision of this Bill, that has taken place, some of these concerns are being addressed. But at the same time the industry had discussions with customs and they were working together to put together operational procedures, to come with a system of operational procedures and they were supposed to end up with a manual which embodied all of these things, which would take out all the discretion out of the system. The problem is, that while this manual has not been agreed on, the majority of it, it is not completed yet.

So Mr. Minister, the thing is this, that today we will support the Bill but we are doing it in good spirit because without the manual the industry is still exposed. And one of the things that we are asking of you is to give us a timeline, a period of time in which this manual will be ready that contains all the operational procedures, so that the industry will be protected as it goes along.

Madam Speaker, one of the things about this Bill is it widens the scope of the things that are allowed to be purchased; and one of the things that's happening right now is that on Friday of this week, I understand that the financial commitments for the Falmouth Pier have to be in. In other words, persons who want space at Falmouth Pier, on Friday of this week all the commitments have to be due. But what is happening now is that, with the passing of this Bill, the scope of what will be allowed is dramatically changed. So that now, rather than just having jewelry shops, you can have people with boutique designer clothes shops; you can also have persons with sunglass shops, so it's a wider scope. And one of the things that I would recommend to you is that we speak to the Port Authority and to try and prevail on the developers of Royal Caribbean, to see whether or not they can extend the deadline a month, given the passing of this Bill, because from their side it's a positive because there is going to be more demand for the shop space because there is more diversity of shops that can go into it. At the same time, it is good for Jamaica because those persons, it would give other Jamaicans an opportunity to go into another branch of the area.

Madam Speaker, just in closing. It's a very important industry, it's an attraction, it draws a very high-end part of the market. The sector has been suffering for a number of years and despite some beneficial changes that were

made at the end of last year, which should have a positive effect on the balance sheet this year, the industry has been suffering. The sales figures have fallen from US$128 million in 2005 to US$82 million in 2009, a 30 per cent decrease. So it's a timely fillip towards the industry.

So, Minister, we support the Bill but with the caveat that we would like to see the operational procedures manual, we want a timeline with which that will be developed and the suggestion to the developers that the deadline that they have for Friday, it may be beneficial to all parties to extend that deadline. With those comments, Mr. Minister, we support the Bill.

Mr. E. BARTLETT: Madam Speaker, we are very pleased that the Opposition does in fact support the Bill and indeed it gives an easier process in terms of my own comments, because I think we are at one essentially in terms of the scope that the amendment offers for the expansion of shopping in Jamaica.

The critical value of this, Madam Speaker, is that it now gives us a real chance to be competitive in the business of shopping within the Caribbean destinations. And one of the things that has been of concern to me on my ascension to be Minister was, the low level of spend which Jamaica endured from the cruise industry in relation to the other destinations of the Caribbean.

And when we look on the fact, the US Virgin Islands, for example, is having something of $384 Million of sales annually, employing somewhere in the region of 6000-odd workers within the cruise industry, which is dominated by shopping, and having salaries paid at some $146 Million and we in Jamaica employ a mere 3,800 and our salary paid is $22 Million while our average spend is a measly US$83 per person. That is all because we have not established yet, a position as a shopping destination within the Caribbean.

(Applause)

A MEMBER: That's correct.

Mr. E. BARTLETT: And this very enlightened amendment will enable us now to be able to do that.

Among other things, Madam Speaker, is that we will now be able to bring higher-end products to be made available so that some of the destinations that now...

Mr. PICKERSGILL: I never hear any high-end, only leather boot.

Mr. E. BARTLETT: No, well, the fact is that inherent in all of this is the fact of our capabilities to bring higher-end luxury items, which has been evading us for a while. And an important component of all of this is the ability for us now to be able to attract trunk shows.

Mr. PICKERSGILL: What kind of shows?

Mr. E. BARTLETT: Trunk shows, that is, shows that are put on by luxury companies that deal with high-end like **Cartier**, and **Rolex** and **Fendi** and so on, who go around and put on these large shows that bring high-end shoppers, that bring high-end shoppers into your destination. And the value of it is that it will allow for these luxury items to come in and then when they are sold, the applicable duties are paid and if they are not sold within a given period of time, they are allowed to go back out without duty.

These are very important innovations the system which will allow for us to really establish ourselves as a true shopping destination.

Now, with casino gaming, with casino gaming on the horizon and with the expansion of our port facilities at Falmouth, we are well positioned. And, Madam Speaker, I really want to commend the Minister for the timeliness also, of this particular amendment, because it is coming, as my colleague on that side has said, on the eve of an important conclusion of arrangements. And I am with him in making the representations to allow for an extension of the period so as to allow for this amendment now to take its effect and for us to get the benefit therefrom.

(Applause)

In closing then, Madam Speaker, I just want to indicate one final point on this, because the Member across spoke about the real problem, the real problem that the in-bond sector is having, in terms of the manual system of computing duty and cost and so on. And especially in today's - with today's technology, their market and their sales are now being driven a lot by computer and the Internet. And therefore, we have to upgrade our own ability at Customs to be able to deal with it and to allow for a constant and perpetual inventory to take place so that cost can be determined, and it's better for us too, our payments for duty and customs fees and so on can be done on a regular basis.

In that way, Madam Speaker, we support fully, strong and hefty fines if there are breaches. But it is truly cumbersome for kalamazoo to be operative now when it is really a computer and a high-tech age. So we implore, Minister that we hasten that process of modernization, in terms of the operational side, so that all sides can have the win-win that we want from it.

Congratulations, Minister, well overdue, and this will go a long way in really expanding the shopping prospects and possibilities and options, and will enable us to get more spend from the tourists and the visitors who come.

(Applause)

Mr. SHAW: Madam Speaker, I thank the Members for their contributions.

And just to indicate that in order to have perfected the Bill we had to take the necessary time to do the consultations that were necessary with the Merchants Association and the Customs Department and all the various actors in the system. But it's here now, and the important thing is that we move from there.

I want to indicate that the next item I will be dealing with, which is the Stamp Duty (Amendment of Schedule) Order, 2010, Resolution, will speak...

Dr. DAVIES: Tomorrow?

Mr. SHAW: No, there is no sitting tomorrow - will speak, Madam Speaker, to the issue of lowering the overall rates of duty to the In-Bond shopping sector, that will allow it, therefore, to be able to build capacity and enhance - limit the amount of upfront cash that is needed to bring in goods. But I will be dealing with that shortly, it's just an Order, it's not a Bill.

I want to also give the Spokesman on Tourism the assurance that we will work on the manual as expeditiously as possible. I can't give you a timeline now, but I would like to discuss that with the Minister and we will take it from there.

(*Sotto voce* comment from an Opposition Member)

Mr. SHAW: Yes, and we will consult with you as well. But it's certainly, in our

mutual interest to get that manual up and running as quickly as possible.

Madam Speaker, I beg for second reading of the Bill.

The DEPUTY SPEAKER: The question before the House is that the Bill be read a second time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Tourist (Duty-Free) Shopping System Act so as to change the name of the Act and of the licences, permits and shops governed thereby, and to establish a duty-free shopping system for arriving passengers and for connected matters",

read a second time.

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

COMMITTEE STAGE

The CHAIRMAN: I now put Clause…

Mr. SHAW: Can we suggest that you just take it *en bloc*, Madam Chairman.

The CHAIRMAN: Clauses 1 to 23, I now put the…

Mr. KELLIER: Madam Chairman, well, if we take those prior to – up to 20 – just a small point here, Minister. In Number 21, section (f)…

Mr. SHAW: Clause 21?

Mr. KELLIER: Yes, section (f)

The CHAIRMAN: May I, Member, may I then put…

Mr. KELLIER: Those before.

The CHAIRMAN: Clauses 1 to 20.

Mr. KELLIER: Yes, yes!

The CHAIRMAN: Members, I now put the Clauses 1 to 20.

Put to the House and agreed to.

The CHAIRMAN: I now put Clause 21.

Mr. KELLIER: Just a small point, Minister. I was wondering about Item 34.

Mr. SHAW: Pocket Knife.

Mr. KELLIER: Yes.

Mr. SHAW: Well, I mean in that category would be like a Swiss knife, you know the Swiss knife that has - that's a typical tourist item, you know, that has scissors on it and knives and all kinds of things, you know a Swiss knife.

Mr. KELLIER: Why I said the knife, you know, it's subject to interpretation, that's why I want to be sure that we know what we are talking about.

Mr. SHAW: You are talking about as a - potentially as a dangerous weapon.

Mr. KELLIER: Yes, yes.

Mr. PICKERSGILL: But you are coming out of the airport.

Mr. KELLIER: It *nuh* matter. It would be inside, because you are buying it in there. No, that's the point I am making. You are buying it inside the airport, you know, so this now, they would now have the right to have it inside the shop, inside the airport.

(*Sotto voce* comments from Members)

Mr. SHAW: Well, we are talking about when you come off the plane here now.

Mr. PICKERSGILL: What about an outgoing passenger?

Mr. KELLIER: No but you can buy going in too, you know. You can buy going in too, that's the point I am making.

Dr. DAVIES: A question I was going to ask you, Minister, through you, Madam Chair, one of the issues when we first were

discussing it is the co-mingling. How is that addressed, with the outgoing and incoming. Are they separated, passenger?

Mr. SHAW: Yes, they are separated.

Dr. DAVIES: They are going to be separated?

Mr. SHAW: That's required, yes.

Mr. PICKERSGILL: Outgoing can't buy?

Mr. SHAW: No, no, the shopping is separate areas.

Dr. DAVIES: For the outgoing as opposed to…?

Mr. SHAW: Outgoing and coming in, they are separate areas.

Dr. DAVIES: Okay.

Mr. BARTLETT: The departure levels would have one set of shops and the arrival levels another set of shops.

Mr. SHAW: Different set of shops.

Mr. KELLIER: So we are only dealing with arrivals?

Mr. SHAW: Sorry?

Mr. KELLIER: This Bill doesn't cover both arrival and departure?

Mr. SHAW: Yes, it's being amended to cover arrival and…

Mr. KELLIER: Both arrival and departure.

Mr. SHAW: Yes.

Mr. KELLIER: So the question is relevant.

Mr. SHAW: The departing one is being amended to accommodate arriving passengers as well.

Mr. KELLIER: That's right.

Dr. DAVIES: But his question is the outgoing. Can they get the knife, the hunting knife?

Government MEMBERS: No!

Mr. SHAW: I think there is an operational - there is a security operational protocol for like Swiss knives and so on. That's an operational issue, it's not a – but I mean, certainly, to try to exclude a Swiss knife from your tourist items would be unusual, because that's an acknowledged tourist item.

Mr. E. BARTLETT: Chairman, may I make a comment here, because I think that the Member on the other side might quite be correct in the context of the new regulations for security, that because these items might not have taken into account these new regulations and security measures at airports. So it perhaps wouldn't do us any harm, Chairman, if we thought of omitting that particular item, since it may create some problems for departing passengers if they buy. And it's neither nor there in the Schedule. I would say just leave it out of the Schedule. It's not a big item, it doesn't make any difference, in my mind. But you do have a point, in that somebody perhaps could buy and then find that they are in breach by doing so.

Mr. SHAW: Well, I have no objections deleting it. Delete it.

Madam Chairman, I recommend that we delete pocket knives.

Mr. KELLIER: I agree with that.

Mr. PICKERSGILL: I would not take it out.

Mr. SHAW: Madam Chairman, there is some discussion on that here. I am maintaining that we are not the first airport that would have Swiss Knives for sale, and there are operational protocols that deal with it. You can't put that into a law.

Mr. HOLNESS: No, but let's just be clear. The law, this law will provide for the accommodation of the knife, because not all

knives will be sold at airports. You might have within In-Bond stores that this will cover as well…

Mr. SHAW: That's operational again.

Mr. HOLNESS: Yea - no, no, but the point I am making is that even if the law provides that these goods can be accommodated under the duty-free framework, the airport zone may say, well, knives can't be sold here. So I am saying that you don't need to make that distinction, to take it out totally.

Mr. SHAW: Are you saying leave it in then?

Mr. HOLNESS: Leave it in, because you might have stores outside of the airport zones where it is quite legal to, and you how, passengers may purchase it, put it in their suitcase and send it on. So don't deprive that commodity of the benefit.

Mr. SHAW: Okay. Go ahead, Madam Chairman.

The CHAIRMAN: I now put to the Members of the Committee Clauses 21 through 23.

Put to the House and agreed to.

The Schedule put and agreed to.

The Title and Enacting Clause put 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.

THE RESUMPTION

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

Mr. SHAW: Madam Speaker, I beg to move for third reading of the Bill.

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 Tourist (Duty-free) Shopping System Act so as to change the name of the Act and of the licences, permits and shops governed thereby, and to establish a duty-free shopping system for arriving passengers and for connected matters",

read a third time and passed.

The STAMP DUTY ORDER, RESOLUTION

Mr. SHAW: Madam Speaker, the next item to be dealt with, Madam Speaker, is the Stamp Duty (Amendment of Schedule) Order, 2010, Resolution. The matter for consideration by this House is the confirmation of the resolution in respect of the Stamp Duty (Amendment of Schedule) Order, 2010.

Subsection (1) of Section 4 of the Stamp Duty Act authorizes the Minister responsible for Finance by order to revoke, increase, reduce or alter any duty specified in the Schedule. In exercise of the power conferred on me, the Stamp Duty (Amendment of Schedule) Order, 2010, was made on the 17th of May, 2010.

Madam Speaker, the Order provides for a reduction of the additional stamp duty on approved goods imported by licensed In-Bond operators, from 8% of CIF value to 6%. Additionally, provision is made for payments of the additional stamp duty to be made not later than 14 days following the end of the month in which the sale occurred instead of hat previously existed, which was an upfront payment. The reduction of the new regime for payment, came about as a result of

representations from the In-Bond operations due to the competition from other destinations in the region. Further, the Stamp Duty (Amendment of Schedule) Order, 2010, is intended to make permanent, similar provisions under the Provisional Collection of Tax Stamp Duty Order, 2010.

Madam Speaker, prior to the Order, under the Provisional Collector of Tax Act in Jamaica, approved goods imported by licensed In-Bond operators attracted duty and fees amounting to 10.53% of CIF value, made up as follows: additional stamp duty – 8%; customs user fee – 2%; environmental levy – 0.5%; Bureau of Standards compliance fee – 0.03%.

In observing other destinations in the region, Madam Speaker, it is found that in St. Thomas there is no import duty but a turnover tax of 4%. In St. Maarten, there is no import duty but a turnover tax of 3%. In Barbados, there is no import duty and no turnover tax. In Aruba, there is a 3% import duty and since January 2010, the turnover tax of 3% has been reduced to 1.5%. You see, therefore, the competition in the region, Madam Speaker.

The change in the regime, for payment allows the In-Bond operator to pay the additional stamp duty after the approved goods have been sold. And so it facilitates the operator's cashflow and puts them more in line with other destinations in the region. Note, however, that subsection (3) of Section 4 of the Stamp Duty Act provides that an order made under Subsection (1) of Section 4, shall be subject to the affirmative approval of the House of Representatives. And accordingly, the Stamp Duty (Amendment of Schedule) Order, 2010, Resolution is submitted to this Honourable House for confirmation.

I wish to point out that the Customs (Amendment) Regulations 2010, exempts licensed In-Bond operators who import approved goods from the payment of the customs user-fee of 2%. This became effective January 29, 2010.

Further, Madam Speaker, drafting instructions are with the Chief Parliamentary Counsel for the removal of the environmental levy of 0.5%. These steps have been taken to bring the aggregate duty now to 6% and to give them 14 days after the sale of the product to make the necessary returns to the Customs Department. And we believe that these measures which were done in consultation with the industry will help to build back the competitiveness in the In-Bond shopping area.

I present it for the affirmative approval of the House.

(Applause)

The DEPUTY SPEAKER: The question is, therefore, that the Order as presented by the Minister be approved by this Honourable House.

Put to the House and agreed to.

THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT

Mr. SHAW: Madam Speaker, by way of a background, an industrial and provident society is a society that is established to carry out any business or trade that is governed by agreed rules. The Industrial and Provident Societies Act was enacted in 1903 and provides for the registration and monitoring of societies which carry on a wide range of activities. Currently, Industrial and Provident Societies are registered by the Registrar of Companies. Some of these societies are

registered under other Acts such as the Agricultural Credit Board Act.

In 1997, the Act was amended in order to restrict societies from carrying out banking activities except with the authorization of the Minister. This was done to ensure that these types of institutions do not operate in a manner that could facilitate commercial banking. The current amendments to the Act are to introduce a monitoring regime, Madam Speaker, for organizations that are Industria1 and Provident Societies and to update monetary limits which have been outdated.

The following is a brief description of the main provisions contained in the Bill, AN ACT to Amend the Industrial and Provident Societies Act.

Madam Speaker, let me indicate that coming out of the incidence with the Provident Societies, you will recall, at the time of the Operation PRIDE, that was another indication of the need for stronger regulation of the Provident Societies. So that was yet another reason.

Clause 2 of the Bill seeks to amend Section 2 of the principal Act to delete the existing definition of '*Committee and Registrar*' and to replace them with '*committee*' meaning 'the governing body of a Society that has been registered'; and 'the Registrar', means, 'the Registrar of Cooperative Societies'. These changes reflect the introduction of a management committee to manage the affairs of the society and the introduction of the Registrar of Cooperatives, which now becomes the '*supervisory authority*' of all Industrial and Provident Societies. It is no longer split up between different areas as it was before, including the question of the Agricultural Credit Board under that Act.

Clause 3 seeks to amend Section 3 of the Act to change the limit of a member's interest in shares from a dollar value to a proportion of the shares. Consequently, Four Hundred Dollars is no longer realistic and is being changed to 20% of the total shares. This will prevent the need for periodic adjustments of the dollar value through amendments to the legislation by simply keeping it as a percentage of the total shares.

Clause 5 seeks to amend Section 6 of the Act by giving detailed procedures for refusal of an application by the Registrar. This provision allows a society the right to appeal if the Registrar refuses its application for registration. The Registrar is also obliged to notify the Society within 30 days of the refusal.

Clause 6 introduces Section 6(a). This provision establishes an Appeals Tribunal to deal with hearings under Sections 6 and 53 of the Act.

Clause 7 of the Bill amends Section 8 of the Act, by deleting '*Agricultural Credit Board*' and the '*Agricultural Credit Board Act*' and inserting '*the Registrar of Cooperatives*' and '*Cooperative Societies Act*'. And as I explained, that is, they are taking the place of the Credit Board.

Clause 8 of the Bill amends Subsection (4) of Section 9 of the Act by deleting '*a sum not exceeding Ten Cents*' and replacing it with, '*such fees as may be determined by the Society*'. Those were very outdated and had to be modernized. This removes the fee of Ten Cents for the Rule book that the Society is required to deliver to each member and allows

the Society to determine the cost of the Rule book. It is impractical for the monetary value of a Rule book that is to be issued to each member of a society to be in the legislation. In addition, each society would be better able to determine the fee for the book.

Clause 9 amends Subsections (3) and (5) of Section 12 of the principal Act. These amendments remove the authority of appointing an auditor from the Minister and allows the appointment of approve auditor by the shareholders of the Provident Society at an annual general meeting.

Clause 10, Subsection (1) of Section 17 of the principal Act, is amended by deleting '*ten members*' and substituting it with '*not less than one-third of the members*'. And this will facilitate a proportionate representation in circumstances where members request the registrar to have the books of the Society inspected. The proportionate representation will allow for ease of application by all societies, notwithstanding the size of their membership.

Madam Speaker, these are some of the main changes that are proposed and they are intended, of course, to update the Industrial and Provident Societies Act and to strengthen the institutional and legislative framework which govern these societies.

I beg to move for second reading of the Bill, Madam Speaker.

The DEPUTY SPEAKER: The question is that the...

(Dr. Davies rises)

I'm sorry, go ahead, Dr. Davies.

Dr. DAVIES: Just a simple question to the Minister. The Industrial and Provident Societies will be regulated by the Registrar of Cooperatives?

Mr. SHAW: Yes.

Dr. DAVIES: What's the reporting relationship? To whom does the... to which Minister does the Registrar of Cooperatives report?

Mr. SHAW: I think it's Industry and...it's Industry and Commerce.

Dr. DAVIES: But are there instances where...

Mr. SHAW: Isn't it your Ministry? (Referring to Mr. Stern)

Dr. DAVIES: ..that he would report to the Minister of Finance. I'm not clear on that reporting relationship.

Mr. SHAW: Just a moment. The Registrar of the...CPC...

(Consultation)

Mr. SHAW: The Registrar of Cooperatives, isn't it the Ministry of...

(Consultation)

Mr. SHAW: Yes, the Ministry of Industry. It is the Ministry of Industry that the Registrar reports to.

A MEMBER: Friendly Societies.

Mr. SHAW: Yes.

Dr. DAVIES: All right, the second part is, are there issues on which the Registrar would report to the Minister... Minister you are taking this Bill through. Are there instances in which the Registrar would be reporting to the Ministry of Finance?

Mr. SHAW: I believe there are circumstances in which they would report to...There are some issues that would relate to the Minister of Finance. But as an operational day-to-day exercise, the Registrar of Companies as of now...the Registrar of Cooperative Societies as of now, they are really governed by the Ministry of Industry and Commerce.

The DEPUTY SPEAKER: The question before the House is that the Bill be read a second time.

Put to the House and agreed to.

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

COMMITTEE STAGE

The CHAIRMAN: Members of the Committee, I now put the clauses of the Bill, 1 to 30, to the whole House.

Clauses 1 to 30, *en bloc*, put to the Committee and agreed to.

The DEPUTY SPEAKER: I now put the Title and the Enacting Clause…

Mr. SHAW: No, the Fourth Schedule.

The CHAIRMAN: No, it's a part of the last Clause…

Mr. SHAW: Okay.

The DEPUTY SPEAKER: …so it's now the Title. I now 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 now report the Bill as having passed Committee Stage without amendment.

Put to the Committee and agreed to.

RESUMPTION

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

Mr. SHAW: Madam Speaker, I beg to move for the third reading of the Bill.

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 Industrial and Provident Societies Act",

read a third time and passed.

The DEPUTY SPEAKER: Minister Charles, what is it?

(*Sotto voce* comments by some Members)

Mr. CHARLES: Madam Speaker, I now move for the suspension of the Standing Orders to enable me to make the motion, notice of which I gave earlier.

The DEPUTY SPEAKER: The question before the House is that the Standing Orders be suspended to allow the Member to take the motion, notice of which he gave earlier.

Put to the House and agreed to.

Mr. CHARLES: Madam Speaker, in continuing the effort to improve the administration of National Insurance…

Dr. DAVIES: No, don't say that.

Mr. CHARLES: …as well as enhancing benefits to the aging and the retiring population, the National Insurance (Increase in Benefits) Order 2010, and the National Insurance (Increase in Benefits), Resolution 2010, have been Tabled in this House, today, July 13, 2010.

The amendment concerns the validation of increase in NIS benefits which became effective July 1, 2010. The authority for this course of action continues under Section 23(a) of the National Insurance Act which allows the Minister responsible for Social Security to increase any benefits under the Act by an Order subject to affirmative resolution of Parliament.

Madam Speaker, you will recall that the Honourable Prime Minister, in his Budget presentation, on April 20, 2010, announced that benefits payable to claimants under the

National Insurance would be increased. These increases range from 11 to 33 per cent in respect of pensions, grants and allowances. Over the years, periodic increases have been granted to NIS beneficiaries to assist them in keeping pace with inflation, and resulting increase in cost of living. The last set of increased benefits was in 2008.

Madam Speaker, in granting increase to NIS benefits, we have to ensure that the National Insurance Scheme can, in fact, absorb the increased cost, and that its long-term sustainability will not be jeopardized. Members of this House will recall that, on both sides, concern had been expressed about the quantity that is being given to the poor, aged, the…

(*Sotto voce* comments)

Mr. PICKERSGILL: You remember when you over here, you said it can't buy icy mint.

Mr. CHARLES: But that wasn't as bad as what you *seh*. You *seh yuh* don't want it, is SIN! You said it shouldn't come in.

(*Sotto voce* comments)

And I am surprised that you even want to speak about it now.

Dr. DAVIES: Listen, *gwaan* back to *yuh* paper.

(*Sotto voce* comments)

Mr. CHARLES: Despite the odds, NIS remained, as was under you…viable.

Dr. DAVIES: Montague, *im* reading.

Mrs. NEITA-HEADLEY: Point of Order!

Mr. CHARLES: Sixty-two – it now stands at $62.3 Billion on the base of the recent actual evaluation, the Fund's long-term viability is assured.

Madam Speaker, prudent management of the assets of the Fund dictates that periodic adjustments to the benefits must go hand in hand with commensurate increase in contribution.

I want to say this, we don't need anybody to tell us that the amount of money being paid out is small. We know that.

Mr. PICKERSGILL: When you were at trade union you used to go on bad.

Mr. CHARLES: We will not destroy the National Insurance Scheme simply to pay out…

Dr. DAVIES: That is in the text?

Mr. CHARLES: …because there is not enough money there to do better than we are doing at this stage. Later in the day, I will make an announcement.

Mr. PICKERSGILL: Which day?

Mr. CHARLES: Later today…

MEMBERS: Where? When?

(*Sotto voce* comments/Laughter)

Mr. CHARLES: Later tonight, I will make an announcement that you will be very pleased about. I will shortly be Tabling, in this House, a Bill, to amend the National Insurance Act. This will facilitate increase in contribution rates payable under the NIS and will greatly enhance the capacity of the Fund to sustain and increase benefits for people to be implemented.

Mr. ARSCOTT: So you increasing the rate?

Mr. MAIR: No tracing.

A MEMBER: Pearnel, don't answer them.

Mr. CHARLES: I say that we are going to put a Bill in this House that will speak to the increase.

Madam Speaker, the following are the increases that we can do at this time. Let me make it clear - let me make it clear, with no apology. If this Government could triple it, we would do it. We are not in a position to do it at this time, based on the quantity of money that is in it, and the long-term that it can serve.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. CHARLES: Old age, Invalidity, Widow and Widower's Pension; full rate increase from $2,000 per week to $2,400 per week.

MEMBERS: Aahhh!

Mr. CHARLES: And those people who are getting this would not be getting anything at all if it weren't for L. G. NEWLAND, and government of the past who brought forth this NIS.

(Cross talk/Heckling)

Orphans and Special Children Allowance; benefit is payable under the guardian of children below age 18, whose parents have died and who have contributed to NIS will increase from $3,500 per week to $4,200 per week. Not bad, *eeh*?

A MEMBER: *Lickle* better.

Mr. CHARLES: Employment Injury Benefit and Disability payments – Pensions; the benefit currently ranges from $250 to $2,500 per week, dependent on the nature of the injury. These benefits will now range from $320 per week to $3,200 per week, depending on the injury.

Special Anniversary Pension increased from $1000 per week to $1200 per week. This benefit is payable to persons who were born prior to 1908.

A MEMBER: How many of them you have now?

(*Sotto voce* comments)

Mr. CHARLES: Well, you would like to know, we have - the country now boasts just under 1,000 persons over 100 years old. We have a record of them.

Mr. PICKERSGILL: So, why you *nuh* give them more money?

Mr. CHARLES: In fact, I will tell you. They weren't getting anything.

Dr. DAVIES: So, Pearnel, you are one of them?

(Laughter)

Mr. CHARLES: My mother is 20 days away from her hundred.

Mr. PICKERSGILL: Your mother is a good lady.

Mr. CHARLES: My mother is 20 days away from 100.

(Applause)

Sugar Workers Pension increase from $1000 per week to $1,200 per week; Dependent Spouse Allowance, which is in addition to Old Age and Invalidity pension, increased from $650 per week to $800 per week; Maternity Allowance payable for eight weeks to eligible domestic workers will be $4,070 per week. This benefit indexes the National Minimum Wage.

Madam Speaker, the increase in grants are as follows: Funeral grants…

Mr. PICKERSGILL: Yes.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. CHARLES: …increased from $60,000 to $70,000.

Mr. PICKERSGILL: Which funeral parlour you hear *bout* them something there? *Weh* you get that from?

Mr. CHARLES: This is a grant that you opposed - you opposed. You didn't want it.

(Heckling)

Dr. DAVIES: Go back to *yuh* text.

Mr. CHARLES: Old-Age Grant increased from $30,000 to $40,000; Widows and Widower's Grant increased from $30,000 to $40,000; Orphan and Special Children's Grant increased from $40,000 to $48,000. Madam Speaker, Employment Injury and Death Benefits increased from $150,000 to $166,400.

Madam Speaker, these increases will provide further benefits to 115,000 persons. The annual cost of providing these benefits will move from $9 Billion to $10.4 Billion per year. You would be very happy to know that if the Government did not do a review and an upgrading, National Insurance, as it stands now, would be out within a few years.

What we have done, and restricting us to these small benefits, is to preserve it as of now for the next 36 years. We have had consultation with the Opposition. Like me, they feel…they wish it could be more, but as I said, it is better to hold it little than to kill it with greed.

Madam Speaker, NIS Pensioners Health Plan was introduced in 2003 under your Government. The purpose of this grant was to provide additional assistance to NIS pensioners to meet medical expenses. Benefits include: prescription drugs, diagnostic procedures, optical and dental service.

The benefits payable to NI Gold have never been increased since the introduction of the plan in 2003. The benefit provides increased - will be increased from July 1, increase which range from 25 to 50 per cent are as follows: Prescription drugs will increase from $4,000 *per annum* to $5,000; diagnostic service increased from $3,000 *per annum* to $4,000; dental and optical service increased from $2,000 *per annum* to $3,000.

Madam Speaker, the annual cost of providing these health benefits will, therefore, move from $307 Million to $500 Million.

Mr. PICKERSGILL: What happen to the…

Mr. CHARLES: In conclusion…

(Applause)

Madam Speaker…

(*Sotto voce* comment)

Let us not get up and talk as if we are not fully aware, tough times, small but this is what can be done for the people at this time. And we wish that it could have been 20 times more. NIS beneficiaries have contributed to the development of this country and we wish that we could do better for them at this time. But I must announce that the Government is, at this time, examining other ways of improving social assistance. It will be contributory between employer and employee, social programmes cannot only be a contribution from the rest of us, those who are going to benefit make an investment in it at this time.

I, therefore, invite this House to consider, with a view of passing into law, the provision of the National Insurance increase as outlined. And I assure you, Madam Speaker that the Government has it under review and we are examining ways and means which we can make it better for the poor. At this time, it cannot do any better and survive, we will not use the politics of enthusiasm to say give, and then tomorrow we have nothing. It is not a play thing. I am very happy to see that the Opposition is now in full support of the National Insurance Scheme and they should

get up and apologize for having tried to destroy it, and call it SIN instead of doing other things.

Mr. KELLIER: Madam Speaker, the Minister, by his own admission, has indicated that the increases are very, very small. And, as a result of his having made that admission, it would not serve any useful purpose for me to quote what he said a few years ago.

Mr. PICKERSGILL: No man, quote him.

Mr. KELLIER: As is recorded in **Hansard,** and I used the occasion last year when I spoke on a similar matter or year before, to remind the House what he said. But I don't propose to remind the House…

Dr. DAVIES: I was not there when you did, I *waan* hear what you said.

Mr. KELLIER: You know, Madam Speaker, the Minister said I was beating up my chest and laughing at how we have made this big increase and done so much for the poor but, the increase could not buy two icy-mint, not even two icy-mint. But, I am not going there tonight because we have passed that.

Mr. SHAW: It cost much more than that now.

Mr. KELLIER: It depends on which shop you go; if you go in the Chinese shop, it cost less.

The Fund, Madam Speaker, currently, by the Minister's own admission, is now at $62.2 Billion, and where I want to go, Minister, is to see how, apart from the fact that the contributions on the horizon are going to be increased to a reasonable level and the cap is going to be lifted and all that, it means that the fund is in a - looking down the road - is in a position to collect more than it has been collecting in the past. And prudent investment of this $62.2 Billion, continued investment because some is in real estate, some is on money market instruments and all sorts of things, need to be done, because I think that is where we really need to look. I am not going to curse the dark of this little increase; that is not going to help us this evening. I think we need to look to the future Minister, as to how we can maximize the investment portfolio of this money that we have currently, in hand, so that we can make more meaningful disbursements in the future. The rate at which we - and some of the things that we invest in now, we need to take another look at whether or not some of assets are performing to a maximum or optimum level, to see whether or not we need to change out the portfolio and do something new. Because in truth and in fact, where the cost of living has reached, these kinds of adjustments are really, you know, not a great help, not a great help. I know everybody who gets it appreciates it, but I think the time has come for us to stop this across-the-floor blame game as to how much we give, but to see how much more we can give by creating a better investment arrangement for the size of the fund that we have. (Applause) A Fund with $62.2 Billion is not a chicken feed Fund, it is a big, big Fund that, and we must be able to find - knock some heads together with some of the people who know how to deal with this maximize output of money to make this Fund move faster, so that within another two years, apart from the lifting of the ceiling and all that, we can give more meaningful increases to the people. So we are supporting the increases because you can't do better and the actuaries have advised you that this is what you must do to safeguard the Fund. So we are not knocking that, while

we would love, as we have agreed, to see more done.

There is just one particular area, Minister that I think, notwithstanding what I have said, that I think we need to look into. And that is in relation to Employment Injury Benefit, No. 4, additional pensions; it says delete the figures $2,500 and substitute $3,200 instead, an increase of $700. The reason why I raised this one is because, injury, when a person - an injury benefit is not something that is easy to deal with. And the cost of pharmaceuticals and those things now-a-days and the whole medical things and all those things are very, very expensive...

Dr. CHANG: That is free now.

Mr. KELLIER: The cost of what free?

(*Sotto voce* comments by Dr. Chang)

Mr. PICKERSGILL: You mean it is supposed to.

Mr. KELLIER: What *yuh* talking *bout*, which free? No, no you don't bother with that argument *bout* it free. No, no, when the hospital don't have it, the man have to go down a place there to buy the drugs. Don't let nobody tell you say - hospital don't have no full stock of nothing. You have to go down the pharmacy and purchase the things. Any MP who relates to his or her constituency knows that hospitals don't have an array of drugs in the pharmacy, they have to go to the private pharmacy to purchase these drugs. So I am saying to you Minister - don't listen to *Chiney Man* round a back - I am saying to you Minister, you know the facts of this thing, the injury part of the thing – I think that is the only area I would suggest to you, in the short term that you take another look at, knowingly, that injuries when caused have a repercussion where the expense is concern on the poor people who can't afford it. So apart from that, Madam Speaker, we give our - we are not opposing the measures, we support it. But just with that caveat, those two things, that we look at a more prudent way of managing and investing in the funds so that we can do better in the future and that you take another look, not for tonight, but take another look, Minister, on the injury benefit, because as I said, it is really difficult out there for people who get injured. (Applause)

Mr. CHARLES: I just want to assure the Member, Employment Injury Benefits as a trade unionist, and I will let you know - most companies have insurance for their workers. You are a contractor of work, you are aware of that. So you get injury, you are entitled to provisions under your contract of employment which is separate from NIS. And the benefit discussed at this time is for time off, sick leave, disabled pension after a person gets back to work. The NIS also pays a portion of your medical bill. So what is here, there are several other supportive arms for the worker who gets injured on the job.

Lastly, let me say, we have fulltime team searching for areas of investment, overseeing the investment, searching for the best possibility of increasing the investment. I will assure you, they have been instructed, the Ministry of Finance guide us, watch our Investment, see that we go the best way. That former Minister will tell you, we must do everything to protect the little we have and find ways of increasing it, but we must not do anything to destroy it.

Madam, I want to - with that – I want to - I now move, that the motion, be agreed to.

The DEPUTY SPEAKER: The question before the House is that the motion put

forward by the Member be now approved by this Honourable House.

Motion put to the House and agreed to.

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, we are usually accused of not working long enough, but I certainly, would say that we cannot be accused of that tonight.

Madam Speaker, it is not proposed to do any further business today. I, therefore, move that the House do adjourn until Tuesday, the 20th of July.

The DEPUTY SPEAKER: The question before the House is that this House be adjourned until Tuesday, the 20th of July.

Motion put to the House and agreed to.

The DEPUTY SPEAKER: This Honourable House is now adjourned.

Adjournment taken at 9:10 until Tuesday, July 20, 2010 at 2:00 p.m.

TUESDAY, July 20, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.34 p.m.

PRESENT

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

PEARNEL PATROE CHARLES CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

OTHER MEMBERS

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

MR. KERN O'MAR SPENCER, (PNP), St. Elizabeth, North Eastern.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Mr. Joseph Hibbert.

The Honourable House resumed its sitting at 2.35 p.m.

DEPUTY CLERK: Members of this Honourable House here present, I wish to inform you that the Speaker and the Deputy Speaker are unavoidably absent from the

sittings of the House this week. In accordance with Standing Order 4(2), l now call upon you to elect from among yourselves as Speaker, a Member who is not a Minister or Parliamentary Secretary. I would also ask that the Member elected be empowered to perform the duties of Speaker during the entire period of absence of the Speaker and Deputy Speaker, notwithstanding the other provisions of Standing Order 4(2).

Mr. HOLNESS: Madam Clerk, in accordance with Standing Order 22(2), l wish to nominate Mr. Desmond Mair as Speaker of the House. I also ask that Mr. Mair be empowered to perform the duties of Speaker during the entire period of absence of the Speaker and Deputy Speaker, notwithstanding Standing Order 4(2).

Mr. WITTER: I beg to second the motion.

Mr. JACKSON: What are your credentials?

DEPUTY CLERK: I now invite further propositions from the floor. There being no further propositions, I now declare the Member so proposed and seconded, as Speaker of the House during the entire period of absence of the Speaker and Deputy Speaker. (Applause)

The ACTING SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The ACTING SPEAKER: I'd like to extend a welcome especially to all those in the Gallery and to remind those attending the meeting to take this opportunity to turn off your cellular phones or turn them on to silent.

I'd also like to welcome the members of the media. And a special welcome to former Minister Mr. Douglas Vaz, who is today with us in the Chamber. (Applause) And I would like to also, Members, thank you for the trust you've put in me to act in the absence of the Speaker and the Deputy, thank you.

Dr. DAVIES: And thank the majority, yu lucky. (Laughter)

STATEMENTS BY MINISTERS

Mr. HOLNESS: The Honourable Prime Minister has a statement.

The ACTING SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, it's a brief oral statement I wish to make in relation to a Ministry Paper which will be tabled in the House today, Ministry Paper Number 65, dealing with the Public Sector Master Rationalization Plan. It conveys the recommendations of the Public Sector Transformation Unit for the-restructuring of Government ministries, departments and agencies.

I want to briefly say, that this is being tabled as a Green Paper. Those recommendations have not been signed off on by Cabinet; and we felt it was important to present it as a Green Paper, because it is of such fundamental importance that we feel it requires, and would benefit significantly from public discussion. We intend - and I will move a resolution at the appropriate time - to have it referred to the Public Administration and Appropriations Committee for their consideration and Report back to Parliament.

I want to make just two other points. What has been presented focuses on the

structure of the various entities of government. The PSTU has made its recommendations; I think Members are already aware that it is headed by a very distinguished public servant and former Permanent Secretary in the Office of the Prime Minister, MRS. PATRICIA SINCLAIR-MCCALLA. She is supported by a very competent technical team and in addition to that, the Unit is oversighted, advised and guided by an Oversight Committee chaired by MR. PETER MOSES, which includes representatives of government, private sector, trade unions, and academia.

They've done a considerable amount of work. But the work that they have done addresses only the structure of government, though it's an important aspect of the work that they will now have to embark upon. And that could perhaps be summed up in one word as the culture of government, but more specifically, the need to properly align authority with responsibility.

Those of us in this House, Mr. Speaker, on both sides, who have had the honour and the responsibility of being ministers of government, I'm sure will recognise that there is a disjuncture, there's a disconnect between authority and responsibility. There's no point in arguing how that came about I mean, it's decades, maybe over a century; and in the evolution of the public sector that, in my view, has been a major issue that has to be addressed. So that they're gonna be embarking on that aspect of the work now.

(DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing, entered and took his seat.)

The outcome of that - the output of that, may very well require significant changes to the statutes that govern the conduct of government - the conduct of the public sector. It could very well involve addressing issues in the Constitution, as it relates to the constitution of the public sector and certain of the provisions there relating to the functioning of the public sector. But I hope that this is a matter that will engage significant public debate. I urge the Public Administration and Appropriations Committee to try to make time, I know we are on the eve of the Summer recess, but I'm gonna ask them to make appropriate time to be able to examine it and to provide the House with the benefit of their own consideration and recommendation, so that when we resume perhaps we can move this process forward.

(MS. OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Information, Culture, Youth and Sports, entered and took her seat.)

One final point. I now an issue of some concern has to do with the number of ministries. Deliberately, in tasking the PSTU, we did not say go and structure a government to fit into 12 ministries or 15 ministries, we didn't think that that was the appropriate way. We said look at government, look at what we have defined as the function and purpose of government and then look to see how the various executing entities of government should be properly structured. That will inform a determination and a decision as to how many Cabinet portfolio responsibilities are required to fit that in.

I'm not sending any signals here, but it is of some interest that the Cabinet of Trinidad and Tobago recently appointed by the new Prime Minister, has 26 Members. I don't suggest that that is a - that is necessarily

something that needs to be emulated. But the point I'm making is that that decision is one that will be made arising out of the consideration for the recommendations that have been presented.

And with those few remarks, Mr. Speaker, as I indicated, the Ministry Paper will be tabled in the course of the sitting this afternoon.

The Acting SPEAKER: Thank you, Prime Minister.

ANNOUNCEMENTS

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

Ministry Paper No. 64

- The Public Sector Master Rationalization Plan Recommendations for the Restructuring of Ministries, Departments and Agencies
- Report of the Sessional Select Committee on Public Administration and Appropriations on our deliberations on:
    1. the variations to the budget of the Ministry of Tourism
    2. contracts with the China Harbour Engineering Company Limited for road works at Palisadoes and for the Jamaica Development infrastructure programme
    3. the Financial Services Commission in respect of the Insurance Industry and Alternative Investment Schemes and
    4. the Ministry of Youth, Sports and Culture
    5. the Motion for the Review of the Processes for the Evaluation and Approval of Commercial Agreements by Public Bodies.

Also laid is a copy of the Jamaica Social Investment Fund Annual Reports and Audited Financial Statements for the 2007/2008 and 2008/2009 fiscal years and Special Report of the Joint Select Committee on the Bill shortly entitled: "The Protected Disclosures Act, 2010"

Certified Appropriation Accounts for the following Ministries:

1. Head 4100B - Ministry of Education and Youth for the financial year 2007/2008; and
2. 1700A Ministry of Tourism for the years 2007/2008 and 2008/2009.

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 of the 16th day of July 2010, the Senate concurred with the House of Representatives amendment to the Bill shortly entitled "The Credit Reporting Act, 2010" and passed the Bill shortly entitled: "The Childcare and Protection (Children's Homes) Regulations 2005 Validation and Indemnity Act, 2010".

Signed: Oswald G. Harding
President of the Senate"

REPORTS FROM COMMITTEES

Dr. McNEILL: Mr. Speaker, at Reports from Committees, Mr. Speaker, I beg to lay on

the Table of the House copies of the report/ reports of the Sessional Select Committee on Public Administration and Appropriations on its deliberations on:

1. the variations to the budget of the Ministry of Tourism
2. the contracts with the China Harbour Engineering Company Limited for road works at Palisadoes and for the Jamaica Development Infrastructural Programme
3. the Financial Services Commission in respect of the insurance industry and alternate investment schemes
4. the Ministry of Youth, Sports and Culture.

NOTICES OF MOTIONS GIVEN ORALLY

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

> Be it Resolved that the Report of the Sessional Select Committee on Public Administration and Appropriations on its deliberations on the variations on the budget of the Ministry of Tourism, the contracts with the China Harbour Engineering Company Limited for road works at Palisadoes and for the Jamaica Development Infrastructural Programme, the Financial Services Commission in respect of thy Insurance Industry and the Alternative Investment Schemes and the Ministry of Youth, Sports and Culture which were laid on the Table of the House on Tuesday the 20 day of July, 2010, be adopted.

Thank you.

The Acting SPEAKER: Thank you Mr. McNeill.

Mr. HOLNESS: Mr. Speaker:

> Be it Resolved that Green Paper No. 1/2010 which was laid on the Table of the House on July 20, 2010, regarding the recommendations of the Public Sector Transformation Unit for the restructuring of Government ministries, departments and agencies be referred to the Public Administration and Appropriations Committee for consideration and report.

The Acting SPEAKER: Thank you, House Leader.

The PRIME MINISTER: Mr. Speaker, I beg to give notice that at the next meeting of the House l will move the following Resolution:

> Whereas by virtue of paragraph (b) of subsection (4) of section 26 of the Constitution of Jamaica the Governor-General may make a Proclamation declaring that a state of public emergency exists;
>
> And Whereas the Governor-General was satisfied that action had been taken or was immediately threatened by a person or a body of persons therein of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life;
>
> And Whereas the Governor-General was satisfied that a state of public emergency existed in the

community or any substantial portion of the community as a result of the aforementioned circumstances;

And Whereas in exercise of those powers the Governor-General by Proclamation on the 23rd of May 2010 declared that a state of public emergency exists in Jamaica in substantial portions of the community of Kingston and St. Andrew as specified in the Schedule to that Proclamation;

And Whereas in further exercise of those powers the Governor-General by Proclamation on the 22nd of June, 2010, declared that a state of public emergency exists in Jamaica in substantial portions of the parish of St. Catherine as specified in the Schedule to that Proclamation;

And Whereas pursuant to paragraph (a) of subsection (6) of section 26 of the Constitution of Jamaica a Proclamation made by the Governor-General for the purposes of and in accordance with section 26 shall, unless previously revoked, remain in force for one month or for such longer period not exceeding 12 months as the House of Representatives may determine by a resolution supported by the votes of a majority of all the Members of the House;

And Whereas pursuant to paragraph (b) of subsection (6) of section 26 of the Constitution of Jamaican a Proclamation made by the Governor-General for the purposes of and in accordance with section 26 may be extended from time to time by a resolution passed in like manner as is prescribed in paragraph (a) of subsection (6) of section 26 of the Constitution of Jamaica for such further periods, not exceeding in respect of each such extension a period of 12 months;

And Whereas on the 22nd June, 2010, the House of Representatives resolved that the Proclamation relating to Kingston and St. Andrew should be extended in force until the 22nd day of July, 2010;

And Whereas it is desirable for both Proclamations to be extended in force until the 21st day of August 2010:

Now Therefore be it Resolved that the House of Representatives as follows:

1. This Resolution shall be cited as the State of Public Emergency (Kingston and St. Andrew and St. Catherine)(Extension) Resolution, 2010;
2. The Proclamation made by the Governor-General on the 23rd day of May, 2010, declaring that a state of public emergency exists in Jamaica in a substantial portion of the community, namely the parishes of Kingston and St. Andrew, as specified in the Schedule to that Proclamation, is hereby further extended in force until the 21st day of August 2010;
3. The Proclamation made by the Governor-General on the 22nd day of June 2010, declaring that a

state of public emergency exists in Jamaica in a substantial portion of the community, namely the parish of St. Catherine, as specified in the Schedule to that Proclamation, is hereby extended in force until the 21st day of August, 2010.

And, Mr. Speaker, I wish to give notice further that at a later stage today I will seek suspension of Standing Orders in order to enable me to present and to invite the House to approve this Resolution.

QUESTIONS AND ANSWERS TO QUESTIONS

Dr. DAVIES: Mr. Speaker, I beg to give notice that at the expiration of 21 days I will ask Prime Minister the following questions:

1. Does the Prime Minister recall my asking him, here in Parliament, whether the e-mails which he had indicated had been exchanged between the Solicitor General and the Law firm Manatt, Phelps & Phillips, could be made public?
2. If the answer to Part 1 is in the affirmative, does the Prime Minister recall his response that he would seek legal opinion as to whether these e-mails could be made public?
3. If the answer to Part 2 is in the affirmative would the Prime Minister indicate whether he has sought legal opinion on the matter?
4. If the answer to Part 3 is in the affirmative, would the Prime Minister table the opinion which he has received?
5. If the answer to Part 4 is in the negative, would the Prime Minister indicate the reason for the delay and indicate when will the opinion be available?

PUBLIC BUSINESS

The Acting SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business we will first take the motion, notice of which the Prime Minister just gave, and then we will continue with the Sectoral Debate where the Minister of Information will make his presentation.

The PRIME MINISTER: Mr. Speaker, I beg to move for suspension of the Standing Orders to allow me to take the Resolution, notice of which I gave earlier.

The Acting SPEAKER: Members, the question is that the Standing Orders be suspended to take the motion earlier presented by the Prime Minister.

Motion put to the House and agreed to.

Prime Minister.

The PRIME MINISTER: Mr. Speaker, the House will recall that a state of emergency was declared, limited to the Corporate Area on the 23rd of May, 2010. The declaration of that state of emergency was occasioned and made necessary by the fact that there was manifest evidence that action had already been taken and further action was contemplated which would have placed the security of the State in significant jeopardy. The events leading up to that are already well known.

Under the Constitution, a state of emergency can only be invoked for a period of one month, unless Parliament by Resolution extends that state of emergency and it can do

so for periods not exceeding 12 months. It was necessary for the House to be asked, as it was in June, to approve a Resolution extending the state of emergency for a further period of one month. I should point out, Mr. Speaker, that at that time the recommendations of the security forces signed by both the Commissioner of Police and the Chief of Defence Staff was for an extension of three months. Cabinet considered the matter and it was felt that it would be more appropriate to seek the approval of the House for an extension of one month and in the course of that month a further evaluation could be made and further advice could be sought from the security forces to determine whether there was any need for it to be extended further.

Based on the recommendations of the security forces at that time, a state of emergency - a parallel state of emergency was declared for the parish of St. Catherine because again, based on intelligence report, that was an area in which there was activity taking place, there was activity contemplated that posed a serious threat to national security. Members may recall, Mr. Speaker, that on one particular day in May there were21 murders, 19 of which occurred in and around Spanish Town. And, therefore, the Governor-General was advised by Cabinet in Council, to issue a Proclamation declaring a State of Emergency for the parish of St. Catherine. Both Proclamations, or the period for which the State of Emergency exists - in one case by Proclamation of the Governor-General, in another case by approval of the House - will expire on the 22nd on Thursday, I believe, the 22nd of this month.

The security forces advised me by letter dated the 19th of July, that it is their strong recommendation, based on the intelligence that they have available to them; it is their strong recommendation for the Emergency in both the Corporate Area and St. Catherine to be extended for a further period of one month. They have also recommended, Mr. Speaker - and I have the letter before me - they have also recommended that a State of Emergency be declared for the parish of Clarendon.

The decision, and particularly in relation to the expansion of emergency operations to Clarendon, has to do with the intelligence they have that indicate that as their operations have been carried out in the Corporate Area there are persons who they have good reason, based on intelligence, to believe have been involved in much of the criminal violence that we have been experiencing for a long period, that they had taken refuge in other parts of the island. And, therefore, they have asked for an expansion of emergency operations to the parish of Clarendon. That is not the subject of the resolution because that would be the basis - that would form the basis of a Proclamation for the Governor-General to issue.

I want to make a few brief points, because we have been here before - we were here last month - and therefore, many of the points which are worthy of being made have already been made and I don't need to go over them. But I want to make a few points.

Firstly, 1, too - the Commissioner has adopted that posture, and I too wish to be very cautious that we don't become complacent with the encouraging results that we have been seeing. And I want to caution even those who have expressed a greater feeling of safety and security that this job is not over, that there is a lot more work to do. But we can take encouragement from the results.

For the first eve months of this year, Mr. Speaker, January to May, we had 737 murders committed in Jamaica 737; that is an average of 147 murders per month, or almost 5 murders a day. For the month of June we had 92 murders, or an average of 3 murders a day. For the month of July, up to midnight last night, we have had 45 murders, or an average of 2.36 murders per day. And 2.36 murders per day is still, in my view, an unacceptable level of homicide in a society that can only grow and prosper if we are able to establish some level of peace and comfort and confidence in security. And as I say, I caution that these are figures that must come down even further, which means that the efforts and the measures that have been used to bring about this reduction, are measures that need to be sustained at least for the immediate, to continue that process. Because the security forces have made it clear to me - and I met with both Commissioner Ellington and Chief of Defence Staff Saunders, before I left for Parliament this afternoon - they are of the view, and they have advised me and authorized me to express that the nature of the operations that are being carried out would be severely hampered if there is a curtailment of the emergency powers under which they operate.

Now, on that issue, there is an argument which has been presented that you don't need a State of Emergency because there are powers for cordon and search under the Constabulary Force Act, I think under the extended section 50 of the Act. That is true. But those powers have existed for a long time. Those powers have existed I believe from 19 - when was it, 1994? And the fact of the matter is that with all those powers, and with all the facilities that those provided, we have never been able to make the kind of impact that we have made in the last two months.

But in addition to that, Mr. Speaker, the nature of the security operations that the security forces feel must now be carried out, would be severely inconvenienced if those were the only powers to which they could resort. And let me give you one example. At the moment the police, the security forces, generally, they can throw a cordon, they can impose curfew, they can go in and search premises. And they have done a considerable amount of that and they have yielded a large quantity of weapons and ammunition. They are not detained or delayed by the necessity to seek external authority.

Without a State of Emergency they cannot conduct a search of any premises, unless they have a specific warrant for those premises. In other words, if they throw a cordon around a section, and within that section there are 136 houses that they may wish to search - some of which they may wish to search, they need to get a specific warrant for every particular house that they need to search. And they explained to me, sometimes you know which house you are going to search, but you have to be careful that that is not the only house you search because if you do that you are going to expose the source of your intelligence to danger. There are whole heap of ramifications.

There are other considerations as well. Under a State of Emergency, the Jamaica Defence Force, which has a different kind of capability than that of the police force because they are trained differently, can take control of an area, can ensure that that area is brought to a manageable level of operation, that then allows the police who are trained in what they

do, to move in to conduct the searches, to do the investigations, and so on. They can do that under a State of Emergency. Without a State of Emergency they can't because they can't operate unless they are there in support of the Constabulary Force. There is an operation that is being carried out, I believe, even now, as we speak, commenced this morning in a section of the Corporate Area. That was executed in that particular fashion - that the military went in, took command, took control, and then allowed for the entry of the police to conduct the kind of investigation that they need to make.

The Commissioner of Police has told me that they are now - they have already charged or are in the process of charging several persons for serious crimes. And he is of the view that they would not have been able to complete the investigations, given the nature of those offenders, given the fear that those offenders exude, they would not have been able to complete those investigations to the point where criminal charges can now be laid, were it not for the fact that those persons have been held in detention, and therefore have enabled them to do what otherwise they would not have been able to do. Even with the six anticrime Bills that were passed recently in the House, that option would not have been available to them, because the period of sixty days during which there is a curtailment not a denial but a curtailment of bail, would only apply after someone has been charged.

And you know, it was of some interest to me when the Prime Minister of Trinidad and Tobago was here two weeks ago, and she indicated to me that they also have six crime Bills which apparently had been prepared by the previous Administration. She said that they were proceeding with three of them; there were three others that they wanted to re-examine. But among the three that they are pursuing - very similar to some of ours that we have passed - was one regarding provisions regarding the granting of bail. And whereas we passed a Bill at great opposition, both in Parliament and outside of Parliament, that says that for a period of sixty days bail would only be granted in certain specified circumstances, the Bill before the Trinidad Parliament now is for 120 days. They too face a crime problem, proportionately perhaps not as great as ours, but still sufficiently significant. And, therefore, the recommendation of the security forces cannot be taken lightly, nor, Mr. Speaker, can we take lightly the actions that we are asking the House to approve.

The exercise of these Emergency powers is an encroachment on the fundamental rights of our citizens, let us acknowledge that. Our Founding Fathers anticipated that that might be necessary from time to time. Which is why in creating the Constitution they made provision for those fundamental rights to be abridged if it was considered necessary either by the circumstances that confront the country at a particular time, or in the broad and general interest for public safety, and so on. But what it means is that we have to approach the exercise of those powers very carefully. We have sought to do so in the current period of Emergency.

You will recall, Mr. Speaker that unlike what was done at least on one previous occasion when a State of Emergency was declared, we made sure to exclude from Emergency powers, control of the media. There was at times - in 1976 the media was subject to control. We made sure that that was

excluded from the Emergency powers so that the competent authorities have no power to tell any media house what to report or what not to report, in relation to the State of Emergency or during the period of the State of Emergency. I also think it is true to say, it is true to say that in the current period which commenced on May 23, our security forces have acted with admirable professionalism and restraint. (Applause) I do not for one moment suggest that there have not been abuses. And instances of abuse must be investigated.

The Public Defender has already expressed himself in terms of his view of the need for a Commission of Enquiry. That matter has not yet been presented to Cabinet because we wanted to have the benefit of the considered opinion and report of the Public Defender, based on the statements he has collected and based on the report of the autopsies that were done on those people who were killed during the exercise in West Kingston, all of which have now been completed, but as far as I am aware, he has not yet received the reports from all of the independent pathologists.

When that report is submitted we will examine it to determine what would be the appropriate course of action. But every instance of abuse will have to be investigated, and those who were responsible will have to be held to account.

The Independent Commission of Investigations that we established recently by statute, subjects members of the security forces, whether it's the soldier, police, and even other state agents, correctional services, to the investigative authority of the commission. And even though some proposals were made that perhaps some categories of security officers involved in certain types of operations should have been exempted, we took the decision, no. You are authorized to exercise certain functions, to exert certain authority, and in the course of which you are authorized to even use lethal force, provided it is always understood that you must be prepared to be held responsible for what you do in the exercise of those functions.

But I think that we would be playing Russian roulette with the country's security. We would be risking a regression from the significant advances that have been made, if in the face of the recommendations of the security forces we were to say, enough is enough, this is as far as we are prepared to go.

Let it be clear though, Mr. Speaker, let it be clear, and this is something that has concerned me, concerned Members of the Cabinet and I'm sure concerned many Members of this House. And I made this very clear to both Commissioner Ellington and Chief of Defence Staff, Saunders, this afternoon, that neither the security forces nor the public at large must be allowed to develop a feeling or to accept the actuality that law enforcement, containment of crime must be contingent on emergency powers, that our security forces become addicted to exercising emergency powers. There is real danger in that. And that's something that we cannot afford to happen.

But we have commenced a job. The security forces have satisfied me that they need more time, based on the intelligence that they have, based on the locations, that they have reason to believe, provide a hiding place now for many of the persons who are wanted and many of the persons who have been responsible for significant levels of crime.

Based on all of that, I'm inviting the House, Mr. Speaker, to approve the resolution which seeks to extend the period of emergency for another month, to expire, as is stated in the resolutions I believe it is to expire on August 21, of 2010. And I am hopeful that in that period the campaign that is being carried out by the security forces will have reached to the point where we can transition back to normal law-enforcement authority. But by that time I think that we would have broken the back of that monster, something that has scared the daylights out of us for so long, but something which seems now to be scared itself. We cannot word to lose that advantage. And I invite the House to approve the resolution.

(Applause by Government Members)

The ACTING SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker, permission to speak from a seat other than my own.

(Inaudible comments by the Acting Speaker)

Mr. BUNTING: He said yes?

(Inaudible comments)

Mr. BUNTING: Crowded, crowded.

(Cross talk)

Mr. BUNTING: Mr. Speaker, ideally, the Opposition would have expected that in the face of the request to continue the suspension of the fundamental rights and freedoms of those Jamaicans living in the parishes covered by the State of Emergency, that the Government would have communicated with the Opposition at least a day or two ago to perhaps share with us the request and the reasoning behind this move to further extend the State of Emergency.

In fact, on my own initiative this morning, Mr. Speaker, I attempted to contact the Minister of National Security to try and understand from him what was the intention of the Government and to get the thinking behind it, but I didn't get through to him and he didn't return my call. So, I want to just start out by saying that ideally, we believe a matter as fundamentally important as this is should have been subject to some discussion prior to the House Leader calling me at about 1:30 this afternoon.

That having been said, I want to start by acknowledging the tremendous work done by the security forces over the last two months or so. (Applause) I concur with the assessment that in general, they have acted with professionalism and restraint.

Now, Mr. Speaker, in our constitution, and I quote:

"*A State of Public Emergency is declared when the Governor-General is satisfied that:*

(a) a public emergency has arisen as a result of the imminence of a state of war between Jamaica and a foreign state or as a result of the occurrence of any earthquake, hurricane, flood, fire, et cetera.

Obviously that was not the case for declaring it. But instead:

(b) that action has been taken or is immediately threatened by any person or body of persons"-

And I emphasize here,

(c) "of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community or any substantial portion of the community of supplies or services essential to life".

And while we are debating here the extension and not the declaration for the parish

of Clarendon, since the Prime Minister mentioned it, I would have to question here whether, today, declaring a State of Emergency in Clarendon, would meet that test for which the Governor-General must be satisfied that action has been taken, or is immediately threatened by any person, or body of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety.

But the Constitution goes on further and it speaks to the extension of these proclamations. And it says that:

> "*This shall, unless previously revoked, remain in force for one month or for such longer period not exceeding 12 months as the House of Representatives may determine by a resolution supported..."*

And again I emphasize here:

> *"by the votes of a majority of all the Members of the House*".

Mr. CHARLES: Present.

Mr. BUNTING: No, by the votes of a majority of all the Members of the House.

Mr. CHARLES: Sitting.

Opposition MEMBER: No.

Mr. BUNTING: Mr. Speaker, my interpretation of that is that we need 31 in Members to support a resolution for such an extension in order for it to be valid or for it to pass. And (b) goes on:

> "That it may be extended from time to time by a resolution passed in like manner as is prescribed in paragraph (a) of this subsection for further periods, not exceeding in respect of each such extension of a period of 12 month".

So, it says *for further periods* and it doesn't limit what that period could be.

(Inaudible comments)

Listen, listen...

Mr. E. SMITH: Support it, man.

(Cross talk)

Mr. BUNTING: Now, Mr. Speaker, it is indisputable that we have seen a dramatic reduction...

Mr. BUCHANAN: No bullyism here.

(Inaudible comments by a Government Member)

Government MEMBER: Careful, careful.

Mr. BUNTING: Mr. Speaker, it is indisputable that we have seen a dramatic reduction in major crimes generally, down about 20% since the end of May, and murder in particular, during the months of June and July. Murders have fallen by approximately 25% in June and, month-to-date, and my figures are from the CCN up to the 18th, they have fallen by over 50% in July, relative to the corresponding periods in 2009.

And, Mr. Speaker, while this has coincided with the period of the State of Emergency, I think we need to look beyond purely the fact of that coincidence and ask some penetrating questions. What specific strategies have been employed by the security forces that have resulted in these outcomes? And which of those strategies would be precluded by ending the site of Emergency?

The Prime Minister in his contribution said - he highlighted three areas. He said that the State of Emergency allowed the security forces to search entire communities, even if they have specific intelligence on a specific house or home, but they would be able to

search the entire community so as not to perhaps expose the source of their intelligence. The second reason he gave is to hold - that the police can hold suspects. But actually, let me go back to the first reason. If that is the justification, that justification would not end in another 30 days, that justification would continue for as long as the police are going to do the cordon and search and curfew operations.

The second one the Prime Minister gave was that the police, the security forces could hold suspects while they gather information and evidence sufficient to charge the suspects. Now, Mr. Speaker, I am sorry but this is the behaviour of a police state, or a fascist state. We don't just hold the people until we can collect efficient evidence month after month after month. (Applause)

And the third broad reason the Prime Minister referred to was that this extension is based on information, based on intelligence and the recommendation of the security forces. Now, Mr. Speaker, quite frankly that cannot be sufficient without further information. If all the framers of the Constitution required for the extension was the security forces requesting it then they could have made that request directly to the Governor-General and it would not have required passing the resolution here in Parliament. So I don't accept that that is sufficient reason, without further first to feel compelled that just because the security forces ask for it, that we need to rubberstamp that request.

We have a responsibility, an independent responsibility as Parliamentarians to be convinced that this continuing suspension of the fundamental rights and freedoms of our citizens is absolutely justified.

(Applause)

Mr. CHARLES: You know then somebody name Pearnel Charles? I was locked up for one year.

Mr. D. PEART: You shudda still in deh!

Mr. BUNTING: Mr. Speaker, after discussing the present environment with members of the high command and the intelligence community, I have come to the conclusion that while the Security Forces see the State of Emergency as useful, this is not the principal reason for the sustained reduction in violent crime over the last seven weeks. And I will tell you what I conclude that the reasons are.

The first one, Mr. Speaker, is the determined and militant stand taken by the Opposition and a wide cross-section of a civil society group... (Laughter) Laugh all you want... to demand that the Government cease its improper attempts to frustrate the lawful extraction request from the United States of America (Applause) and the related pantomime of deception that played out for that nine-month period. (Applause)

(*Sotto voce* comment by Members) (Heckling)

The ACTING SPEAKER: Members please, Mr. Bunting.

Mr. BUNTING: The second reason, Mr. Speaker, is the operation of the security forces in Tivoli Gardens at the end of May and the subsequent apprehension and extradition of Christopher "Dudus" Coke which effectively degraded the capacity of this international criminal organization headquartered in West Kingston.

(Applause)

It degraded their capacity to inflict violence on the society and to direct criminal

activities right across the island.

Mr. Speaker, these actions demonstrated to criminals that the society has had enough, and that the security forces were prepared to use overwhelming force on criminal gangs and that there was no longer any safe haven for them, or no longer could they expect any political cover for their activities. (Applause)

And finally, Mr. Speaker, the continued programme of an increased presence of the security forces, particularly in volatile communities, and the high intensity of curfew, cordon and search operations islandwide; and there is adequate provision in the Constabulary Force Act which provides for the lawful continuation of these activities outside of a State of Emergency.

And Mr. Speaker, here we have an example in a Sunday paper, of an operation in Manchester where there is no State of Emergency over the week-end.

Mr. E. SMITH: But criminals are there.

Mr. PICKERSGILL: Shut yuh mouth.

The ACTING SPEAKER: Mr. Smith and Mr. Pickerels, please allow the Member, he is concluding his presentation, please.

Mr. BUNTING: Mr. Speaker and I quote:

> Over the weekend the Manchester police detained several men with West Kingston addresses during a curfew in sections of the parish. We held 324 persons on Friday and Saturday during the curfew, with at least 30 facing charges for various crimes including murder and shooting. We have detained a number of persons from West Kingston, Central Kingston, Spanish Town and other places.

Mr. Speaker, there is no State of Emergency in Manchester, but this has not prevented the police from carrying out this type of cordon curfew and search operation. So this is an example that it can be done without the emergency powers. (Applause)

Mr. PICKERSGILL: Irrefutable.

Mr. E. SMITH: Why you never do it when you were the government then?

Mr. PICKERSGILL: We never have nothing.

Mr. E. SMITH: What yuh say?

Mr. BUNTING: Mr. Speaker, I am asking for your protection, Mr. Speaker.

The ACTING SPEAKER: Continue, Mr. Bunting, please.

Mr. BUNTING: Mr. Speaker, the Opposition is strong and resolute in the fight against crime and we fully support... (Applause) The Opposition is strong and resolute in the fight against crime. (Applause) And we fully support the continuation of the increased presence and intensity of operations of our security forces. In the face of an assault on the State by criminal elements in May, we fully supported the imposition of the State of Emergency, and we even critically supported the extension by 30 days to facilitate the completion of the operations which were underway, and we made it very clear at that time. (Applause)

Mr. E. SMITH: Dem don't reach Maxwell Avenue yet.

Mr. BUNTING: However, Mr. Speaker, we believe that further extensions will not serve any useful policing purpose and will do significant damage to the State's demonstration of its respect for citizen's fundamental rights and freedoms. (Applause)

Government MEMBERS: Rubbish!

Mr. BUNTING: As well as, Mr. Speaker, the due process guaranteed by our Constitution.

Mr. Speaker, the State of Emergency is not a substitute for a comprehensive crime plan, (Applause) one that we still await from the Government.

(*Sotto voce* comments by Members)

(Cross talk)

Mr. BUNTING: Mr. Speaker, the Opposition is not prepared to support an extension for a further 30 days. However, we will agree, we will agree to an amendment to the resolution to extend the State of Emergency to the end of July to facilitate an orderly winding down of the operations and transition to a normal policing regime.

(Heckling)

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

Mr. E. SMITH: He is a friend of the former Commissioner, best friend.

The ACTING SPEAKER: Mrs. Hay-Webster.

Mrs. HAY-WEBSTER: Mr. Speaker, I have listened carefully, Mr. Speaker, to the comments made by the Prime Minister in asking for this extension for the State of Emergency; and at this time, also including the parish of Clarendon in that.

Just some comments I would want to make in respect of that particularly as I had asked, as you are aware, for the extension of the State of Emergency to include St. Catherine. I know that for my own constituents, for the majority who have been held in fear by many criminal elements, they have been happy for the State of Emergency, let me put that on the record. (Applause)

However, one cannot step aside from the angst that many family have had where people have been picked up off the road because there is just a wide operation undertaken, and many persons who have been taken in are not known as criminals. So many families have had to deal with that - many families have had to handle that. But l will say that the organized force that the security forces have come with has been welcomed by the majority of citizens. But the question Prime Minister, that we have is, what is the long term solution to crime? It cannot be the State of Emergency, Prime Minister, it cannot be. (Applause) And this is why as a responsible representative here, in responding to the request of my own constituents as well as my even experience - many of you in here are aware of my own experience within my own family having to deal with criminal elements there, yes - But, I don't take myself away from trying to find the solutions. I can't find that by myself. We need to be instructed by the technical experts who have done the work as well as we ourselves as representatives have been in the field and we know what we face in our constituencies, we know and our constituents expect us to find the solutions.

So, while this umbrella is there, that we stand under this storm that we are facing in respect to the war on crime, we have to find proper solutions, Mr. Speaker. So I ask, I put back on the table through this means please, Private Member's Resolution No. 27 on paper which asks yourself and the Prime Minister please, to ensure, House Leader, for us to have that one day or two days whatever we need, to have a full sitting to discuss solutions to crime. Let us have it; I ask it in the interest of our country. (Applause)

The ACTING SPEAKER: Madam Leader of the Opposition.

Mr. E. SMITH: A thorough presentation, not a hypocritical one.

Mr. WARMINGTON: Oh, shut up!

(Laughter/Applause)

MEMBERS: Hear, hear, Warmington.

Dr. DAVIES: Independent mind; independent mind.

(*Sotto voce* comment)

Dr. DAVIES: Im tek you out though - tek im out.

(*Sotto voce* comments/Laughter)

Dr. DAVIES: Warmington, I have trained you well. I have trained you well.

Mrs. SIMPSON MILLER: Mr. Speaker, l would like to begin by commending the members of the security forces, on the work done so far.

Mr. Speaker, this country is divided into whether the State of Emergency should be extended. A way has to be found to bridge the gap. Those who wish the State of Emergency to be extended, argue that it is the reason for the reported reduction in the horrendous murder rate in particular. They say that it gives the security forces a psychological boost, since it extends their powers to deal with an intolerable situation. They also say that the vicious lawbreakers hold their corner during the State of Emergency because they fear being locked away without recourse to the courts.

On the other hand, there are those who argue strongly for the State of Emergency to come to an end, and their argument is equally strong and persuasive. They say that the conditions under which the detainees are held amount to degrading treatment of any citizen...

A MEMBER: Hear, hear!

Mr. CHARLES: Aahh, Aahh! They weren't around in 1976.

Mr. KELLIER: You living in the past, man. You living in the past.

Mr. CHARLES: I am lucky to be alive.

Mr. PICKERSGILL: Yes.

Mr. CHARLES: I know.

(*Sotto voce* comment)

The ACTING SPEAKER: Madam Leader of Opposition, please.

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

...particularly those who do not even have the opportunity to appear before a court of law much less convicted of any offence.

They also point to serious deficiencies in the process by which persons are taken into custody and detained. Individuals are picked up and brought within the emergency zone and defined under the emergency powers - meaning they are taken from outside the zone and taken into the emergency zone and defined under the emergency powers. And, Mr. Speaker, there is no record of some of those persons being given a reason for their detention. And it is their strong argument as well, that the means by which the security forces now conduct their operations are available to them under the Constabulary Force Act, to carry out cordon and search activities. This, Mr. Speaker has the added safeguard of access, to and the scrutiny of the Courts.

A State of Emergency should not come to be seen as a crime fighting tool.

A MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: And yes, - and we are very happy that the rate of murder and all of those things are down - but, in comparison to the amount of guns out there, and those that the security forces were able to get, we must not be comfortable - and l think

the Prime Minister said it earlier that it is over.

But, Mr. Speaker, we have had, so far, no report from the Oversight Tribunal. So, we don't know what is given. We have no information, Mr. Speaker, on the number of persons defined, and how many of them were charged for any offence; how many of them that were detained were interviewed. On what basis therefore, do we take a decision this afternoon when we do not have some critical information that I believe that we should have to take this decision. So, there are strong arguments on both sides, Mr. Speaker, and as legislators and guardians of the people's trust, we have a duty to assist in bridging that gap.

For our people to feel and display a long commitment to assist in the fight against the crime and corruption monster, all sides must have confidence in the methods that are being used by the authorities.

Mr. PICKERSGILL: Hear, hear! (Applause)

Mrs. SIMPSON MILLER: Mr. Speaker, the security forces say that they wish more time to mop up their operations. That is, of course, not an established reason for the imposition of extension of a State of Emergency. They have suggested that an extension of one month is required. There was a request for an extension before, that was approved. The Opposition is therefore suggesting, as a means of bridging the gap, despite the challenges - and we have concerns, based on reports we have. It is not nice when you grab up a number of young people from a community who are not criminals and detain them alongside criminals. When they are released I do not know what they will think.

And, I am not hearing enough of the improvement within the investigative capacity of the police, because from we have been fighting crime, time come and we should have known in communities who are peace loving, who are not peace loving, who are trouble makers, who are law-abiding citizens. We should have all of that information, and it would be much easier for the work of the security forces.

Mr. Speaker, the gap I am suggesting, is that there should be an extension of the State of Emergency, to the day before August 1, the day that we celebrate our Emancipation.

(Applause/*Sotto voce* comment)

We believe that the lifting of the State of Emergency should precede the Emancipation and Independence celebrations, but with certain conditions that would help to bring it home to our citizens that there is a serious commitment to the development of programmes for the short, medium and long term.

(Applause)

We are not going to defeat the monster of crime and violence, and the guns, unless something happens by way of job creation, training, and employment opportunities for people.

First I have made the suggestion, Mr. Speaker, in this House, that there should be a constant item on the Parliamentary Agenda concerning the security injustice issues that Jamaica faces. That would help to concentrate the minds of those in authority and the people of Jamaica on the seriousness of the situation, and the commitment to face the challenge.

Perhaps there is no more urgent business for this House to deal with than the motion recently Tabled by the Member for South Central St. Catherine. The Opposition believes, Mr. Speaker, that debate on such a

motion is a sensible and meaningful place for us to begin. I wish to suggest that this House reconvene during the week following the Independence celebrations for that debate.

A MEMBER: Hear, hear!

(Applause)

Mrs. SIMPSON MILLER: That would signal a committed focus on our part as we move into the 49th year of our Independence as a nation.

Second, Mr. Speaker, we believe that the implementation of the Justice Reform Programme cannot continue to remain a secret.

(*Sotto voce* comment by Mr. Charles)

It was conceived as the people's programme, driven by the resolve of the people. There will be little or minimal success without the input of the people who the system is meant to serve.

A MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: I am willing to wager that, if the people and communities of St. Thomas had been fully engaged since the loss of the historic Courthouse to fire in 2007, a way would have been found to alleviate the burden that have been left on administration of justice in the parish.

MEMBERS: Yes, yes!

Mrs. SIMPSON MILLER: In the third place, Mr. Speaker, some of the very rights that would be guaranteed to our people under the new Charter of Rights are in peril, even under the present State of Emergency.

A MEMBER: Hear, hear!

Mr. SIMPSON MILLER: And we should recall that the extension that is now being asked for by the Government would have to be passed by a greater majority, and by both Houses of Parliament under the provisions of the new Charter. At this time what is required for an extension is the vote of all the Members of this House...

(*Sotto voce* comment)

...at thirty-one, majority, thirty-one, thirty-one in favour. The Charter will provide that the extension cannot be for more than 14 days at a time, and the two-thirds vote of each House of Parliament.

(*Sotto voce* comment)

Mr. Speaker, after all this - after all, Mr. Speaker, this is a case of emergency powers which goes against what is normally practised and what is reasonable in a democratic society. Two months, including one month extension have already passed. The Opposition is of the view that a nine-day extension at this time, with the symbolic coincidence of an end to the emergency powers, just before Emancipation day will send a strong signal.

A MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: Listen, I hear people - and I am not going to pay attention to the side talks - but Spanish Town is under a State of Emergency. The hospital - the King of Spain ward was invaded by gunmen.

A MEMBER: What is your point?

Mr. PICKERSGILL: Listen.

Mr. KELLIER: The State of Emergency is not a panacea.

Mrs. SIMPSON MILLER: The State of Emergency alone, it is not a crime-fighting tool. And so, we need to put other things in place as well. And at the end of it, what? Are we going to, every time we come and we ask for extension, and at the end of it we hear that the police need another extension, and then at

the end of that extension, you hear there is the need for another extension, and the need for another extension?

Mr. KELLER: It caan work. It caan work suh

(*Sotto voce* comments)

Mr. Speaker, the Bill for the passage of the Charter of Rights and Freedoms should return to the Table of the House immediately. It represents a new contract with the people and this is an appropriate time to give life to that contract.

(Applause by Opposition Members)

This House decided that there should be certain amendments to address the issues relating to the Death Penalty, 19 months have passed since that decision was taken.

(Applause by Opposition Members)

Fourthly, Mr. Speaker, we need to know the programme of the Government in relation to the broader Constitutional reform exercise. And there is even greater urgency now more than ever before.

Mr. Speaker, our removal from the jurisdiction of the Privy Council in the United Kingdom is required for a new way of approaching our commitment to the reform of our justice and security systems, it would also serve to strengthen the regional ties that are necessary to that reform process. Mr. Speaker, we are fiddling while the administration of justice burns.

Of course, this resolution for the extension of the State of Emergency comes against the background of the Prime Minister calling on the nation to forget what has happened since August of last year. The damage to Jamaica's image and the shame of our people and move on to concentrate on other matters.

The Opposition maintains, Mr. Speaker, that there can be no meaningful and concentrated commitment to a new way forward with all the lingering doubt and questions.

(Applause by Opposition Members)

The country has been shocked by the severe quake that lasted for those nine months. There is so much doubt, mistrust and disbelief that an independent and impartial Enquiry, Mr. Speaker, is necessary to remove that mistrust which would hinder a truly progressive way forward.

Mr. PICKERSGILL: Yes, yes, yes!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: I am calling for a national enquiry.

Mr. SHAW: Enquiry into Trafigura....

Mrs. SIMPSON MILLER: The cobwebs must be removed.

(*Sotto voce* comment by Mr. Shaw)

(*Sotto voce* comment by Mr. Pickersgill)(Laughter)

Dr. DAVIES: Why you so aggressive? Why you so aggressive? (Laughter)

(Mrs. Simpson Miller folder her hands and stepped back, waiting for silence)

The ACTING SPEAKER: Madam Leader, please continue.

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

…is a call for an extension of a State of Emergency. The times call for in-depth analyses, projections and certainly understandings.

Mr. PICKERSGILL: Yes, yes, yes!

(Applause)

Mrs. SIMPSON MILLER: A way has to be found, Mr. Speaker, to bridge the gap for our people to reach those common understandings concerning the extension of

emergency powers which should not be used as a crime-fighting tool. It is our duty to find that way and our duty to point our citizens in that direction.

The Opposition is ready to put forward and support an amendment to the resolution for an extension of the State of Emergency until July 31, the 31st of July, July 31, with the understanding that the suggestions that we have made are to be brought into operation as we have put forward. And I repeat. State of Emergency alone is not going to do it. You lockup the youth, they were hungry when they go in, they did not commit any crime, they will leave the detention worse off and hungrier.

And so, Mr. Speaker, there must be a serious crime fighting strategy alongside a serious programme of social intervention…

(Applause by Opposition Members)

…a serious programme of education and training this is our recommendation, Mr. Speaker, to the Prime Minister and the Government.

I thank you.

(Applause by Opposition Members)

The ACTING SPEAKER: Thank you, Madam Leader of Opposition.

Prime Minister.

The PRIME MINISTER: Mr. Speaker, the Resolution before the House is governed by a provision in the Constitution. The Member for Central Manchester is correct, it requires the support of a majority of the membership of the House, which means that it would require the vote of 31 Members.

The governing side does not have 31 Members in the House today for reasons that I think it's important for me to explain. The Minister of Health and the Minister of Industry, Investment and Commerce are off the island on important government business. The Speaker of the House, as you probably know, which is why you are in the Chair, is attending a Special Conference along with the President of the Senate in Geneva. The Deputy Speaker is off the island because of an illness in her family which required her to be away. The Member for North West St. Ann and the Member for Eastern St. Andrew are office island on personal business, there are therefore six of our 32 Members who are off the island. It means therefore that the Resolution cannot prevail unless there is support from the Opposition benches. I propose, Mr. Speaker, I propose, Mr. Speaker, to place the Resolution where it belongs, squarely in the hands of the Members of the House.

Now, the Member for Central Manchester bemoaned the fact that there was not earlier communication with the Opposition. I think I had indicated in the remarks that I made that the request, the request and the recommendation from the Commissioner of Police and the Chief of Defence Staff was not submitted until yesterday. I received it - it's dated the 19th and I received it yesterday while I was at Cabinet. So much so that l had to present the matter to Cabinet verbally and have the decision of Cabinet recorded, with the undertaking that the formal submission would be placed before Cabinet next week and, therefore, we were not able to alert the Opposition sooner than we did.

I am being asked by the Leader of the House just to make a correction that the member for North West St. Ann is actually off the island on Parliamentary business, at a Parliamentary Conference in Mexico.

There has been some reference, Mr. Speaker, to the circumstances that prevail, and the appropriateness of emergency powers to deal with those circumstances has been raised. And it is a moot issue, it's a moot point, it's a question that needs to be examined.

The Constitution is perhaps as explicit as any Constitution could be as to what constitutes a State of Emergency. It speaks about outbreak of war, but it also speaks about outbreak of pestilence, it speaks about national disaster and it speaks about actions that have been taken or are likely to be taken. So it is both reactive and pre-emptive. And it went as far as, I believe, that any Constitution can go in creating the framework within which these powers can be invoked.

Now, in relation to the incidents that led to the declaration on the 23rd of May, what was visible, what was captured by the television cameras and displayed in the newspaper was a visible, illustrative picture of a serious threat to the security of the State and its people. But let us not be in any ambiguity of mind, the people of Jamaica have been under a serious threat to their security, and to the security of a State, because if a State cannot secure its citizens…

(Applause by Government Members)

There are some people who would challenge how you graduate that to the point of an emergency. If you look at our crime rate and our homicide rate in particular, 1,680 murders last year, if you were to extrapolate that, prorate that to the population of New York, which would have yielded over 5,000 murders in New York City alone, not the State of New York, New York City, I am willing to bet that they would see it as an emergency. That kind of level of criminal activity is not consonant with an orderly society.

(Applause by Government Members)

And we can argue, we can argue and there will be no conclusive end to that argument, we can argue that whether it is 100 or 500 or 1,000 armed vicious gunmen, whether it poses an emergency when they are all gathered together or when substantial portions of them are gathered together in one place, or whether it also poses a serious emergency when they are either dispersed or scattered across, but with the same organized conspiratorial intent to commit murder and to commit mayhem.

I make another point on that, Mr. Speaker; I make another point on that. The nature of organized crimes that we have been dealing with, the brazenness of the crime, the wantonness, the impunity with which the crime is committed is of such a nature that I am saying that the ordinary policing arrangements that we have designed to support law enforcement in the island are not adequate to respond to it. The back of that monster has to be broken.

(Applause by Government Members)

When it is broken and that monster is now incapacitated, is now no longer as violent as it was, then…

(*Sotto voce* comment by Mrs. Hay Webster)

The PRIME MINISTER: …then at that time… the circumstances that allow for normal policing . . .

(*Sotto voce* comments by Opposition Members)

The PRIME MINISTER: Let me make the point because it's not going to do the resolution any good or even people's understanding of it. It's not a question of scoring political point. But let us bear in mind

that these powers that we are being told are sufficient, the provisions under section 50 of the Constabulary Force Act, those powers were there in 2005 when murder reached a record high of over 1600.

Mr. PICKERSGILL: So what?

The PRIME MINISTER: It was there again last year when it reached another record. In fact it has been climbing.

(*Sotto voce* remark by Mr. Bunting)

Mr. SHAW: Why you never move him!

The PRIME MINISTER: With one or two exceptions - it declined in 2006. It rose again in 2007 and again in 2008 and again in 2009. And when I hear these, Mr. Speaker, when I hear these suggestions - and I believe that they are well intentioned but I don't believe that they are well thought out. When I hear these suggestions that you must apply the right crime-fighting policies and this must not become a crime-fighting tool, we have been applying those policies for 18 now and another three to it, 21 years. (Applause)

Mr. BUCHANAN: That's rubbish!

(Applause)

A MEMBER: Hypocrites!

Mrs. HAY-WEBSTER: That's not true.

The PRIME MINISTER: Oh, I am Mr. Speaker, l apologize. Mr. Speaker, sorry. I withdraw.

Mr. PICKERSGILL: No crime in West Kingston. That's what we were told.

Mr. BUCHANAN: After you protect the thing for so many months.

The PRIME MINISTER: Mr. Speaker, I withdraw it. I genuinely thought that during that time they were applying the best policies that they could have devised. That's what I thought… (Laughter) …but the murder rate kept climbing just the same.

Mr. PICKERSGILL: We were told that West Kingston had no crime problem.

Mr. SHAW: You have no shame! That's your problem.

(Cross talks)

(*Sotto voce* remarks)

The PRIME MINISTER: Let me just say one other thing, Mr. Speaker.

Mr. BUCHANAN: Looking for you to lock you up!

The ACTING SPEAKER: (Gavels) Mr. Buchanan, please. Mr. Peart, Mr. Pickersgill please, allow the Prime Minister to finish his presentation.

Mr. PICKERSGILL: Why are you calling my name. Why you don't call them over there.

(*Sotto voce* remarks by Mr. Smith)

The ACTING SPEAKER: Mr. Smith, please.

Mr. PICKERSGILL: You talk to them too and don't pick me out.

(*Sotto voce* remarks by Mr. Charles)

Mr. PICKERSGILL: Shut your ass!

Mr. CHARLES: Unparliamentary language. Bobbie, you are a senior Parliamentarian.

(*Sotto voce* remarks by Mr. Pickersgill)

The PRIME MINISTER: Mr. Speaker, one of the things we need to caution ourselves against is seeking to put any specific domicile to the criminal elements in this country. They are all over the country. (Applause) We are facing a serious challenge now in the parish of Westmoreland. We have been facing a serious challenge in the parish of St. James. There are other parishes where we have been facing serious challenges.

(*Sotto voce* remarks)

The PRIME MINISTER: It cannot be

without such significance. And we perhaps only discovered this through the assistance that was provided to the families of those persons who were killed in West Kingston, that many of the families who came to seek and to provide information and to go through the processing for the assistance, travelled long distances and the bodies once they were released and handed over to the funeral homes, many of those bodies were transported long distances out of Kingston for their burial. If we believe that this is a problem that can be localized in any political constituency or in any parish, we are making a sad mistake.

Mr. PICKERSGILL: They went to the headquarters. The whole country know that.

Mr. SHAW: Vote against it and make the crime rate go back up and you will find out. That you will take responsibility for.

Mr. PICKERSGILL: All of them went to West Kingston barricade and bun down police station.

The PRIME MINISTER: And if that was so, Mr. Speaker, if that was so then for the 18½ years that they were in charge of this government . . .

Mr. BUCHANAN: Don't bother with that!

The PRIME MINISTER: …when they had all the powers that were available to them.

Dr. DAVIES: You can't get…

(*Sotto voce* remarks)

The SPEAKER: (Gavels)

Mr. BUCHANAN: Hypocrite!

The ACTING SPEAKER: (Gavels) Members, please!

(*Sotto voce* remarks by Mr. Pickersgill)

The ACTING SPEAKER: Mr. Pickersgill, please! Mr. Buchanan.

The PRIME MINISTER: Mr. Speaker, I want to avoid the temptation but I have said it here before. You know, I have said it here before.

Mrs. HAY-WEBSTER: Leadership required.

The PRIME MINISTER: During the 1980s the murder rate never exceeded 500, fell below 400 one year, never exceeded 500 in any year. It took off in 1989. And it has never come back.

Mr. BUCHANAN: Is PNP do it.

Mr. PICKERSGILL: All that is pre-Dudus. That's pre-Dudus.

Mr. SHAW: Don't harass the Prime Minister. You are out of order!

Mr. PICKERSGILL: Don't come with that.

Mr. SHAW: You are politicizing it.

Mr. BUCHANAN: Water boy, keep quiet!

The ACTING SPEAKER: (Gavels) Mr. Buchanan, please!

The PRIME MINISTER: Some questions were raised by the Leader of the Opposition, let me just try to see if I can provide some amount of the responses. The Tribunal is functioning. I don't know if there is any statutory requirements for the Tribunal to furnish reports to the public. I don't believe that the Minister is competent to instruct the Tribunal, but certainly we can raise with the Chairman of the Tribunal that it would be appropriate for them to provide periodic reports as to the number of cases that have come before them, how they have been disposed of and so on.

Mrs. SIMPSON MILLER: That we know the success.

The PRIME MINISTER: The Leader of the Opposition raised questions about the number of persons who have been detained. A total of 4000, this is up to - I want to make sure I am giving you the most up-to-date one - this one is up to the 14th of July and I believe I might have a more recent one. No, I don't. Up to the 14th of July, a total of 4,181 persons were detained, 2,792 in the Corporate Area or from the Corporate Area and 1,389 from the parish of St. Catherine. Of that number 3,485 have been processed and released, 2,148 from the Corporate Area, 1,337 from St. Catherine. There were 139 detention orders issued. All of those from the Corporate Area. There are 138 persons still in detention who are actively being - in relation to whom investigations concerning serious crimes are being conducted. There are 28 persons against whom provisions of the Proceeds of Crime Act are likely to be applied, the provisions that are set out there. I don't have a figure here for the number of persons who were in detention awaiting processing because that figure is a moving figure, but you can extrapolate from the figures that I have given.

Just a couple other points I want to - just finally. There was a suggestion, there were two suggestions. One that was made by the Leader of Opposition during the Budget Debate when she suggested that there should be, I think a periodic focus in Parliament on the situation having to do with crime and some related matters. The Member for South Central St. Catherine has proposed that we should have a debate. I don't think that - I certainly would not express any view against - and there is a motion on the Order Paper - I wouldn't expect any view against either of those. But my own view is that you need something prior to that. I am not sure myself that a debate in which Members are going to get up and express views, offer suggestions possibly, criticize it possibly, that that is going to generate. It may emit a lot of heat. I don't know if it is going to shed a great deal of light.

What I would suggest we do have Standing committees of the House. I believe that what we ought to do is to ask the committee to take up the matter, not as a one-off, one-time thing, but to keep this matter under constant investigation where they can call people. What we can't do in a debate in Parliament is to have the Commissioner of Police and the Chief of Defence Staff come and sit here and answer questions, but in a committee you can do that.

You can call in people, get into all the nuances of the issue and then bring a Report to Parliament which can then be the subject of that broader debate. (Applause) So that we wouldn't be just getting up and expressing views and expressing anguish and anger and so on. What we would be doing is speaking to a considered examination of the matter with particular things that have been highlighted, recommendations that have been made so that we could try to come to some kind of conclusion that would be useful. My own view is that that approach would be far more instructive in guiding us.

Mr. Speaker, I have indicated the need for the extension as the resolution seeks. At this point, Mr. Speaker.

Mrs. HAY-WEBSTER: Mr. Speaker. On that matter, Prime Minister, can I ask you to yield. Prime Minister, in putting the motion forward it won't put forward for us to just be expressing angst, so to speak, it was really a

matter of search for solution. Because many of us, many of us in our constituencies have hot spots. Many of you don't have it as many as I do, yes, so I have to face it every day to deal with it, but we have to - people expect us to find the solutions, Mr. Speaker. So I hear the Prime Minister's comment that it can go to committee but I really believe that we ought to have the discussion in the House, Prime Minister, and then refer the matter to committee where the Report can come. But I do believe, Prime Minister, we need to have that.

The PRIME MINISTER: As I said how could I oppose a suggestion like that? The House Leader will have consultations with you and the Leader of Opposition Business to schedule the debates. It is just that I don't think it is the most effective or instructive way to go. But a member has a right to bring resolutions and the House has a duty to entertain those resolutions and to debate them. But having said all that, Mr. Speaker, I move the…

Mr. KELLIER: Mr. Speaker.

The ACTING SPEAKER: Yes, Mr. Kellier.

Mr. KELLIER: Mr. Speaker, if I may just crave the Prime Minister's attention and that of the House at this juncture. It is clear Prime Minister based on what you said and based on the constitutional requirements that the numbers are not there for you to pass this by yourself, the Government side. We on this side are interested in seeing this matter resolved to the betterment of all.

(*Sotto voce* remarks) (Applause)

Mr. KELLIER: And I am suggesting on behalf of the Opposition, Prime Minister, before you put the matter to the vote that we have a short consultation, that we have a short consultation…

MEMBERS: No, no!

(*Sotto voce* remarks)

MEMBERS: Yes, yes!

Mr. KELLIER: …to see if we can come to some amicable resolution to this issue. We are putting it on the floor. That is our position.

Mrs. NEITA-HEADLEY: Very good, Derrick.

Mr. HOLNESS: Mr. Speaker, in light of the appeal by the….

(*Sotto voce* remarks)

The ACTING SPEAKER: (Gave1s) Members, please the Leader of the House Business is on his feet.

Mr. HOLNESS: In light of the proposal by the Leader of Opposition Business, I move for the suspension of the sitting for a 10 minutes recess.

Mrs. HAY-WEBSTER: I haven't heard.

Government MEMBER: A 10-minute recess.

The ACTING SPEAKER: The question before the House is that we suspend the sitting for a 10-minute recess.

MEMBER: No!

Put to the House and agreed to.

(The sitting of the House was suspended at 4:36 p.m. for a 10-minute recess)

RESUMPTION (5.05 p.m.)

The ACTING SPEAKER: Please be seated. House Leader.

Mr. HOLNESS: Mr. Speaker, the Prime Minister had just concluded his presentation and he had asked that the motion that he discussed - the resolution, be put to the vote.

The ACTING SPEAKER: Members, the question is that the motion be approved for

the extension of the State of Emergency a vote must be taken of the membership for it to be passed.

Madam Deputy Clerk.

The Members voted as follows:

Ayes

Mr. Edmund Bartlett
Dr. Kenneth Baugh
Mr. Laurence Broderick
Dr. Horace Chang
Mr. Pearnel Charles
Mr. Andrew Gallimore
Mr. Bruce Golding
Ms. Olivia Grange
Mr. Lester Henry
Mr. Joseph Hibbert
Mr. Andrew Holness
Mr. William Hutchinson
Mr. Robert Montague
Mr. Clive Mullings
Mr. Tarn Peralto
Mr. James Robertson
Mrs. Shahine Robinson
Mr. Derrick Smith
Mr. Ernest Smith
Mr. Michael Stern
Dr. Christopher Tufton
Mr. Daryl Vaz
Mr. Everard Warmington
Mr. Franklyn Witter
Mr. Speaker

Declined to Vote

Mr. Luther Buchanan
Mr. Peter Bunting
Dr. Omar Davies
Dr. Fenton Ferguson
Dr. Morais Guy
Ms. Lisa Hanna
Mrs. Sharon Hay-Webster
Mrs. Maxine Henry-Wilson
Mr. George Anthony Hylton
Mr. Fitz Jackson
Mr. Derrick Kellier
Dr. Kenneth McNeill
Mrs. Natalie Neita-Headley
Mr. Phillip Paulwell
Mr. Michael Peart
Mr. Robert Pickersgill
Dr. Donald Rhodd
Mrs. Portia Simpson Miller

The ACTING SPEAKER: Members, we have 17 absent Members, 18 abstained and 25 have voted in favour of. Therefore the resolution is negative, it does not pass.

House Leader.

Mr. JACKSON: Mr. Speaker.

Government MEMBERS: Sit down, sit down?

The ACTING SPEAKER: Yes, Mr. Jackson.

Mr. JACKSON: If you may permit me, Mr. Speaker. The resolution has been put to the House as we all recognize…

Mr. CHARLES: You can't debate it now.

Mrs. NEITA-HEADLEY: It's not being debated.

MEMBERS: Sit down!

(Inaudible comments by Members)

Mr. HOLNESS: Mr. Speaker.

The ACTING SPEAKER: House Leader.

Mr. ROBERTSON: Yu abstain so yu cannot speak on it.

Mr. HOLNESS: Mr. Speaker, I'd like to move for the suspension of Standing Orders to

allow the recommittal of the item 'Announcement'.

The ACTING SPEAKER: The motion before the House is for the recommittal of the item 'Announcement'.

Government MEMBER: You should walk out.

Put to the House and agreed to.

ANNOUNCEMENTS
(Recommitted)

The Deputy CLERK: Just a correction to the earlier announcement made, we have Green Paper Number 1 of 2010, entitled the Public Sector Master Rationalization Plan Recommendation for the restructuring of ministries, agencies and departments. And we have Ministry Paper Number 64, as was announced earlier.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today, I therefore move that the House do adjourn until the 27th of July, when we will meet again.

Dr. DAVIES: And yu father come and yu not have nutten to say.

Mr. JACKSON: Mr. Speaker, on the motion for adjournment ...

(Inaudible comments by Members)

Mr. JACKSON: Mr. Speaker, on the motion for adjournment ...

The ACTING SPEAKER: Yes, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, the Resolution - Mr. Speaker, in keeping with Standing Orders that make provisions for Members to rise on matters of national importance, I now seek to utilise that provision. (Applause)

(Cross talk/Heckling)

Mr. JACKSON: Mr. Speaker, we've just completed the votes on a Resolution ...

Mr. HENRY: Mr. Speaker…

The ACTING SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, the convention states that the Speaker would be notified of the intention of a Member to rise...

Mr. HENRY: And 18 Members must support.

A MEMBER: And 18 Members supports.

Mr. HOLNESS: There's a Speaker in the chair on the same convention that you asked the Speaker to approve questions after the time for such approval.

Mr. Speaker, I encourage you, Mr. Speaker, not to accept such.

The ACTING SPEAKER: The motion before the House is for the adjournment until the 27th of July at 2:00 p.m.

Put to the House and agreed to.

The Acting SPEAKER: This House is adjourned.

The House adjourned accordingly at 5:17 p.m. to July 27, 2010 at 2:00 p.m.

TUESDAY, July 27, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.18 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.

KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment.

PEARNEL PATROE CHARLES CD, (JLP), Clarendon, North Central, Minister of Labour and Social Security.

LESTER MICHAEL HENRY, CD, (JLP), Clarendon, Central, Minister of Transport and Works.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

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

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

PRAYERS

Prayers were offered by Mr. D. Mair.

The House resumed its sitting at 2.18 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, we would just like to welcome all the persons sitting in the Gallery. I see Mrs. Vaz, I know she is here for her husband's presentation, welcome to the sitting. (Applause) And welcome to the other members from the different agencies, I see Mrs. Henry, too. (Applause)

Please just check on your cellphones to make sure that they are on vibrate, so that you don't disturb the sitting of the House. And also to remind Members in the House they're not to have their cellphnes or use the cellphones during the sitting of the house.

(MRS. NATALIE GAYE NEITA-HEADLEY, (PNP), St, Catherine, East Central, entered and took her seat.)

ANNOUNCEMENTS

The Clerk laid on the Table of the House copies of the following:

- **Ministry Paper No. 65**
  Refinancing of £204.4 Million loan to the Development Bank of Jamaica from Banco De Desarollo Economico y Social De Venezuela (BANDES) which was onlent to the National Road Operating and Constructing Company Limited (NROCC) and guaranteed by the Government of Jamaica; and
  Government Guarantee under the Provisions of the Approved Organizations and Authorities (Government Guarantee) Act in respect of an interim short-term financing with a face value of US$ equivalent of £204,386,447 by NROCC to be taken out by a long-term bond issue with a face value of the equivalent of the US$

equivalent of £204,386,447.

- **Ministry Paper No. 66**
  entitled Cabinet Agenda Issues for July 12, 2010.
- The Civil Service Establishment (General) Order, 2010 under The Civil Service Establishment Act.
- Ministry of Labour and Social Security Annual Report entitled: Labour Market Study: The Demand for and Supply of Skills in Jamaica
- Ministry of Labour and Social Security Annual Report which documents the activities and achievements of the Ministry for the fiscal year 2009/2010
- Certified Appropriation Accounts
- Administrator General's Department 2008/2009
- Report of the Standing Orders Committee of the House of Representatives on its deliberations on The Review of the Standing Orders.

(HON. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment, entered and took his seat.)

The SPEAKER: Members, l think the Report of the Standing Orders Committee is being distributed, but please have a look at it during the course of this sitting for a debate. House Leader, hopefully early in September?

BILLS BROUGHT FROM THE SENATE

The following is a message from the President of the Senate to the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives that on the 23rd day of July 2010, a Bill entitled "AN ACT to Amend the Tourist (Duty Free) Shopping System Act" so as to change the name of the Act and of the licences, permits and shops governed thereby, and to establish a duty-free shopping system for arriving passengers and for connected matters"

was passed in the Senate.

Signed: Oswald Harding,
President of the Senate.

REPORTS FROM COMMITTEES

The SPEAKER: Mr. Mair.

Mr. MAIR: Mr. Speaker, 1 beg to lay on the Table - give notice to lay on the Table of the House, a copy of the Report of the Standing Orders Committee of the House of Representatives on its deliberations on the Review of the Standing Orders.

The SPEAKER: Thank you, Mr. Mair. Mr. Kellier.

Mr. KELLIER: Mr. Speaker, on behalf of the Member from North West St. Catherine…

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, l beg to recommit the item, 'Announcements.'

The SPEAKER: The motion before the House is for the recommend of the item, 'Announcements.'

Put to the House and agreed to.

ANNOUNCEMENTS
(Recommitted)

The Clerk also laid on the Table of the House the Report of the Sessional Select

Committee on Infrastructure and Physical Development.

(DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Foreign Trade, entered and took his seat.)

REPORTS FROM COMMITTEES

The SPEAKER: Mr. Kellier.

Mr. KELLIER: Mr. Speaker, on behalf of the Chairman of the Infrastructure and Physical Development Committee, I beg to lay on the Table of the House, a copy of the Report of the Sessional Select Committee on Infrastructure and Physical Development.

(DR. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

Mr. HOLNESS: Mr. Speaker, l beg to give notice on behalf of the Honourable Prime Minister, that at the next meeting of the House I will move to introduce and have read a first time, a Bill shortly entitled: The Town and Country Planning, Negril and Green Island Area Local Planning Authority (Validation and Indemnity) Act, 2010.

On behalf of the Minister of Finance, I'd like to also, Mr. Speaker, give notice that at the next meeting of the House, I will move the following motions:

Be it Resolved, with reference to Ministry Paper No. 65/2010, dated July 27, 2010, which was laid on the Table of the House on the 27th day of July, 2010, that this Honourable House of Representatives approve the granting of Government Guarantees, under the Provisions of the Approved Organizations and Authorities Loans (Government Guarantee) Act of the following transactions relative to the refinancing of an existing guaranteed loan, in the amount of £204,386,447, to the Development Bank of Jamaica from Banco de Dessarollo otherwise known as BANDES, and onlent to the National Road Operating and Constructing Company Limited, NROCC:

1. Issues of a guarantee for an interim short-term bond in the amount of US$ equivalent of the face value of the existing bond, which is estimated at U5$275 Million, in favour of the local and international investors; and

2. the issuance of new long-term bonds in the amount of the USS equivalent of the face value of £204,386,447 on the local and international markets, which will liquidate the short-term interim financing mentioned at item No. 1 above. The restructuring or unwinding of the swap held with CitiBank and provided a further sum of US$35.1 Million, to finance certain obligations of NROCC, under the Concession Agreement of Highway 2000, for Phase 1E1. The above guarantees shall replace the approval given by this Honourable House on the 19th day of May 2009, for a guarantee in respect of the above-mentioned loan to NROCC.

And, Mr. Speaker, I would want to also give notice;

Whereas 3(1) of the Civil Service Establishment Act, hereinafter referred to as the Act, provides that subject to the provisions of the Constitution of Jamaica, relating to the holders of public office and the Act, the power to constitute or abolish offices in the public service, shall be exercised by the Minister by order;

And Whereas on the 1st day of June 2010 the Minister made The Civil Service Establishment (General) Order, 2010;

And Whereas section 3 subsection (4) of the Act provides that an order made under the section shall be subject to affirmative resolution of the House of Representatives;

And Whereas it is desirable that The Civil Service Establishment (General) Order, 2010, be affirmed;

Now, therefore, be it Resolved by the Honourable House as follows:

1. The resolution may be cited as The Civil Service Establishment (General) Order, 2010 Resolution; and
2. The Civil Service Establishment (General) Order, 2010, which was laid on the Table of the House on the 27th day of July, 2010, is hereby affirmed.

Mr. Speaker, I further beg to give notice that at a later stage today I will move for suspension of Standing Orders to enable me - enable the Minister - to take the two motions, notices of which I just gave.

Mr. Speaker, I beg to give notice that at the next meeting of the House, I'll move the following motions:

Be it Resolved that the Report of the Electoral Commission dated July 6, 2007, which was laid on the Table of the House on the 10th day of July, 2007, be adopted.

And, two, Mr. Speaker:

Be it Resolved that the Report of the Electoral Commission of Jamaica and its recommendation to Amend Electoral Commission (Interim Act), and to add Chapter 11 to the Constitution of Jamaica to accord constitutional status to the Electoral Commission of Jamaica, dated October 1, 2008, which was laid on the Table of the House on the 28th day of October, 2008, be adopted.

The SPEAKER: Thank you, House Leader.

Mr. Mair.

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

Be it Resolved that the Report of the Standing Orders Committee of the House of Representatives, on its deliberations on the Review of the Standing Orders, which was laid on the Table of the House on the 27th day of July, 2010, be adopted.

(MR. DERRICK CHARLES SMITH, CD, (JLP) St. Andrew, North Western, entered and took his seat.)

The SPEAKER: Thank you, Mr. Mair.

Mr. Kellier.

Mr. KELLIER: Mr. Speaker, on behalf of the Member from North West St. Catherine, I beg to give notice that at the next meeting of the House he will move:

> Be it Resolved that the Report of the Sessional Select Committee on Infrastructure and Physical Development, which was laid on the Table of the House on the 27th day of July 2010, be adopted.

The SPEAKER: Thank you, Mr. Kellier.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Mr. Kellier.

BOJ – GOVERNOR'S CONTRACT

Mr. KELLIER: Mr. Speaker, on behalf of the Member from South St. Andrew I beg to give notice that at the expiration of 21 days I will ask the Minister of Finance the following questions:

1. Has the contract for the BOJ Governor been concluded and signed?
2. If the answer to Question 1 is in the affirmative, will the Minister provide details about the contract, including such items as starting date, duration, salary, provision of housing, etc?
3. If the answer to Question 1 is in the negative, will the Minister indicate the main features of the interim arrangement governing the Governor's employment?
4. If the Answer to Question 1 is in the negative, will the Minister indicate the reason(s) for the delay in completing negotiations, as well as the projected date for finalizing the contract?

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business we will start off with the Sectoral Debate where the Minister of Transport and Works will open, followed by the Minister of Information. Mr. Speaker, we will also be taking the Resolutions, notice of which we gave earlier.

BUDGET (SECTORAL) DEBATES

The SPEAKER: Mr. Henry.

(Applause)

Mr. HENRY: Thank you very much, Mr. Speaker, and I thank my colleagues in the House.

Mr. Speaker, I'm going to try and contain myself this evening.

A MEMBER: Yes.

Mr. HENRY: That yes means some more money is added to another road somewhere else.

(Laughter by Mr. Henry)

For indeed, Mr. Speaker, I have a lot 1 could say but let me try and condense as much as I can while I go along hopefully carrying with everyone the vision of what a multimodal transport plan speaks to. Later on there will be an agency report circulated called, Positioning for Growth Shifting Gear from Analysis to Implementation. After I have done the substantive analysis of what I call the 1-3-5-7, l will then move to hand out or relate to where the future lies.

Approaching three (3) years into my stewardship of the transit and Works portfolio, I'm happy to be now delivering the kind of

strategic applications that I geared to modernizing all portfolio areas. This first phase of delivery has come out of an in-depth analysis of the pluses and minuses of the systems that were inherited on September 2007, followed by establishment of a clear-cut 1-3-5-7 timeline.

Mr. Speaker, there was much that needed to be done. And in an in-depth analysis which was carried out, of the process, it became clear that a joint short, medium and long-term approach had to be taken to realize the sort of positive impact that is needed and of course, also, to shift gear. It has been a lot of hard work to deliver what we have so far.

Critically important in this effort, I have had the support and input of the leadership and general staff of the Ministry, agencies and entities within the portfolio areas. Their collective energies have taken us from the stage of analysis to the early stages of implementation.

My appreciation goes out to the Permanent Secretary, DR. ALWIN HALES who is the longest serving Permanent Secretary in the Government, 14 years of service, and I wish to applaud him for that service and commitment.

(Applause)

The new Chief Technical Director, Dr. Dawkins, other team leaders of the general staff of the Ministry, for their continued support. The Heads of agencies, the applicable entities, their team members, the chairpersons and members, I thank you all for your invaluable service. Special thanks to the person who ensures that I am able to deliver this speech here and to recognize that there is a whole new lease on life, my wife, Dawn, who is in the audience. (Applause)

And the rest of my immediate support staff led by my personal assistant DAPHNE TAYLOR, for her critical input.

I express appreciation to the Honourable Prime Minister for his continued confidence in me in the portfolio areas that I hold, and my Cabinet colleagues for their support and advice. More importantly for me, and since my wife comes from the constituency I can take that risk, l extend my gratitude to Central Clarendon, the constituency I represent in this Honourable House and which I do so for the 30th year of my political life.

(Applause)

Their trust and understanding, especially watts my ministerial duties, sometimes keeps me away from them for short periods of time. I pay special respect to my Councillors: Councillors Jones, Morris and Blake; Trevor Morris being equally the longest serving councillor in the Parish Council of Clarendon, the Constituency Executive, my Secretary Sharon Morgan and the constituency workers, PD captains, Indoor agents and runners, sending out a clear signal to everyone, I do not forget and I will not ignore what makes you a political success and what you ensure to enable to be continued. And as I have ordered my wheelchair and the young person to push me here as I go on serving, l give sound signal.

So let me therefore also thank **Humble Lion,** the club that has demonstrated the fortitude for Central Clarendon, has reclaimed its place in the National Premier League Football and will be moving on to greater heights under the guidance of the president.

I'm also offering this constituency as a model to the process of national governance, including the development model being

established in May Pen. This involves education, training from the early childhood to tertiary levels, a continued demand for the zoning of the schools in May Pen, a continued adaptation and expansion of the Basic School programme that as I increase the Basic School educational ability, I impact on the tertiary level and at the tertiary level let me welcome a new college being established in May Pen where the Versailles Hotel is and I want to congratulate MR. JIM THOMAS on the context of the Middlesex International School.

Upon assuming the position and responsibilities of the Transport and Works Ministry, as I said, I took a 1-3-5-7 programme. If indeed the vision of the Ministry is to foster a modern, safe, reliable and sustainable transport system involving road, rail, sea and air, then I understood that the standards in respect of infrastructure have to be improved and it is the mission to contribute to the economic growth and social development of the country through the provision of the necessary transport and infrastructure networks.

Along those lines, the first broad consideration for me at the Ministry was to establish what did I inherit from that side and as a new political administration, charged with the responsibility of bringing greater empowerment and opportunities to the country and the people at large, the analysis got underway very quickly. In fact, physical evidence lies outside the House right now where you can look at a bus that was to be dumped in the sea that was sent away to Brazil which has come back to this country fully equivalent to a new bus, has been driving now for months, living up to its standards and saving the expenditure of the taxpayer, and that bus is here.

(Applause)

Next to it is one of the oldest buses that was imported from 1995 which again was abandoned and which has been restored, rehabilitated and is on the road travelling in Jamaica, as 1 speak.

(Applause)

Under the policy the first two years were dedicated to careful assessment of the challenges being faced. The mounting initiatives needed to address the inherited short-term challenges and determining the overall capacity of the system to meet the major challenges, critically importantly we have been planning more importantly for the long-term. But with woefully inadequate statistics to guide the process, it's been quite a challenge to smoothly find our way out of the jungle that apparently existed before I arrived.

Among the road challenges which the Ministry faced in September 2007, were the following:

- Toll road developments without a long-term plan and major issues.
- There was a toll road financing at a prohibitive 12 to 20 per cent interest rates. These have since been reduced to six to eight per cent and with the pending Chinese funding, down to 3.5 per cent.

That was a promise of the Labour Party in opposition, it's a promise of the Labour Party delivered in Government.

(Applause)

Challenges inherited:

- Mount Rosser. Mount Rosser, as anyone can see, is built in the

> middle of going nowhere, with an expensive four-lane design and not enough traffic to support it. We therefore have to find a way to make this road that goes nowhere into a road that goes somewhere. It had no funds to finance the connections - and we still have to find that – from Spanish Town to Linstead and from Moneague to Ocho Rios. The road started in June 2007 at a cost of $90 Million, and it was started, Mr. Speaker, without any geotechnical studies being completed.

Mr. ROBERTSON: Who did that?

Mr. MONTAGUE: What? Bobby!

(Heckling)

Mr. HENRY: Enter the new government, JLP, to discover by July 2007, one year plus, before we took office, the then government was advised the alignment could not work...

Mr. MONTAGUE: What?

Mr. HENRY: ...and NROCC had at that time began to bear the geotechnical risks if we ran into any.

In August 2008, I asked Cabinet by a Cabinet note on the geotechnical issues, and in October 2008, I made a statement in Parliament here to report on the geotechnical issues. I then took action which changed the alignment in October 2008 to save the road and taxpayers and with an expenditure of an additional new cost of US$24 Million that was approved by Cabinet. The road had now moved - all US dollars - the road had now moved, of course then, from US$99 to US$24 which is $123 Million and we are not able yet to drive on the road.

Mr. MONTAGUE: What? What?

(Heckling)

Mr. HENRY: At that point in time I insisted that we transfer the risk to the developer and we now try to negotiate ourselves where we go from somewhere to nowhere. We are now at the point of new technical reviews, meeting with contractors to seek to resolve the issues, and this has ended up in a 12-month delay for the completion of the Mount Rosser road.

Funny enough, on research I discovered that in August of 2007, a letter had been written to the then Ministry which stated that based upon a preliminary assessment of the ground conditions encountered along this route, we have great concerns about the constructability of the road. We considered the proposed route is likely to be exposed to significant high risk, *et cetera*. So it was all known, but yet it was pursued. In fact, the Ministry of Finance said, overall the submission is vague and does not provide sufficient technical and other details to justify implementation of the project, *et cetera*.

So, Mr. Speaker, we now have to find a way to move to seek to find new financiers to build, own, operate and transfer the two legs of the North-South corridor which we will not be able to use, of course, until we can also find the financing to connect Spanish Town to Mount Rosser in an expansion.

And you might note, the dates on which all of this was announced starting in June 2007, and I leave you to count the months between June and September, to recognize perhaps some of the motivation that drove the building of the road.

Mr. MONTAGUE: Run wid it!

Mr. HENRY: Inadequate focus on the

highway development between Clarendon and St. Catherine, to support traffic flow along the Vineyards legs, the extensive shoreline protection was ignored in many ways, and the poor state of many of the island's bridges. Major logistical challenges and a potential loss - we inherited that - of US$100 Million that could have been lost in international grant funding for the establishment of Segment 3 of the Northern Coastal Highway Project between Ocho Rios and Port Antonio. There we had, for example, bridges being built below sea level. . .

Mr. MONTAGUE: Yes, true dat!

Mr. HENRY: ...and an almost amazing time-overrun. And I raise these not in retrospect of going back, Mr. Speaker, I raise it because right now what we are negotiating with the contractor is 233 claims amounting to billions of Jamaican dollars, and we are seeking to resolve that by discussions and by arriving at an amicable position.

Mr. MONTAGUE: Inheritance of Pickersgill!

Mr. HENRY: Just like that headache on that section, we move to Segment 3 of the Northern Coastal Highway, that's the one into Montego Bay. There were totally inadequate traffic management arrangements along Segment 2 of the Highway, between Greenfield in Trelawny and Montego Bay in St. James. And we have had to install traffic signals and other safety mechanisms on that road, and even as I speak - which has only opened up in the last month - we still have major accidents on that road, because of poor vision and planning.

I want to thank the Minister of Tourism and the TEF, for funding those traffic lights, and the hoteliers... (Applause) ...because we had to turn to the hoteliers and the private sector for support and many of them assisted us.

There was a serious bottleneck of traffic in Montego Bay along the Bogue Road. That work is in progress at a cost of $1.4 Billion. And again I say, promise made, promise kept!

(Applause)

Perennial flooding problems associated with the Yallahs Fording in St. Thomas. The previous Government's team tried everything, and limited as the scope may have been, I am now pleased to say that the perennial washing away of the Yallahs Bridge is no more. Need I say it again - promise made, promise kept!

(Applause)

JUTC

On the land transportation side, I have mentioned the inadequate operational fleet of the JUTC, 200 buses from a target of 750. This has been remedied with an injection of 200 new buses since last year; another 100 are scheduled for delivery next year. And as I mentioned earlier, the success of the rehabilitation of what I was told we should dump in the sea, is being rehabilitated and used again on the roads.

(Applause)

Out-of-control accident claims against the bus company have been contained. The chaos and regulation and management of the public transportation system have been addressed. The NTCS franchise is now at acceptable standards from the members of that organization, and we move on to improve the management.

AIRPORT/AERODROMES

There was no foresight in the terms of

need for the connectivity between the airports and the aerodromes. There was no focus on upgrading and establishing new aerodromes, an approach which has since been changed in respect of the Boscobel aerodrome...
(Applause)...

Mr. MONTAGUE: Hear! Hear! Pickersgill said no, to Boscobel.

Mr. HENRY: ...which is to be opened up in December. And we are beginning to put all the plans in place for Negril, Ken Jones and the complemented developments at Vernamfield and Duckenfield.

Mr. Speaker, there seems to have been no full concept of what Open-Skies-Agreements meant. There was no broad global aviation connectivity. The base work which resulted in the conclusion recently of fifteen (15) air services agreements at the Jamaica ICAN Air Services Conference in Montego Bay, tells a tale of the type of transformation that will be coming in the area of the aeronautical industry.

MARITIME TRANSPORT

The Maritime Transport Sector in 2007, we inherited the concept for the Falmouth Cruise Pier, but we inherited with no financing. This we have since secured and are now developing the facility for the benefit of the country and community at large. And, Mr. Speaker, I am addressing a whole new transport plan, not dissimilar to the KMTR, which encompasses Hanover, St. James and Trelawny, under a structured transportation develop plan, so that we can look at the people moving with - between each parish in a seamless movement. Up to 600 workers have been employed during the construction phase of the Falmouth Cruise Ship Pier, and some 900 direct jobs could be created in the first full year of operation.

PORT ROYAL CRUISE SHIP PIER

Similarly, Mr. Speaker, we have to bring focus to the need to upgrade Montego Bay and Ocho Rios cruise ship piers. And we are engaged in positive discussions aimed at establishing a cruise ship pier in Port Royal, all for implementation in the very shortest of time, some beginning from as early as 2011.

Mr. MONTAGUE: Tell de man t'anks Paulwell. Say t'anks. Promises made, promises will be kept!

Mr. HENRY: Mr. Speaker, in this connectivity of transport, the IMO for 2009/2010, saw us being re-elected to that Body in Category C. Let me emphasize that Category C of the IMO contains only forty-seven (47) countries in the world. When we came into office we had been trying for years to get there; we are now there and been re-elected in 2011. And I want to thank ADMIRAL PETER BRADY for all the work that he has done in assuring... (Applause) ... that he was re-elected.

So since September 2007, many people have sought to try and understand what is the multi-modal plan, and some of these even looked at it like rocket science. (Laughter) If I can delve into history I will deal with them in terms of the development of the world. It was the Silk Road from China with the camels crossing the desert that began the movement of trade, industry and the development of the economic areas of the world. It was when the camels passed the desert and reached the edge of the sea that the world then recognized that really, the sea had to be conquered. But then you had to worry if you really went on sea

because they then said the world was flat, so if you sailed you would probably fall off into an abyss. So we conquered the sea and then after that we conquered the air, so it is land, sea, air... (Applause).

This policy places transportation at the heart of the economy, and in integrated multi-transport system, is the foundation of any national development. Presently, our transport system is quite limited, with few linkages among the different modes of transportation, of freight and passengers. Within that framework, an entire trip or journey should be seen as a whole, not as legs.

Hence, when you arrive at the Norman Manley Airport you should readily locate information boards that allow you to establish your choice of seamlessly combining at least two modes of transportation in getting to your destination. Whether you live in Linstead, whether you live in Falmouth or Treasure Beach, the multi-modal transportation framework will therefore result in you getting not only flight information at the airports and aerodromes, bus information at the bus center, and rail information at the railway. None of this is going to happen overnight, but you have to build the base from which you build the country.

Accomplishing this seamless integration of transport modes will require very detailed application guided by extensive research, which we already have underway. A survey conducted by the Planning Institute of Jamaica and the Statistical Institute revealed some very, very interesting information.

Mr. Speaker, 5 per cent of the motor vehicle fleet in Jamaica are heavy-duty trucks, which makes it definitely manageable to effectively enforce the weight enforcement scales. Seventy-two to 78 per cent of Jamaican households - I repeat 72 to 78 per cent of Jamaican households neither own nor operate a vehicle and depend on public transportation to significant degrees. More than 50 per cent of the motor vehicles in Jamaica excluding trucks are over 11 years old. More than 60 per cent of households in that Jamaica directly rely on route taxis or walk to work. And more importantly, for me, anyway, more than 70 per cent of school children in rural Jamaica depend on route taxis at high cost, or walk to school.

Mr. MONTAGUE: Yeah!

Mr. HENRY: And then we wonder about the social problems. We wonder why demand zoning of schools. We wonder why we end up with a disorderly transport system. We wonder why if we import millions of white cars that can't be identified and make everything more mobile, you are not creating more problems for yourself. Sixty per cent of respondents in the survey the Ministry carried out with STATIN, say that they would take public transport if given the opportunity and the service.

It should therefore be understood and appreciated from just these basic outlines, how important access to efficient, affordable transportation is to the productive and social base of the country.

Here, I wish to invite the Members of this House to give a helping hand. The JUTC bus service from time to time is one that I ride, to get a feel of the improved services with the air-conditioned buses; improved standards are being put in place. I have been riding the buses, I said, periodically. It could do so much in terms of fostering the necessary social integration in the society for the Opposition

Leader, for example, to one day decide to take the JUTC bus from Three Miles into downtown Kingston, and on the way run into Minister Grange and share a seat with MP Sharon Hay-Webster on the same bus, both on their way to Parliament from Spanish Town. Can you imagine the impact such an encounter would have on all who are on the trip, and indeed, remove the social stigma that the bus is only meant for the helper, the unemployed and the gardener. (Applause)

To demonstrate the seriousness of this, Mr. Speaker, we are issuing now JUTC SmartCards with the photograph of all the MPs who have taken their photographs, with a credit on the ticket, and I hope that they will begin to use it, whether they want to just go Saturday shopping or not. Because the JUTC now has the ability to produce what they call SmartCards with your photograph on it, and therefore, this will mean great security to your school children as we roll out with the Ministry of Education, giving the travel cards to the children with their address, their identity and their recognition, which is so important.

(Applause)

Mr. MONTAGUE: Roger, you a go tek bus tomorrow?

Mr. HENRY: And the seats are big enough for him. (Laughter)

I inherited perennial flooding problems at E1 Greco in Queens Drive, and I trust the Members from St. James will confirm that has been resolved and resolved quickly.

Mr. MONTAGUE: Yes.

Mr. HENRY: The funding of the JUTC buses, the equipment of police patrol cars on Highway 2000, which were not there when we took office, signalization of the intersections at St. Ann corridor on the Northern Coastal Highway.

Mr. MONTAGUE: Yes, yes.

PRIVATIZATION - AIRPORTS

Mr. HENRY: Privatization of the Sangster International Airport was continued. Expansion of the Norman Manley International Airport was continued, and then the development and a new thrust of a local Aviation Maintenance Aerospace College, based on the Curriculum of Singapore, has been established.

And I want to congratulate Mr. Leslie Chang and his Company, for that private sector investment which they are making in developing the base of the country.

BOG WALK GORGE

The Bog Walk Gorge under Gustav was completely destroyed in many areas. We didn't just rebuild it, we introduced further concrete areas of that which are now lasting until this very day and continue to stand the test of time.

After three years in office, the accomplishments are even more pronounced. We have completed the Waterloo bridge in St. Andrew; the Fairfield bridge in St. James; the Green Island bridge in Hanover; the Alligator Church bridge in Portland... (Applause) ...and all within a very challenging environment.

WASHINGTON BLVD/DUNROBIN

As I said, we have acquired the new buses, We have completed the expansion work on the Boscobel Aerodrome, the dualization of the Bogue road… (Applause) …And, Mr. Speaker, I'm skipping a number of them which will be in the speech circulated. But I

would be happy to mention the six-lane expansion of the Washington Boulevard/Dunrobin Avenue corridor, which everyone can see is being built as we speak.

We completed Phase I of major shoreline protection. And, Mr. Speaker, we have completed the relocation of the Causeway fishing village to Jamworld in St. Catherine, including the establishment of seaside landing and departure facilities for the fishermen on that area. (Applause)

Mr. Speaker, I pause to say collectively, on behalf of the Government, these are all promises from the JLP in opposition. These are promises delivered as Government after three years. (Applause)

So these achievements will intensified for years Four and Five, because we must not ignore what one-three-five-seven means. Analyze, implement in year three, ensure the vision of what is all is seen to the voters, get re-elected in Year five and then you coast from Year Seven to the next year overall. So, I declare my position very early. (Applause)

And all of this is done despite the stringent rules and regulations of the IMF. So that, Mr. Speaker, we are now embarking on a number of key initiatives forward to Year Five and further afield to Year Seven, and there will be circulated, the future being implemented now. So that everything I've said in here, will be put into a timeline, will be analyzed that can be seen. And I'll expand on some of it if time permits. But what everyone will leave with, is what is either the proof or not the proof. Beginning of project, time reached, any over-extended run, if any, and there are only two, and when it will be finished, in what year.

(The Minister's time for speaking having expired a motion was moved for the suspension of Standing Orders and for an extension of thirty minutes to allow him to complete his presentation.)

The motion is put to the House and agreed to.

The SPEAKER: (Gavelling) Mr. Henry.

PALISADOES STRIP

Mr. HENRY: Among the developments slated to complement the rehabilitated Palisadoes strip - and let me say a little bit about the Palisadoes shoreline rehabilitation and protection work which involves the creation of a two-lane roadway for a four-lane corridor at a relatively small additional cost. The Sixty-five Million Dolloar project is intended to not only protect the Palisadoes shoreline, but also to deliver the sort of aesthetic surroundings that have long been imagined but never delivered. And never delivered because we continued to govern in a vortex of decline, asking our citizens to reduce their demands rather than meeting their demands.

Mr. MONTAGUE: Hear, hear!

Mr. HENRY: It includes a boardwalk with selected vending options, jogging trail and a return to user-friendly recreational arrangements along the strip, and will complement the development of the Gunboat Beach facility. And if you close your eyes as you would come off the Norman Manley airport being extended, and you drive along that road, if you wish to make a right turn to go to St. Thomas, then you'll come in contact with the Dry River or Harbour View bridge. On August 16, three weeks or so from my speech, the original bridge collapsed, if you remember, in the Tropical Storm Gustav and was replaced in record time.

Mr. MONTAGUE: Yes, yes!

Government MEMBER: Performance!

Mr. HENRY: On August 16, the business for planning is over. The bridge will Start being constructed by...
(Inaudible)(Applause)

WEIGH SCALES

The new Vehicle Weight Enforcement Programme to help protect the only road infrastructure (is) being put in place from damage calls. The mobile weigh scales are here and have been acquired and are now operational across the country, while four (4) static weigh stations are to be established, one in Trelawny, St. Mary, St. Catherine and St. Andrew.

We also are encompassing the Right-of-Way policy which is being formulated to ensure that the public coffers benefit from the use of public thoroughfares by businesses. I inherited a toll road in which the right-of-way for running cables was given to the Toll operator. If you wish to run your fibreoptic cables, if you wish to extend your pipeline, if you wish to therefore deal with servicing the public, a percentage of that must come for the development of the infrastructure of the country.

HARBOUR HEAD DRY DOCK

The establishment, Mr. Speaker – and if you focus on that area - we are about to start the establishment of a dry dock in Kingston. That dry dock is to be located at Harbour Head. It represents a major endorsement of Jamaica's ability to attract international investment as was widely recognized by JAMPRO recently. (Applause) That dry dock, because of everything I say, the inter-connectivity must relate. That dry dock is tied to increasing the maritime training opportunities of the Caribbean Maritime Institute. This spells good for both training and employment opportunities within this new-found industry locally.

Mr. Speaker, all of that is expanded on in the other document which will list, and maybe as I skip to the future, at some point I can give you the numbers of graduates, the numbers of earnings that are flowing from that as I challenge the Far East to an area of development that I want to see grow.

Mr. Speaker, the Government is now about to embark on the most comprehensive road rehabilitation and repair programme in this country from a loan facility of $340 Million from China EXIM Bank. (Applause) This programme is to be rolled out across the island very shortly, bearing in mind, of course, the implications of the hurricane season. We will plan its implications across all sixty constituencies. I will not be like predecessors under the NRIP programme where millions, and - well, sorry - Six Billion was spent, from 2003, to 2005. Central Clarendon got Thirty Million of that. Let me clarify...

Mr. MONTAGUE: Six Billion!

Mr. HENRY: Six Billion.

Mr. MONTAGUE: What!

Mr. HENRY: There wasn't one constituency chosen that related to the then Opposition of any great amount. And if I'm challenged, I will find the information and circulate it.

Mr. MONTAGUE: Victimization!

Opposition MEMBER: Rubbish!

Other MEMBER: Shut yuh mouth. Foolishness!

Mr. HENRY: I'm going to send you a

copy of the expenditure, you see. I don't want to remind Roger that he came and said that they shouldn't curse me so much. They should give me some roads because even although they don't give me nuh roads, they... (Inaudible)

NWA – NEW EXECUTIVE OFFICER

The NWA, Mr. Speaker, has seen a new Executive Officer, MR. PATRICK WONG... (Applause)... and 1 want to welcome him. His challenges have been many because we have had to concentrate great expenditure on the Buff Bay and the Rio Grande Valley. Extensive rehabilitation works have been undertaken there, and broadly speaking, work has been going on the Dry River bridge and the other Yallahs training programmes.

Of some sixteen (16) major bridges which were targeted for construction over 2009-2010, thirteen (13) were completed. And 1 want to congratulate his staff in the Works Agency. (Applause) Angel's River, Clarendon; Gordon Town, St. Andrew; Queen's River, Hanover; Martha Brae, Trelawny; Waterloo, St. Andrew; Worthy Park, St. Catherine; Spring Field, Clarendon; Fairfield, St. James; Alligator Church, Portland. (Applause) At the localized level, smaller bridges at Exchange in St. Ann, Milford in St. Ann; Grant's Pen in St. Andrew; Broadgate in St. Mary, Gobay, St. Catherine; Bourbon, Portland and Above Rocks in St. Catherine. (Applause)

Government MEMBER: Good bridge, Gobay.

Mr. HENRY: The gullies had to be attended to, Mr. Speaker. These gullies included Shrewsbury in Portland; Western Park, Clarendon.

Mr. MONTAGUE: Lisa Hanna get one too.

Miss HANNA: I said thank you.

Mr. MONTAGUE: Okay. We nuh victimize.

Mr. HENRY: Swift River, White River, Chepstowe, Windsor Castle, Eleven Miles, St. Andrew; Soapberry, St. Andrew. And, indeed, Mr. Speaker, let me pause, that if Soapberry was not done, we would have lost all the investment that is there for the sewage structure there. (Applause) So, over $3.8 Billion was spent on all of these repairs and drain-cleaning, including the Buff Bay Valley, Phase 1, over the year.

ROAD MAINTENANCE FUND

Mr. Speaker, the Road Maintenance Fund contributed to that. The Road Maintenance Fund hAs now been given the charter to work with the National Works Agency on the new expenditure. And Cabinet yesterday approved the amendment to the Regulations of the Road Maintenance Fund to ensure that the programme can be expanded quickly which includes, routine maintenance geared towards pothole elimination, bushing, drain cleaning and the repair to road furniture, periodic maintenance and regular interventions. And coming up very soon, is the micro-surfacing programme to address that. Of course, there are challenges, Mr. Speaker, facing the Road Maintenance Programme but we will arrive at facing those challenges and ensuring that the development will flow.

So, Mr. Speaker, in that context, I move to the future and where it will take us. I move to that future, Mr. Speaker, against the background that what drove the Ministry from

the time l came into the office, is the integrated plan which takes us not to 2015 but takes us to 2030.

This plan, Mr. Speaker, addresses the real thrust of the Ministry's aims and objectives, and I will reach to it at a later point. But what the future offers, is a road and infrastructure development, and rehabilitation. I've mentioned the Washington Boulevard. The Jamaica Development Infrastructure programme is a five-year programme. It's a five-year programme of US$400 Million. Road widening is $100,700.00; Road rehabilitation - $126,500.00; Corridor improvement - $82,800.00; New Road construction - $32 Million; Bridge programme - $24 Million; Periodic maintenance - $18 Million; North Coast Highway - $4.5 Million; Traffic Management - $9 Million and Institutional strengthening - $2.5 Million.

Mr. Speaker, what we are going to seek to do in four years, we couldn't wait for the cess to develop. We have to bring it forward because close to sixty-one per cent (61%) of our roads are in need of immediate and urgent repairs.

Leading the process will be China Harbour, a Fortune 500 company and one of the largest and most comprehensively equipped companies in the world.

WEIGHT LIMIT

I mentioned earlier, Mr. Speaker, the Dry Hope River Bridge at Harbour view, which as I said, starts on August 16. The Weight Limit Enforcement Programme is structured here as is rolled out. So far under the Weight Limit Enforcement Programme, we have four (4) vehicular weight scales, since the inception of the programme in December 2009, and by May 2010, a total of 1,266 vehicles have been checked with 35.78% or 453 have been found to be overweight as shown in the graph section below in the document.

PAVEZONE – (NEW PRODUCT)

And if we are talking of the future, Mr. Speaker, then we must speak to how we upgrade the costs and the ability of roads. One of the new approaches to road improvements which we took in the second year was the use of a Pavezone. Mr. Speaker, we have tested that material, and it continues to demonstrate a remarkable resistance to the disintegration or deterioration normally associated with traditional marl-based court pavements some one year later.

The formulation of a non-toxic, non-flammable, non-corrosive and biodegradable product stands to reduce the cost of road repairs between 15% and 40%, depending on the service, whether it is used for agricultural, commercial or residential purposes and we have tested it in the St. Elizabeth constituency, and all the roads that we have tested it have proven, the ability that we should maintenance standards and expand the use of it. (Applause)

RED MUD – BAUXITE BY-PRODUCT

Last year I announced that we would look at red mud, and the reuse of red mud, a bi-product of the bauxite production process. To date, the necessary tests have been carried out on the locally surfaced sourced material in an effort to ascertain the quality of the cement product that is being created for use in resurfacing. The relevant tests have been carried at the Jamaica Bureau of Standards by representatives of Green Work Creek, the results of which have been communicated to

Ministry of Transport and Works. And, Mr. Speaker, the National Works Agency will be applying the material to a road in St. Elizabeth that has been earmarked for the test section and that will commence in this year - in the next two to three months. (Applause)

I have dealt, Mr. Speaker, before with Highway 2000. You earlier today heard the financing proposals re 1(b) (1), (1)(b)(1) is the Sandy Bay to Four Paths and we are having ongoing talks with the multilateral partners and the contractor, and that work will start very soon.

SINGLE ROAD AUTHORITY

Mr. Speaker, the Government is committed to the establishment of a Single Road Authority. Prompted by the state of the infrastructure islandwide it is important for the livelihood and safety of the citizens of Jamaica and the economic welfare of the nation. The proposed functions of the Single Road Authority are to establish and modify the geometric standards to which roadways are to be designed. Establish and preserve the construction and maintenance standards and specifications of all roads. Regulate the movement of traffic on our roadways, promote and coordinate the activities of implementers of road works, establish and maintain all rights-of-way agreements, develop regulations to deal with the management and the handling of roads.

LAND TRANSPORT DEVELOPMENT

And Mr. Speaker, part of that vision for public transport, is Land Transport development. But Land Transport development is not isolated as I said, from road, rail, sea and air. And therefore, the vision for the public transport using the Jamaica railway, light railway as it is on page 9 of that document - when it is handed out, and which I'll show in a map because we are about to issue now the terms of reference to transfer for the full integrated plan for the movement of people between, Kingston, St Catherine and Portmore. And that includes planning for Ferry service down the road.

(Map shown to Members of the House)

So, Mr. Speaker, what we have here is Portmore, Kingston and St Catherine. What the document speaks to is a vision that relates - which will show the movement of everybody in time from one area to the next. The train bus stop at Gregory Park, the multimodal train/bus for Spanish Town, the multi-modal hub and bus/train for Portmore Mall, the train/bus stop for Tinson Pen, the logistic centre, the multi-modal hub and Taxi/ferry and Kingston to the Waterfront. Now a lot of these things may not happen in my lifetime, but my job is to ensure that the children of my grandchildren, like how I have grown to be sad, at where my country has reached in a visionless aspect of leadership - and may I remind you, politically we have always known two terms 1, two terms out. Every Government has said, give me a third term and what wonders I will work. They got four terms. Give me four terms. So, Mr. Speaker, this is being rolled out between railway, ferry, *et cetera*. It is broken down in this document to a more detailed map showing where you'd use the current railway which can be used right now with merely the repair of the bridge across Sandy Gully. And the Minister of Mining and Energy isn't here, but we had to repair the Bog Walk bridge at $57 Million, just last week in order to move bauxite and

therefore expand that development. (Applause) Thank you.

You can't do these things without also planning the concept that you are going to deal with, therefore there will be an establishment of the Land Transport Authority; one that will embody and combine the Island Traffic Authority and the Transport Authority so that what you don't have is protective elements in one corner and not achieving the results of what you want. That is part of the legislation that will be done under the Road Traffic Act which is being prepared in the ministry, as 1 speak. Because one thing I have left since becoming government, if you don't make the legislation run before you then all the ideas and the programmes you put in place will be sat upon somewhere in a ministry and you will get no movement. That will be the model, Mr. Speaker that will relate to what we never inherited. I hinted at it. A rural/urban transport plan, of the four (4) major towns which forms the pilot of the implementation of the plan that we are putting in place, and what we do and do as a model in Kingston are going to be transferred to the rural/urban towns. So when you see the two buses out there, next week you will see some taxis painted in colours. It is no big stick approach, it is an educational approach. Because, if I ask anyone if the world, to say what is a taxi and they came from a major town or country, they could describe what a taxi is in London. They could describe a taxi in the United States. I ask you all to close your eyes, take a piece of paper and write down what is a taxi in Jamaica. And I am making commitment to the rural/urban transport and the whole system of transport, pay your taxes, register yourselves properly as companies, bring yourselves into it and I will fight with the Ministry of Finance in order to get you vehicles to be imported at concessionary rates that we can improve the system of transportation in the areas.

The starting point for the ministry's ongoing efforts for this, Mr. Speaker, is to strengthen the operations of the Montego Bay Metro which now has two multi-modal buses. And then we are going to move to a pilot programme in Ocho Rios, May Pen and Santa Cruz. Now all of these modules are chosen with a social grasp of what we are trying to do. Montego Bay's bus service has developed on someone being kind, to try and get the workers to the hotels, and some of them to schools. Montego Bay has a railway. Ocho Rios has no railway. But we are going to see to the socialization and the combining of the visitor with the local. Therefore, there should be a different type of bus that runs along the elegant corridor as the one which takes the schools and the persons to work.

In May Pen, we will be starting a bus service that passes the railway station and all but passes every school that a child goes to in May Pen and you will be able to cross the town of May Pen in one hour travelling from north, south, east or west with an interchange at Howard Avenue. These are the models which we will rise up. Santa Cruz is totally a motorized vehicle community. Because if we historically analyzed it, when we were dealing with transport, we'd recognize that once you closed the railway; one, Maggotty did not exist, you'd be driving the people onto roadways, creating greater congestion and equally ignoring the interior development which forces the people to move to the urban areas transport and the outshot is a social disintegration of your capital cities.

So that the rehabilitation of the railway is scheduled for implementation beginning this year with some aspects of it, and that will be linked to the Vernamfield Aerodrome and Tinson Pen. The rail link that is to be established linking Tinson Pen with Vernamfield will ensure that there is a sterile movement of containers from the port into the new Tinson Pen logistic centre and from there on into Vernamfield.

In view of the IMF Agreement, the Ministry of Transport has had to re-scope the project of the rehabilitation of the railway in the context of the country's medium to long-term economic growth and development targets. The new project cost is now US$100 Million and the re-scoping begins and we were up to yesterday speaking to new investors who are here on a joint venture. (Applause)

I have spoken to the rehabilitation of the JUTC buses, I have spoken to colour-coding but, Mr. Speaker I come to an aspect which for me, is even more important.

The ministry, in consultation with the relative stakeholder departments of government, namely the Inland Revenue and the Ministry of National Security, has identified a number of deficiencies that exist with the current licence plate system in Jamaica. Among the critical issues that were identified are the incidence of vehicle theft, duplicate licence plates, counterfeit plates, trafficking of stolen vehicles, as vehicles are not easily identifiable by law enforcement officers.

In recognizing the current problems and to address the loopholes, it is expected that over a total of 554,000 registered motor vehicles including privately registered motor vehicle will be effected by the scheme. The currency of the revision of the Road Traffic Act means essentially that the relevant legislative amendment for affecting the required changes to the current licence plate system will be addressed by the Act. In addition to addressing the changes that will be carried out to the actual licence plate, the examination of the provisions of the Act is also to be extended and an assessment of the licence plate vehicle relationship.

There is an associated plan, Mr. Speaker, to implement an e-surveillance system in Jamaica, whereby cameras will be used to monitor traffic movements at selected locations in or within the Kingston city limits. The system will transcend the erection of closed-circuit television and will include the use of licence plate recognition system, a technology which will be calibrated in accordance with the newly configured licence plate. These measures are very critical and will not only be beneficial to enhancing the traffic environment, they will ideally aid in traffic and law enforcement.

And, Mr. Speaker, in case anyone thinks I am still talking of possibilities, in case they think that I haven't spoken of what the future will be, then let me advise them that we had one camera in Half Way Tree, one of the first persons it caught was a very close friend of mine who had about 22 tickets outstanding.

Mr. MONTAGUE: That is who, Pickersgill? (Laughter)

Mr. HENRY: But the loss of the annual revenue collected from this is over - nearly $3 billion. In 2009 to 2010, over $3 Billion has been lost. And we analyse the traffic offence, and the areas that it relates, PPV, contrary to bands.

But, Mr. Speaker, the one I am looking at - looking for, is one person - and let me say commercial operators, Mr. Speaker, accounted for the smallest amount of unpaid citations. But the value of their citation exceeds both private and public passenger vehicles. But there was one person, Mr. Speaker, whom l think had about - hear this, - Table 6 above shows the persons having one to five citations which constitutes 66 per cent of citation holders. Fifty or more citations should be identified and brought to justice with immediate despatch. But, Mr. Speaker, here is the one. It was discovered that a single driver managed to accumulate over 1,500 citations within a two-year period. We have passed that information on to the police.

Mr. MONTAGUE: What? A who that? A wonder if a Peter Phillips.

Mr. HENRY: Which shows that the whole aspect of the point system, the whole aspect of regulating of traffic, *et cetera*, isn't working.

(*Sotto voce* comment by Mr. Montague)

Mr. HENRY: Mr. speaker, with one to five citations, we have 145,580 people with one to five; 63,438 for six to ten; 24,777 with 11 to twenty; 2,716 with thirty-one to forty; 1,307 with forty-one to fifty; fifty-one to one hundred, 1,733; 101 to 200, 393; 201 to 300, fifty-five; 301 to 500, eleven, and that gentleman above the 1,500 mark.

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

Mr. GALLIMORE: Mr. Speaker, I move that the Minister's time be extended by 15 minutes to allow him to complete his presentation.

(*Sotto voce* comments)

The SPEAKER: The motion before the House is for a further extension of 15 minutes to allow the Minister to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister Henry.

Mr. HENRY: And, Mr. Speaker, I will release on Wednesday at a Press Conference, a lot of supporting documentation that will take this further along the way; that it will begin to explain where we are going, what the new licence plates will look like, and where we are coming from, because in all of these we have passed it on to the police.

Total distribution of points from unpaid citations, all drivers: 265,760, less than ten points; 46,826, between 10 and 14, and greater than 20 points, 27,819.

Mr. Speaker, I want to congratulate the Traffic Management Department of the National Works Agency who have worked very hard on this, and to also point out that the difference between a vortex of decline and a First World approach is equally how you write a ticket; aid and abet, excess passenger, 38. But if you have aid, abet, excess pass, the computer is not going to pick it up to recombine it, because you haven't spelt out the passenger, *et cetera*.

The analysis of the Traffic Citation Data clearly demonstrates the urgent need to fix the current problems that are preventing the Government from collecting outstanding revenues and to improve road safety, and the ministry will continue to pursue that.

A new approach under the modernization and the future will be the certification of driving schools and driver education with the ITA. The Island Traffic Authority is pursuing opportunities for assistance from Singapore, in putting in place a framework document to

facilitate the certification of driving schools, and driver education in Jamaica. The intention is to adopt best practices from Singapore, where applicable, train and educate the driving public, and the framework of the document is expected to conclude with the final stages of the Road Traffic Bill.

AERODROMES - CONNECTIVITY

I have mentioned earlier the Rights-of-Way policy. It is clear that we are pursuing the airport privatization and the development, not on single airports, but on the connectivity of all the aerodromes in Jamaica. Because indeed, if what we want to be is the multi-modal hub of the world in the movement of goods and services, then we have to begin to link all the areas of the country, move our thoughts from what is really local development into the wider world outside.

The capital development of the Norman Manley International Airport continues; the capital development of the Sangster International Airport, I want to congratulate them. The development is being done on a three-phased basis at a revised sum of $124.39 Million, financed by commercial debt. The MBJ limited has achieved 100 per cent completion of Phase 1(a) and 1(b) of the CDP. And I want to congratulate them in continuing to have faith in the system, as it supports the visitor industry.

VERNAMFIELD

Mr. Speaker, Vernamfield Developments is going to be a public/private sector-based initiative between the GOJ, through the Port Authority of Jamaica and private developers. The project had a genesis, as we know. It will focus on the building of international aviation industry providing aviation training, air cargo, warehousing logistics, maintenance, repair overall. The development contemplates a long-term multi-stage process centred on the existing air-field. And the estimated cost is some $230 Million in the first phase.

I have already spoken to the Boscobel aerodrome runway extension as a port of entry...

Mr. MONTAGUE: Hear, hear!

(Applause/*Sotto voce* comment by Mr. Montague)

Mr. HENRY: ...where for the first time, private jets will be allowed to come in and get all the services of customs and immigration.

Mr. VAZ: Long overdue.

(*Sotto voce* comments)

Mr. MONTAGUE: Long overdue. Nuh mek bad mind kill you.

OPEN SKIES AGREEMENT

Mr. HENRY: And then, Mr. Speaker, I come to Open-Skies Agreements. Jamaica currently has 25 Air Service agreements with other States. Many of us do not seem to appreciate what open-skies mean. The recent agreements that we have concluded in Jamaica will relate to us signing another 16. That arises from the conference where we initialled ten (10) air services agreements, two (2) memorandum of understanding and initialled five (5) agreed minutes with a number.

Mr. Speaker, I am talking for the first time, to seek to link our umbilical cord between Africa and Jamaica.

A MEMBER: Hear, hear?

(Applause)

Mr. HENRY: I recently attended South Africa, Mr. Speaker...

Dr. DAVIES: To watch the World Cup.

Mr. WARMINGTON: You sound like you bad mind and grudgeful.

Mr. HENRY: Yes, 1 did go to watch the World Cup. I have watched every World Cup from 1956 'till now, long before I was...

Mr. MONTAGUE: A so long you have money?

(*Sotto voce* comments)

Dr. DAVIES: I don't know which one you were watching, but there was no World Cup in 1956.

Mr. HENRY: I said, from '56. You can count whatever day you want because in '56, I was there before we lost the Heathrow slots.

(Laughter/*Sotto voce* comments)

So, Mr. Speaker, the concept is, Mr. Speaker's country, including their glorious World Cup - and World Cup and cricket, as you know, is India, Pakistan, Sri Lanka largest populations. So, including the World Cup era, Mr. Speaker, all the visitors Jamaica has had from the Far East is a total of 6,600 people. Mr. Speaker, not one person living in India, Japan, Malaysia, China Thailand, and I could go on, can decide today to gavel to Jamaica spontaneously. Without an in-transit visa, they cannot come. Unless they decide to fly for 28 hours, then they would have to fly from Jamaica to Panama, Panama to Brazil, Brazil to Johannesburg, Johannesburg to China or Singapore.

We recently had an officer to send from the ministry to a conference that is how we had to fly the person because it would take him five weeks to get an in-transit visa.

Mr. Speaker, 0.05 per cent of any of that population, that area of the Equator coming to Jamaica, will fill my aerodromes which can take up to ten million people between them, without spending one dollar of the Government's further money, and a charge per head on in-transit moving on, would change the whole picture...

Mr. MONTAGUE: Hear, hear!

Mr. HENRY: ...of what I talk about, a multi-modal connected plan.

Mr. MONTAGUE: Hear, hear! Dem wouldn't understand.

Mr. HENRY: So, I am happy to say that among the countries showing interest to sign is Ghana, Nigeria, South Africa Kuwait, United Arab Emirates, and I could go on, Iceland, Chile, Brail.

Mr. MONTAGUE: Yes, yes, what, South to South cooperation!

Mr. HENRY: So, Mr. Speaker, Open Skies is really in the context of Jamaica pick up and drop off. What it means is that you don't have enough traffic to fly from Jamaica to Nigeria continuously, but you have enough people living in Chile, Brazil, *et cetera*, who want to get there, and the reverse is true. And all of that, Mr. Speaker, is spelt out in this document of the aims and objectives of what a multi-modal sea-to-air opportunity of Jamaica is about.

LOGISTICS CENTRE

So, Mr. Speaker, you have asked me to be limited by time...

(*Sotto voce* comments)

Mr. HENRY:...but the development of the logistics centre, Mr. Speaker, which starts shortly. The Tinson Pen Logistics Centre will start shortly. But what is a logistics centre? If the Panama Canal opens up in 2015, you move manufactured goods by large carriers. You move them to another port, and by linking sea

and air, you move them in a different level of delivery. In that context, I want to record. Despite reduced business terms - and I have to be moving around, Mr. Speaker, because I am conscious of time and I have time to prove the implementation. Despite reduced business in terms of the number of containers coming through Jamaica and that being handled by the Port Authority, the Port Authority was able to experience a surplus during the current financial year...

(Applause)

...and I wish to congratulate the Chairman and CEO of the Port.

(Applause)

That was achieved by sustained cost-saving measures, together with a positive impact arising from the stabilization of the exchange rate as performed by the Ministry of Finance.

CONTAINER TERMINAL – PRIVATIZATION

So, Mr. Speaker, everything is connected. The privatization of the container terminal is being examined. The privatization of the development of Fort Augusta lands under built/operate/transfer arrangement. Under a lease and concession agreement, the shipping lines chosen for the project will be obliged to build a new port facility, and operate it under a long-term arrangement at the end of the term.

Control of the facility will revert to the PAJ, the privatization of the existing KCT, and the future development of additional container facilities in the port of Kingston. Capitalization of the initiative by shipping lines to pursue a programme of participation in various activities in the shipping industry will form part of that vision.

DRY DOCK – HARBOUR HEAD

I earlier mentioned the dry dock facilities which are to be established at Harbour Head. That is a partnership. When I first got to the ministry, we opened up - and again, I thank Admiral Brady - we opened up an office for ship-registering in Bremen. Having opened up that ship office in Bremen, Clarendon Partners have agreed to partner with Jamaica Fruit and Shipping to develop the docking facilities at Harbour Head which will be starting in September of this year. (Applause)

That is meant to bring, not only more ships to the shores, and the revenue associated, it is also to provide training for the CMI cadets and employment utilizing industry best practices and standards. Jamaica, Mr. Speaker, is seeking to establish itself as an international shipping hub for ship repair services, and capabilities are critical to this.

Numerous business surveys have found that the investment decisions of maritime firms in particular, is driven by the presence or the absence of complete timely and good quality maritime services. And l want to congratulate Mr. Pinnock, the Principal of the CMI for the work being done and the increased graduations that are taking place.

PORT AUTHORITY – CRUISE LINE, ETC.

The Port Authority is pursuing the Carnival Cruise-Line Partnership Projects, and we are at the verge of finalizing the various Memoranda of Understanding that relate to the expansion of the Montego Bay Cruise Ship Pier, the Ocho Rios Cruise Ship Pier, and as I earlier said, Port Royal as a port of call.

Mr. Speaker, all of these are ongoing and

immediate in their discussion and in their plans for implementation. And as I always start every meeting, being an old man in a hurry, rest assured that everything I say here is to happen before the end of this financial year.

INTELLECTUAL PROPERTY RIGHTS

Mr. Speaker, we are embarking on new threads. We have decided to pursue Intellectual Property Rights, therefore a trademark has been developed by the Port Authority in collaboration with Royal Caribbean, in respect of the Falmouth Cruise-Ship Pier, which will relate to the earnings that must flow from that.

SHIP REGISTRY

I earlier mentioned the Ship Registry; let me return to that as the ship registry is also open now in Singapore. Those of us who do not know it, Singapore is the number one leading maritime country in the world.

Working in collaboration with the Maritime Authority of Jamaica they held recently a seminar in Singapore to bring awareness to Jamaica's maritime capabilities. The seminar was attended by 60 persons, including ship owners and agents, exploring the opportunities with registering their vessels under the Jamaican Flag.

Mr. Speaker, the Jamaican Ship Registry in Singapore is now represented by the World Renown GMAX of Singapore, and they are confident the new ships will be added to the registry before the end of this year. (Applause)

Mr. Speaker, I could go on, but I'll let the words speak for themselves. But in concluding, let me say that as a lot of this relates to jobs, jobs, jobs and more jobs, the overall programme of year one for the JDIP Programme is expected to find direct employment in the first period of 7,630 persons. The Palisadoes, 560 persons, the bridge across the river, at least another couple of hundred, the Dry Dock at least 50, so that within the course of the next five to six months, we'll be providing over 8,000 jobs in direct employment in . . . (Inaudible) . . .

(Thunderous applause by Government Members)

Mr. MONTAGUE: Jobs, jobs, jobs, jobs!

Mr. HENRY: Mr. Speaker, suffice it to say, that as we roll out the first patching programme of the JDIP, which is catalogued here, but kept under lock and key, let us begin to recognize that as I said earlier, 1 refuse to run the Ministry - with the instructions of the Prime Minister, I refuse to be part of vortex of decline. What I expect to do is ensure that the Ministry of Transport contributes to the developing of the minds of the persons and socialization of our country by transport and I recognize that we are not really meant to be Fifth World but First World.

And in so saying, Mr. Speaker, I merely close to recognize that between 1998 and 2007, the road conditions had deteriorated from 13% good to 48% poor, an increase in good from 10% to 69% deteriorating. I say that to let us understand, that it is impossible for me to do it all in the first year, except to say that if the Ministry of Finance gives me the fiscal space, we won't be rolling out just 60 Million next year but US$120 Million, which will mean that ... (App1ause) ...what we do this year we'll double next year, and then we begin to return to the people a good mode of transportation.

Thank you very much, Mr. Speaker.

Thank you very much for listening, and I look forward to . . . Inaudible). . . . .

(Applause by both sides)

Mr. HOLNESS: Mr. Speaker. The Minister of Information will now make his contribution to the Sectoral presentation. (Applause)

(Discussion across the aisle by Messrs Holness and Kellier)

Dr. DAVIES: Seniority.

(Dr. Phillips is on his feet)

Dr. PHILLIPS: Mr…. (Applause by Opposition Members)

Mr. Speaker, I want to thank Members and I want to thank the Minister of Information for yielding or for allowing the order to reflect our original understanding.

I - we are all here, Mr. Speaker. It is true I have decided to participate in this debate at this stage. I am not certain what the plan is for the continuation of the debate after the summer break, and while I can understand some of the reasons I think the debate, the Sectoral Debate this year has been unusually…

Opposition MEMBER: Chaotic!

Dr. PHILLIPS: ....prolonged and some say chaotic, but I think that because it has not been possible to get a theme or a real debate going, but nevertheless I appreciate the opportunity to participate. I don't plan to be as lengthy as my friend, the Member from Central Clarendon, and Minister of Transport and Works, neither do I propose Mr. Speaker, to be controversial. Because I think that there are some fundamental issues. There will be occasion for issues that might generate controversy to arise. I have not made a secret of my view, for example, that events that have recently transpired demand an independent Commission of Enquiry. . .

Government MEMBER: Trafigura!

Mr. MONTAGUE: Trafigura!

Dr. PHILLIPS: …but - if you want to bring that in I have no problem.

Government MEMBERS: Ha!

Dr. PHILLIPS: …but that is not, that is not - one day, we'll make those points here, but today is not that day.

Mr. MONTAGUE: Where were you for the vote?

Dr. PHILLIPS: We are all here, Mr. Speaker, not only by ourselves or for ourselves, and I think it is obligatory on me to really express my thanks to my parliamentary colleagues on this side, led by the Leader of the Opposition, for the support over the year, my constituents who have continued to grant me their support and have expressed their intention that I should come back here.

(Applause by Opposition Members)

And of course, thanks to my family, who (Applause) . . . have made it possible for us to continue to avoid destitution, even while serving in the Parliament, (Applause by Opposition Members) …and who have offered support. You know, I have one son who has determined that he would like to come into the Parliament and is making all the preparations, as a representative, and I expect that by the time he is returned we'll be sitting on that side.

(Laughter/Applause)

And I don't know whether it is a threat or a warning, but there is still a generation coming behind him, (Applause by Opposition). . and they may well thank to come here.

But it is in a sense, because of the responsibilities that we have in this Parliament to the generations who come, that I really want to address a theme that I have spoken to on

occasions before, but where I think it is incumbent on us to really make an assessment about our performance as a country and our performance as Members who have served in parliamentary life. Because a country can only progress to the extent that each generation meets its challenges and to the extent to which we are prepared to establish a viable platform from which future generations can effectively confront theirs.

You know the Chinese, the Chinese have a proverb, you may well know, Mr. Speaker, that says that 'if the son is not greater than the father, both have failed', and quite frankly…

(Laughter by Dr. Davies)

Dr. PHILLIPS: …and quite frankly, if the next generation does not do better than we have done, both have failed.

Mr. Speaker, on any typical day like today, the vast majority of the l.4 Million or so adult Jamaicans, set about their daily chores in enormously difficult conditions. Approximately 15% or so of these persons subsist below the poverty line, that is to say they can't secure the basic minimum of nutrition through their earning or through their expenditure to subsist.

Perhaps another 30% or so are what we would call the working- core, subsisting just above the poverty line, meeting daily needs, but literally on the edge of survival. Any unusual or unprogrammed expenditure precipitates a personal crisis. Back to school expenses, which are upon us now, for example, causes such a crisis for such a family or household. Illness in the family, bad weather that damages a roof or a fire, even the need sometimes to just change out your shoes which have worn down, precipitates a crisis; and unless they send overseas for some remittances from family overseas or check the MP or borrow, these crises mount on them.

Those in better circumstances, the so-called white collar workers: civil servants, workers in finance, banking or the manufacturing sectors, many of the micro-enterprise persons, even though they are better off still feel their lives in turmoil. They, too, have felt the brunt of the economic decline. Many have lost jobs. Major enterprises in finance, distribution, manufacturing bauxite industry have had to downsize. Also, they, like the rest of the society, are confronted by the concerns about crime in schools, about educational performance, they are concerned about the quality and affordability of healthcare and they, like the rest of the society, are paralyzed by the fear of crime.

This sense of crisis that so many feel in their personal lives is really just a reflection of a broader national crisis. It has been with us for some time. I am in no way suggesting that it started with the current Administration. It has been with us for a long time. Indeed, our modern politics emerged as a consequence of the determination to transform this sense of crisis and relieve the conditions of poverty, which were the reality for the majority of our people. The sad fact is, it is still a reality for too many.

In national terms the evidence is clear. We have underperformed in critical areas which measure levels of development. Economic performance, for example, Jamaica having registered through the 50s and 60s into the early 70s, the third highest rate of growth in the international community, yet after that we have really remained essentially stagnant over the subsequent three decades. Today, GDP per capita is still at essentially the same levels that

it was at in the 1970s. Not surprisingly, productivity in the Jamaican economy has been stagnant.

EDUCATION

Educational performance, despite successive so-called educational revolutions, beginning with Common Entrance in 1957, still leaves a lot to be desired. Yes, critical social groups that were previously excluded from our best schools and best educational institutions have been granted access to these institutions. Yet, it is still the case, unfortunately, that despite the Common Entrance, despite the free education initiatives of the 1970s, despite the 70/30 that was done in the 60s, which predisposed or changed the balance in the grants of scholarships to favour those coming from the Primary Schools, despite the efforts of the 90s and the current free education, supposedly, two out of every three Jamaican children who leave school, leave school without a single pass at the CSEC examination, two-thirds, and many of these children remain functionally illiterate.

CRIME

The rising crime and public disorder represents perhaps the area of our starkest failure. A murder rate which was approximately 6 per 100,000 in 1962, now stands in excess of 60 per 100,000 among the highest in the world; 6 per 100,000 by the way, is where Barbados remains today.

(*Sotto voce* remark by Mr. Pickersgill)

Dr. PHILLIPS: And we have become the only country in the Caribbean where we see regularly, the operations of armed criminal militia. I wouldn't want anyone to get the impression that the performance throughout the entire, almost 50 years of Independence has been all negative. We have achieved significant successes on some important measures of progress. Health indicators is one obvious example, where we have been able to eliminate some of the communicable diseases. Polio, for example, that was typical of the 1950s and into the 60s has been eliminated. (Applause) We have extended average life expectancy where we now have rates approximate to those in developed countries. However, even as we go through the change in our disease profile with the greater prevalence of chronic lifestyle diseases, there are worrying signs that the system is under pressure.

INFRASTRUCTURE-IMPROVEMENT

If you look at the area of our infrastructure, access to electricity has steadily improved. We now have somewhere around 96% of our population with access to electricity. Again, significant progress. (Applause) Telephone, telecommunications, again I think that is something that particularly the previous Administration can take a lot of credit for, that we have a 100%, in fact more than a 100% access in mobile telephony. (Applause) Our infrastructure has improved significantly, modern highway system, airports, water supplies have been extended to tremendous areas of the population. But despite all of this, Mr. Speaker, and more, because the cultural vibrancy of the Jamaican people has been manifest over these forty years and ordinary Jamaicans have led this effort to really provide manifestation of the vibrancy of the Jamaican people. We have maintained our constitutional stability and the basic underpinnings of our democracy, I think, remain sound. But there is

no disguising the fact, for example, that we are on the lower rank in terms of our *per capita* income in the region, for example.

Currently now, and citing World Bank statistics, GDP per capita in Trinidad and Tobago is $18,100; Barbados $14,400; St. Kilts and Nevis, $11,000; Grenada, $6,100; St. Lucia $5,800; Jamaica, $5,400. The only countries below us in the Caribbean, Belize and Guyana. The question arises and that we in this generation must pose, why have we not performed better? This question is a key question for us to answer if we are to chart a different future and if we are to give the next generation the security of mind and the opportunity to really fulfill, not only their personal aspirations but the possibilities of this country.

Previous generations accomplished their mission. As Norman Manley said in that often quoted speech in relation to his generation he said, "mission accomplished". They set themselves the mission of achieving independence for country and establishing Jamaica as a full member of the International Community of Members. (Applause) Our generation has not met - and succeeding generations - have not met the challenge that history has provided to us. For 40 years plus we have not developed a viable economic and social platform from which to advance development. To my mind, there are four (4) critical areas. That doesn't explain everything. And, of course, we always have the question of what is cause and what is effect of the underdevelopment dilemma which we confront.

Take crime, for example, one could easily and properly say that the current crime problem in the first instance, emerged as the effect of a kind of lopsided economic growth that occurred during the 1960s, which had the effect of marginalizing large segments of the population, the communities of Back-o-Wall and what used to be called Ghost Town, on which Arnett Gardens has been built, and others, emerged in that period. But even if that is so the fact is that subsequently, crime and the high levels of crime now represent a reinforcing cause as distinct from effect of our economic under-performance. Production costs because of the need to provide security at factories and hotels and the like are greater than their competitors in other countries. We have lost a lot of our skilled manpower as generations of our young people have migrated because of their fear for insecurity. There has been an increased fiscal drain on governmental resources and it has helped contribute to decreased productivity, as factories can't easily operate two and three shifts as in other places.

Despite this difficulty of distinguishing cause from effect, however, Mr. Speaker, I would like to isolate four critical areas that I believe account for our sub-optimal performance as a country.

First, our under-performance in education. The absence of basic literacy and numeracy which has resulted in some 70% of our labour force having no training has created the conditions and re-enforced the conditions for low productivity and perhaps more so for the low levels of trust which characterize the Jamaican society. World Bank did its studies and what they have determined is that perhaps there are few other societies where there is a lower level of interpersonal trust existing between the citizenry, and where there is a lower level of trust between authority and

those who are governed this exist in Jamaica.

The second aspect that I would like to highlight is our long-term failure to establish what I would call a viable energy economy. As oil prices trended up, beginning in 1973, we have not made any sustained or effective effort either to provide adequate non-petroleum-based energy supplies or to deal effectively with conservation and as a consequence of these high-energy costs our manufacturing sector and other sectors have become uncompetitive, and it has also reduced the disposable income of households, which has meant that in critical areas like education and health they have been unable to meet those expenditures, necessary expenditures themselves, and have become increasingly reliant on the State to provide those resources, and with a consequence, as we all know, of an overburdened public purse which as demands have grown the fiscal resources have, in relative terms, not been stagnant.

And of the third area, critical areas which I've touched on before, relates to the failure to develop effective public safety policies.

JUDICIARY/JUSTICE/POLICE

You know, recently this House passed measures to increase the number of Judges of Appeal in Jamaica. We essentially operate, even today, because despite the legislation the positions haven't been filled. We are operating with essentially the same infrastructure of law enforcement today as we did in 1962. And, you know, we mightn't think about it, but the evidence is all around us. As I said, essentially the same number of Judges of Appeal. We're using the same courthouses at Half Way Tree and Sutton Street and Downtown.

Central Police Station which was built in 1919, I believe, still remains the main security facility for the Corporate Area for Kingston. If you look at Spanish Town, the station there was built in the mid-1970s. Population has expanded probably by three to fourfold, and we still have the same number and infrastructure out there.

The fact is, even as the threat levels have increased because of the rise of organised crime, the growth of the international regional drug trade, the increase in population, expenditures in real terms have been the same over 30 years or more. So we move from the rude boy culture expressed in the music at the end of the 60s, to the gun culture. And as the famous song of the 80s said, what the hell the police can do'?

We have failed again as a political class, collectively. Some of us, we weren't here throughout all the - probably only Mike was here all the time, but we have not collectively, from 1956 the First World Cup, but we have not collectively responded to these things.

Why have we not responded in these critical areas? And I want to suggest again, because we have allowed a dysfunctional political culture to emerge, and it is this aspect that accounts for our under-performances, is perhaps the overriding cause of our under development. We have developed a political culture over the years that have been excessively partisan and tribalized to the point where it has impeded the emergence of any critical consensus and vital issues of national development. (Applause)

A MEMBER: Hear, hear!

Dr. PHILLIPS: Our history, and our politics, has been scarred by the emergence of the so-called garrisons. We've had the

phenomenon more extensively than most countries in the Caribbean of political violence and electoral manipulation. A reputation for corrupt behaviour, political interference with the public bureaucracy, and perhaps most tellingly and dangerously now, an emergent complicity with organised crime that has sprung up around the illegal trade in narcotics.

Moreover, our politics has become prisoner of the short-term calculations of the electoral cycle. And we have abandoned the compromises necessary to be made in the interest of the longer term advance of Jamaica on the road to development. (Applause)

You know, citing the issue of the critical centrality of developing an energy economy, yet the it's is from 1979, right up to, and probably with the only exception being the 2009 gas price increases...

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

Dr. PHILLIPS: Don't need ... 25 ... 20, and I'm cool. I probably won't use it.

Mr. GALLIMORE: Mr. Speaker, I move that the Member's time be extended by 20 minutes to allow him to complete his presentation.

The ACTING SPEAKER: The question is that the Member's time be increased by 20 minutes.

Put to the House and agreed to.

Mr. VAZ: Wait, yu nuh sound too bad.

Dr. PHILLIPS: Mr. Speaker, I thank you and I thank the Members for their indulgence. As Henry the W111 said to one of his seven wives, I don't propose to detain you long, or much longer.

Ms. HANNA: Which one, the 7th one or the 1st one?

Dr. PHILLIPS: Which one? Well you know they say you can always know which one because the sequence is clear, divorced, beheaded, died, divorced, beheaded survived. (Laughter)

A MEMBER: I know you would remember that one. (Laughter)

Dr. PHILLIPS: I know that there are Members in this House who are trying to rival Henry, although had not beheadings that we know of.

Ms. HANNA: Oh Lord..

ENERGY

Dr. PHILLIPS: But as I was saying, Mr. Speaker, perhaps with the exception of the 2009 gas price increases, the energy sector provides a clear example of how our politics has impeded the emergence of a viable energy economy. Every time we'd had the need to secure price adjustments, which is going to be necessary for the kind of conservation that we need, we've had public protests in every instance, fomented by one or other of the parties in this Parliament, except for 2009.

EDUCATION

Education sector also they highlight the failure to arrive at necessary compromises. You know, in the short-term political calculus here has dominated, both the free education debate of the 70s and of the 80s. In the 70s we increased the complement in the secondary school system, the numbers, but there was not a commensurate increase in the budgetary provisions.

Having learned that lesson, Mr. Speaker, we ventured again into another phase of the same debate of free education, which, despite the freedom, the cost to the household remains the same as it was before, or in fact has

increased, and where we have in effect totally ignored the challenge of financing the necessary educational transformation.

Just to remind Members, the Education Transformation Taskforce that reported, I believe in 2005 or 2006, suggested that we're going to need somewhere in the order of a Billion, four Hundred Million. $1.4 Billion additional expenditure, to really not only deal with the access problems, which have been largely dealt it. We have a place for everyone; we have close to 100% registration of the relevant age cohorts in primary school and approaching that at secondary school. It is the quality issues that have to be dealt with, yet in real terms the amounts have not been placed in the educational system.

All of us agree that education should be a right. But we have failed, I submit, largely because it is a nice electoral issue to engage in a serious discussion as to how the country is going to meet the cost of educational transformation. We had some bipartisan debates that took place in this House when we were on that side, but whatever has transpired, nothing really new has taken place...

And now sadly, Mr. Speaker, and I say sadly, because we made great effort during the previous administration, to remove the issue of crime and crime prevention from the arena of partisan contention.

A MEMBER: Right.

Dr. PHILLIPS: Yet sadly it would seem from recent developments that once again we are failing to learn from our experiences of the past, and crime and chime prevention is being made into a political football.

A MEMBER: My God.

Dr. PHILLIPS: The current standoff and debate over the State of Emergency, highlights once again, that the politics of confrontation has defeated the politics of compromise.

A MEMBER: True, true!

Other MEMBER: Chastise the whole a dem.

Dr. PHILLIPS: All of us, compromise takes two.

Mr. BUCHANAN: Him don't understand that.

CONSTITUTIONAL REFORM - CHARTER OF RIGHTS

Dr. PHILLIPS: There's another example, Mr. Speaker, of our failure to grasp the challenge provided by history and reach the necessary compromises. And I am speaking here of our failure to implement effective constitutional reform. This was first broached in 1977, when the two sevens were clashing, that is 33 years ago, so we have the three threes - two threes clashing. And this failure perhaps highlights most of all, the impotence of our political culture. Even the Charter of Rights, and there is an issue here, because I believe there was an understanding arrived at, that the Charter of Rights would have been proceeded it, within the first weeks of the new parliamentary year. (Applause)

There were discussions between the leadership of the two parties, understandings and commitments, yet today we have had May, Apri1...

Mr. PICKERSGILL: Nineteen months.

Dr. PHILLIPS: No, not only 19, I'm talking about the last agreement to bring it in the first weeks of this Parliament, this parliamentary year.

Mrs. HAY-WEBSTER: Where is the House Leader?

Dr. PHILLIPS: Nothing has happened, discussions that were to have been followed up have not taken place and again, for reasons that we don't know because they are shrouded in secrecy. We have failed once again to meet our obligations to extend the most basic rights to the Jamaican people.

(Applause)

Because of this...

(Heckling)

(Inaudible comment by Mr. Mair.)

Dr. PHILLIPS: No, well precisely.

Mr. MAIR: And then what happened?

Dr. PHILLIPS: And a Select Committee reported in '95 and we have had discussions.

(*Sotto voce* comments.)

You know, I am trying to raise this in the most balanced way possible.

(Cross talks)

No, but I want to fill you. I was asked to speak with the then Leader of the Opposition by the then Prime Minister, and laid out the terms of a viable compromise that would have allowed us. It was rejected.

Miss HANNA: Continue, continue, Peter, and let him know. Tell us, tell us, continue.

Dr. PHILLIPS: It was rejected because of the desire to seek partisan political advantage for the discussion.

(Applause)

Mr. BUCHANAN: Remind them, remind them!

(Applause)

Dr. PHILLIPS: Rather than to approach it in a spirit of give and take, it was the position that said, I take all and you must submit. And you can't build a country on that basis, you can't move forward.

Miss HANNA: No you can't. Because you don't get the answer that you want?

Dr. PHILLIPS: You don't have to insist to get a hundred steps if 20 will take you part of the way.

Mr. CHARLES: You had 19 years...

Dr. PHILLIPS: One of the things to recognize is that our forebears, our forebears who drafted the Constitution drafted it in an assumption that that spirit of compromise which I daresay existed between Bustamante and Norman Manley, would be perpetuated, and it was drafted in a way that it cannot go forward in any fundamental sense unless there is consensus between both sides. That's why the entrenched provisions were so drafted. What is sad is that whereas in the confrontation or in the negotiation with the colonial authority where both Bustamante and Manley went together and arrived at a solution, we have subsequently not been able, left to our own devices, to arrive at a similar consensus.

The question is on both sides.

Mr. CHARLES: Oh, I see.

Dr. PHILLIPS: Both sides, both sides!

(Cross talks)

No, he asked me about one episode and I told him. I didn't plan to go into it.

What of the future? We are where we are. We are where we are. What of the future? Are we in this House going to betray future generations and their aspirations and continue to allow Jamaica to languish at the bottom of the development ladder in the Caribbean? If we don't propose to undertake that betrayal, we need to set out on a different course to recover our politics and our country from the doldrums, and if I daresay so, the low esteem in which our political process is held among the people, we need to set out to rescue it, and we can do it.

And I would like, Mr. Speaker, just to set out some proposals, some measures that this certainly does not constitute the entirety of what we need to do, but I put them for our consideration. I think we need to deal with perception of corruption and the reality of corruption in the system which is one of the reasons why there is such a low level of regard for the political process. And I think we need to have some measures that allow us to effectively reach compromise, necessary compromises on some critical issues.

CONTRACTS/CORRUPTION/
TRANSPARENCY

The first proposal, Mr. Speaker, in relation to what I might call the anti-corruption aspect, is that we need to tighten this whole contract procurement process even more. (Applause)

Let's give transparency to all contracts, all government contracts. Let us list contacts, including subcontracts on a website for all to see. (Applause)

Let us establish secondly, fit and proper provisions for contractors and subcontractors.

An interesting feature of the list of persons of interest during the State of Emergency, if you examine it, is the number of persons on that list who had then and who perhaps still have contracts with government agencies. If this is a means of facilitating the linkage with criminality, let us put an end to it now.

(Applause)

We demand fit and proper provision if you want to open a bank or another financial institution. It is not beyond us to establish something similar in respect of fit and proper provisions for contractors.

Mr. BUCHANAN: Government don't want that though, you know.

(Cross talks)

Dr. PHILLIPS: No, what is not there is subcontracts.

Mr. Speaker, I'm personally, supportive of the idea of a single anti-corruption agency, amalgamating the current Office of the Contractor General, the Corruption Prevention Commission and the Parliamentary Integrity Commission. I think a lot of these reporting systems, not only is the question of overlap, but quite frankly they have had no effect. People in public life continue to amass resources without any visible means of such income.

Mr. Speaker, there may be valid explanation, but the fact is, the fact is that if we have an effective mechanism for investigation and prosecution, then a lot of the suspicion that now overlays public life - you have people earning $2 Million and building $50 Million residences, and they report, whether it's to Corruption Prevention Commission or to Parliamentary Integrity Commission, but still the rumours persist, and still the governance process is brought into disrepute. I believe that it is critical that such an agency have independent investigative staff and that it has prosecutorial powers extended to it, if necessary, by fiat from the Director of Public Prosecutions.

Mr. Speaker, there are other jurisdictions that have faced the same challenge. Singapore, Hong Kong, and they were able to eliminate the threat by taking extraordinary measures. Our commitments to the Jamaican people should require us to do no less.

(Applause)

Mr. Speaker, I believe that we should call upon the Electoral Commission and the Parliament to consider and to implement

effective fit and proper criteria also for all those persons who seek elective office, whether at local government level or for the Parliament. We should never want to implement rules for others, other sectors which we are not prepared to, submit to ourselves.

Fifth, Mr. Speaker, I believe we should insist that the Electoral Commission move immediately to design and implement a transparent system for the monitoring and reporting of election campaign - campaign financing for political parties.

(Applause)

It should not be the case that we are prepared to agree here to a method to secure public financing for political parties in their day-to-day activities, and there is a report before the House, but we are not prepared to close the door, perhaps the larger door, to the possibility of political influence creeping into our political process from nefarious sources and allow the possibility of the corrupt, commandeering the political system, by exercising undue influence through the provision of money for a political campaign.

(Applause)

There are some specific challenges for the Parliament in all of this, in the rebuilding, not only of trust, Mr. Speaker, but of creating the platform for effective compromise.

In the early part of this Century, the 21st, had implemented in this House a Special Select Committee on crime and violence which met. It didn't include all Members, but it provided the basis for the emergence of a better understanding, shall we say, and the possibilities of compromise. I believe my friend from St. Andrew North-West used to attend.

Mr. PICKERSGILL: Who you talking, Derrick?

Dr. PHILLIPS: It provided a basis for us to discuss policy issues that arose and more so, to share some of the intelligence assessments, and for the Parliament to encounter directly the heads of the security forces and receive the necessary briefings.

If we are serious about parliamentary oversight, if we are serious about commonality of purpose I would urge the Prime Minister and the Leader of the House to consider appointing afresh such a committee which would allow for the exchange of…

Mr. D. SMITH: it's a good idea but you are not serious about crime.

(Heckling)

Mr. ROBERTSON: Lumpen!

(Heckling)

Dr. PHILLIPS: Mr. Speaker, I hope you are not deducting the time spent on interruption from my time allotted.

(The Speaker gavels)

(At approximately 4.49 p.m. the Speaker indicated that the Member's time for speaking had expired and a motion was moved by the Leader of the House for an extension of five (5) minutes to allow him to complete his presentation.)

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Again, I am obliged, Mr. Speaker, but we have had much more than five minutes of interruption. But anyway, thank you very much.

But I urge that such a committee be reconstituted, because I believe it provides the possibility of arriving at common understandings and unifying the national purpose that is going to be essential if we are

to confront effectively the threat from criminal violence. (Applause)

I would like to say also, Mr. Speaker, that I believe that this Parliament would benefit if a similar committee was established also in relation to educational transformation and in relation to energy policy. These are the issues that threaten our national survival. And if we are going to confront it we need in these areas as well, to find common purpose.

And I say one thing, compromise and commonality of purpose is not going to emerge overnight. The attitudes of confrontation and the suspicion will last, of necessity. But to whom much is given, much is required, and the ball is in your court to take the extra step, move forward to build such a compromise.

I believe, Mr. Speaker, that this Parliament - and again, the ball is in the Prime Minister's court - should agree to immediately bring the Charter of Rights Legislation to the House, and let us proceed without any delay to have this done. (Applause)

I believe, further that we should set a clear timetable for the completion and passage of the constitutional reform proposals that were agreed to as far back as 1995/96. We cannot afford to wait another three years to proceed on this.

Mr. BUCHANAN: Hear! Hear!

(Applause)

Dr. PHILLIPS: And finally, Mr. Speaker, the Prime Minister has made the commitment on many an occasion in the past, but I would urge that we proceed to take measures and implement impeachment provisions in this Parliament for those of our Members who betray the public trust. (Applause) It's a commitment made by that side. Let us move on it because we agree that this is important if we are to keep the Parliament as a sacrosanct place representative of the high traditions that we have observed in times past in this House.

Mr. Speaker, as I said before, these proposals will not by themselves transform the political culture or solve all our national problems, neither will these proposals eliminate the necessary differences of view and debates about policy, which are an essential part of any vibrant political system. Politics, however, in its noblest aspect is not just about power seeking, it is about nation building and advancing the interests of people's - of our people. (Applause)

Mr. BUCHANAN: Hear! Hear! That is what they don't understand.

Dr. PHILLIPS: Competition and compromise must find a better balance in our political life. You can have both. You must have both, but we should not compete so much that compromise becomes impossible, neither should it be about compromising fundamental principles that any side holds dear.

Mr. MONTAGUE: Where were you last week?

Dr. PHILLIPS: We, in this Parliament, as we consider our last fifty years, and as we consider what we will do to provide the platform for the future, we would do well to recall Shakespeare in Julius Caesar, and I quote:

> "The fault, dear Brutus, lies not in our stars but in ourselves that we are underling."

Let us in this Parliament demonstrate, as this generation of Parliamentarians, as the generation following Norman Manley and Bustamante, to prove as they did, that we are

not destined, as a country, to be underlings in the Community of Nations on this planet.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Vaz.

(*Sotto voce* comments/Cross talk) Okay, Members.

Mr. Vaz.

(Applause)

Mr. VAZ: Mr. Speaker, once again I stand honoured and privileged to represent in Parliament the people and the country of Jamaica, land we love. Let me say that I understand where I am in the batting order, as a new parliamentarian, and then, therefore, all respect and protocol is due.

I want to thank the Prime Minister for his continued confidence in me, as well as my colleagues in this Honourable House, for all the encouragement that they give to me from time to time.

Mr. Speaker, let me once again thank my family for the great sacrifice and perseverance that they continue to show. (Applause) Let me pay special tribute to my wife, Ann Marie, who continued to be long suffering, only... (Applause) ...

Mr. BUCHANAN: That is so true!

Mr. VAZ: ...only as a result of my chosen profession, for no other reason.

(*Sotto voce* comments)

Let me express my gratitude to the staff at the Office of the Prime Minister for their continued diligence in the carrying out of their duties and Government's business. And, of course, my Opposition counterparts whom I consult and collaborate with on a number of matters of national importance, when they attend Parliament for critical votes.

To my extended family, the constituents of West Portland, for their loyalty and understanding, when at times I am unable to be around, as they deserve. This is due to the pressures of my portfolio responsibilities for which I have been tasked.

I acknowledge my constituency Executive Management team, and all the constituents of West Portland. Let me once again assure you that the number one priority is your representation, as only your continued support guarantees my return to Parliament.

And let me recognize my father, former Member of Parliament whom I have - (Applause) grown under, politically, and have treasured the reputation that he has provided for the name, the family name, not Daryl, Vaz. (Laughter)

As a matter of fact, I would say also, Mr. Speaker, my brothers, Ricky and Wayne who are here, who are non-political... (Applause) ...and more business minded. And to say that for every five functions that I attend, I am acknowledged officially as the Honourable Douglas Vaz. So either he did something very good in his tenure, or I am doing something very drastically wrong. (Laughter) I am yet to decide which one it is.

Opposition MEMBERS: The latter! The latter!

Mr. VAZ: Mr. Speaker, while the development and infrastructure projects are ongoing in my constituency through the use of my Constituency Development Fund, and of course, other agencies of Government, I would just like to highlight two particular planned projects which 1 feel will have major impact in the upliftment of the people of West Portland, that is namely, the Lynch Park Community Centre, and the Shrewsbury Community Centre and Sports Complex. And

I would ask you to allow me just a few minutes out of my presentation to speak to these.

NANNYVILLE CENTRE

Mr. Speaker, in December 2009, I was invited to open the computer lab at the Sir Howard Cooke Thursday Group Centre in Character Development Centre in Nannyville. While I was there, the group shared their vision with me, to develop a full-service community centre that would provide a computer lab, a homework centre, a daycare centre and a multi-activity centre for children and adults from that community. This centre would focus not just on their educational needs, but also offer cultural and sporting activities. They also wished to offer skills-training for adults in the community and become a venue for local, social and business functions. To date they have hosted events for Jamaicans for Justice, the SDC, the NYS, the Electoral Office, as well as numerous other social organizations and community groups.

LYNCH PARK/ST. GEORGES

Mr. Speaker, having seen the vision of this group, I immediately saw an opportunity to develop a similar centre in my own constituency at the Lynch Park St. Georges Sports Complex, using this model, with the broad objective being that we need to create an entity focused entirely on community development which sustainability is not dependent on political representation, handouts, or fund-raising, but on a sustainable business model.

Since that time the Lynch Park Management Committee has formalized their objective to create a fully self-sustainable community centre that meets the needs of the Buff Bay community and over twenty other surrounding communities. The management itself is comprised of broad-based local representation, inclusive of the St. Georges Football Club, the Social Commission, and other members of the community.

The Lynch Park Community Centre will offer the following services in phases, as follows:

- September, 2010, a homework centre and computer lab equipped with 24 computers, printers, and an administrator to oversee and manage the needs of the centre.
- A Business Incubations Unit that will be used to encourage young entrepreneurs for whom we will be seeking assistance from JAMBIC to assure that this programme is successful.
- A Counselling Mediation office, in collaboration with the Disputes Resolution Centre
- And going forward in 2011, a music studio for emerging local artistes, food court and gift shops to sell local art and craft and of course, venue for public events and meetings, of course, which will be at a cost. (Applause)

Mr. Speaker, ultimately the Lynch Park Community will move towards the vision stated before, which is a multi- activity centre for members of these communities - not multi-modal, multi-activity centre for members of these communities to use for their own social, educational and economic development.

Mr. Speaker, adequate staff will be hired to manage and maintain the centre so that it

can last well into the future, its overall objective being to create a social enterprise, which is defined as a profit-making business, but with key social objectives. It is expected that the entire project will take at least 18 months to reach 100 per cent completion. And as stated before, it is expected to break even within three years, after which it will be fully self-sustained.

Mr. Speaker, the Shrewsbury recreational facility, again in another part of West Portland for which Members here will remember well from our recent by-election.

The Shrewsbury Community Centre and Sports Complex was once, many years ago, functional. It served over 23 adjoining communities from as far as Coopers Hill right down to Hope Bay going across to Swift River, it over a period of time went into disrepair. Mr. Speaker, in conjunction with the Fruitful Vale Benevolent Society and the Constituency Development Fund and other government agencies, we are planning to start in 2010, to rebuild the community centre and sports complex. (Applause) This will be done, Mr. Speaker, which will include a caretaker's cottage to allow for the maintenance of this complex so that it does not fall into disrepair as it did before, and this project is expected to be fully implemented by late 2011 with coalition formed with CHASE, JASIF, SDF and of course, the Constituency Development Fund.

Aside and apart from these projects, Mr. Speaker, my commitment for upgrading of road and water and other infrastructure continues on a daily basis. (Applause) Just yesterday, Mr. Speaker, l had the pleasure of having the Member from Western St. Mary come with me for the opening of a road, funded by the European Union, the Bath Spring Road and also the opening of the brand new Bangor Ridge Post Office for which a number of you on that side will remember that as somewhere that you used to enjoy a lot of support which has waned, since my coming to West Portland. (Applause)

Mr. Speaker, I will now turn to my portfolio responsibilities.

Mr. PICKERSGILL: That was where you made the fool, fool speech?

Mr. VAZ: No, that was in Fellowship. Mr. Speaker, it is well known that the ICTS or the pivot of productivity and growth in a post-industrial world and it is for this reason that our own growth prospects are inextricably bound up watts how we drive this industry.

Mr. Speaker, Jamaica has taken great care in not only laying a strong and sound foundation, but in adding value to the super-structure. Mr. Speaker, the world has long known that Jamaica has one of the highest teledensity rates in the world, boasting a rate in excess of 100% that is, Mr. Speaker, at the end of the second quarter of the fiscal year 2009, the total subscriber base of the mobile telecommunication sector was 2,820,442. Mr. Speaker, some may say that we are a nation of talkers, but we are much more than that, we are on a mission to exploit the opportunities provided by this platform.

Our banks, Mr. Speaker, are now providing mobile banking services to their customers on a 24/7 basis. The use of social networking sites which are accessible by cell phone is transforming the way how business markets to both local and international audiences, while simultaneously increasing consumer participation in dialogue.

Further, Mr. Speaker, the use of social

networking sites has allowed for the unprecedented involvement and interface with the citizenry.

Mr. Speaker, this government is committed to making full use of technological innovations to transform sectors from agriculture to water, (Applause) from education to the speedy delivery of justice, so that it may not be delayed and therefore denied. I refer, of course, Mr. Speaker, to the Government's roll-out of its case- management system.

Also, Mr. Speaker, in the area of planning ICTS are being utilized to speed up the approval processes relative to land and building applications through the use of the Amanda system which links all agencies involved in the delivery of these services.

Mr. Speaker, I mention these briefly at this stage to make the point, that it is not only commercial activities which are being supported by the use of ICTS, but also activities of a non- commercial and a regulatory nature.

Mr. Speaker, this serves to highlight that Jamaica has moved beyond the issues of tele-connectivity and tele-density, towards the more mature issue of providing an adequate framework for the application and integration of ICTS into every aspect of our daily life. This informs our policy ethos, Mr. Speaker, our policy vision, broadly is a knowledge-based and educated society which is globally competitive and productive, positioning Jamaica as the ICT hub in the region.

Our mission, Mr. Speaker, to achieve greater social and economic development for the Jamaican people, through increased application of information and communications technology in all sectors. We also seek to advance Jamaica's regional leadership in ICT by enabling connectivity over all multiple and diverse platforms. The Government's thrust is to utilize ICT to boost the national efficiency and productivity, to support the development of micro and small businesses and to attract a higher level of investments, both foreign direct, as well as local.

Mr. Speaker, the Government sees itself as a facilitator and in this dynamic sector and for purposes of creating a truly enabling environment, deliberations relative to the establishment of an appropriate converged ICT regulator have occupied centre stage over the last few months. Government will be drafting new ICT sector aid for purposes of legislation and establishing cross agency protocols to minimize fragmentation and jurisdictional overlap. Our policy, Mr. Speaker, will provide further details and will be tabled in this Honourable House early in the second quarter of this financial year.

Mr. Speaker, the long-term strategic vision for the ICT sector, as elaborated in our National Development Plan 2030, is built on a number of fundamental elements including:

- An ICT sector that achieves sustained global competitiveness in industry and market segments where Jamaica has a competitive advantage.
- A sector that is driven by private sector investment framework that fosters competition and transparency.
- A sector that is accessible to all Jamaicans and contribute to greater ICT literacy.
- A sector that enhances the

productivity and competitiveness of Jamaica's productive sectors.

- A sector that is environmentally sustainable with minimal harmful environmental impacts. And,
- A sector that supports improved governance at all levels.

Mr. Speaker a sector that contributes to the science research and innovation capabilities of our country.

Mr. Speaker, the opportunity is now taken for Members of this Honourable House, to applaud the team from the Northern Caribbean University which has emerged winners of the Microsoft Imagine Cup Competition held in Poland earlier this month. (Applause). These young scientists competed against 325,000 schools representing 100 countries, Mr. Speaker. The youths, Mr. Speaker, have demonstrated that they have a firm grasp of the tools with which to create the innovative solutions to address the challenges of our time. (Applause) The future is indeed bright, Mr. Speaker. Once again, we salute the determination, application, tenacity of these multiple times regional champions. The team at once secured the reward of international success, inspired an entire generation and brought a heightened sense of pride to our nation. Mr. Speaker, I invite you and the Members to applaud these young scientists. (Applause) And also to indicate, Mr. Speaker, that the Government will be acknowledging them with a luncheon in the coming week for which the relevant Opposition Members will be notified, I am already been in touch with the of President of the NCU.

Mr. Speaker, in my speech last year, I spoke to the development of GovNet which I described as a thing of beauty yet to be developed and seen.

I am pleased, Mr. Speaker, to announce that the concept of GovNet has been created and the vision of GovNet is here. CITO with its new board, headed by the HONOURABLE DANVILLE WALKER, has been mandated to implement the vision and the concept of GovNet. Mr. Speaker, if we are to reduce red-tape, we must build an information highway that connects all Government ministries and their departments and agencies, together. (Applause)

Mr. Speaker, this highway must be wide enough that all telephonic data traffic can flow over it at high speed and also efficiently. Mr. Speaker, operating in an online real-time environment will be the norm in order to leverage the bank of data and information that resides within Government.

Mr. Speaker, currently telephone bills for the Government are approximately $2 Million per year, 60% of Government's telephonic costs are for calls made to itself, ministries calling ministries, departments calling departments, public bodies calling departments, *et cetera*. With the use of GovNet and the voice-over internet protocol technology, we will be able to cut that cost to the Government, realizing savings of hundreds of millions of dollars and in turn, using the savings to provide better service to the tax-payers and the public. (Applause)

Mr. Speaker, the Transport and Works Minister is doing a tremendous job to ensure that we can travel safely and comfortably on our roads. However, Mr. Speaker, travelling from Kingston to Montego Bay, for a one hour meeting is not the most efficient use of Government's time. GovNet, Mr. Speaker, will allow for increased use of video conferencing

to maximize resources and reduce the government's carbon footprint. (Applause)

Mr. Speaker, the infrastructure must be put in place. It must be used efficiently and affordably to government, with a programme that will refresh the technology automatically, so its availability and use will drive the applications and solutions implemented.

Mr. Speaker, GovNet when implemented will be a game changer, I repeat a game changer. It will change not only how the entire government does business, but how we envision solutions. All agencies will be able to see the transformational change if an efficient government ICT network is established. But think of the benefits to the education, national security, health if there is that level of connectivity between all their headquarters and their out stations. Even police cars to police stations - yes, Mr. Speaker, the development of a National Government IT infrastructure will further facilitate the Ministry of National Security with their assault on crime.

Mr. Speaker, Jamaica has significant resources that will be used to give us a well-needed start. GovNet will make use of all these resources to give CCTV access to all the entry and exit routes to all major towns and traffic light intersections. Mr. Speaker, this when completed, will be a powerful tool to assist the police in our fight to regain order and fight crime. Wireless, and the new developments in technology, will enable police cars to be able to access data and video so that even in what are now remote areas, can be brought under tight supervision by the police high command.

Mr. Speaker, GovNet is one of the other strategies that will shred the red-tape of bureaucracy and allow this government to continue to position Jamaica for growth.

Mr. Speaker, this is but a glimmer of what GovNet will do. It will be the ICT platform from which many of the government initiatives will be launched. It will be the platform that will facilitate more effectively an open, transparent and efficient government. Mr. Speaker, the government will use GovNet to create efficiencies in the way we interact with our citizens and how they access improved social health and security services for the people of Jamaica.

I also, take this opportunity to commend CITO and the Spectrum Management Authority for staging a successful Caribbean ICT road show which began in communities throughout the island and culminated with the main event in Kingston, now underway. It has brought together regional and Jamaican leaders in technology, other stakeholders and importantly, the citizens.

Mr. PICKERSGILL: When that started?

Mr. VAZ: It started last week Sunday.

Mr. Speaker, we are constrained by limited financial resources. And therefore, it is imperative for us to use our resources wisely. It is with this in mind that in March of this year, I requested that a moratorium be placed on the purchase of PBX Systems in Government. I have asked CITO to review these purchases to ensure that maximum value is derived for taxpayers' money. We have only one public sector and not 215 entities. We will be managing the ICT component of Government through CITO, utilizing all instruments at our disposal.

The Ministry of Finance and Public Service is to develop an IT procurement routes that will seek to standardize all IT purchases

so that the maximum benefits can be obtained from volume purchases, and also efficiencies may be derived from training and maintenance.

The Government of Jamaica is one of the single largest, if not the largest consumer of telephony and ICT-related services in Jamaica. To that end, CITO will derive methods to enable the Government to benefit from the economies of scale for the purchase of ICT-related items.

Mr. Speaker, no longer will Government be seen as a separate ministry, department and entity, but as a whole, and as such garner cost benefits from its substantial purchasing power. We must have a coordinated approach to guide ICT deployment and acquisition in Government, and CITO is the body that has been mandated to do this.

In closing on GovNet, Mr. Speaker, let me just add that with the Public Transformation Unit, far advanced, and a Green Paper tabled here, all of that will not serve the full benefit unless it is tied in with the use of technology. And that is why GovNet, in conjunction with the recommendation of the Public Sector Transformation Unit can make the changes and the cost savings that this country so dearly needs.

Mr. Speaker, the Universal Access Fund is an important implementation tool in the support of Government policy for which the over-arching objective may be cited as being the stimulus for the expansion of ICT access. That is, Mr. Speaker, the Universal Access Fund is the vehicle through which Government is facilitating and broadening access to ICT resources and bring in the benefits of ICT to the people, irrespective of their geographic location.

Since the inception of the Universal Access Fund in June 2005 to the end of last fiscal year, levy payments totalling $6.7 Million have been collected. Accounts receivable at the end of the fiscal year - year end, amounted to $410 Million which is nearly $120 Million above the projected levels.

Mr. Speaker, during the 2009/2010 fiscal year, the Universal Access Fund company initiated a number of projects to fulfill this mandate. A concerted effort was made to ensure that ICT facilities were made available to the physically challenged members of the society. The Universal Access Fund Company Limited was also able to complete 17 community access points islandwide at a cost of J$30.4 Million.

Mr. Speaker, we will continue to prioritize infrastructure for educational institutions, public libraries and post offices. We will pursue even more vigorously the creation of an information and knowledgeable society, as well as facilitate lifelong learning to boost productivity and innovation.

We will keep ever before us, Members of this Honourable House the imperative of providing the islandwide broadband connectivity for all high schools, public libraries and select post offices. We expect to pump some $40 Million into the infrastructural upgrading of the Postal Corporation of Jamaica by establishing an additional ten (10) Internet facilities islandwide.

(Applause)

Mr. Speaker, the National Library, located not too far from us here, has indicated that lnternet facilities, funded by the Universal Access Fund in 2008, no longer meets its demands. Awareness, Mr. Speaker, drives

exponentially, increase in the demand for the connectivity and alternative modes of delivery to these communities. Mr. Speaker, we have invited consideration in Government, for example, of a custom-built state-of-the-art mobile Cyber-library for use by the Jamaica Library Service. This will enable the Jamaica Library Service scheduled visits to communities across the island and to provide these communities with Library and Internet service.

(Applause)

Mr. Speaker, the E-learning project has tremendous scope, reach and impact. I am very happy to report Mr. Speaker, that as of August last year, all high schools, 162 of them, and six special schools with students with learning and physical challenges were equipped with computers and local area networks, among other accomplishments.

(Applause)

Through the E-learning project, students are being exposed to master teachers, and have access to the best training resources, Mr. Speaker, irrespective of their geography, learning institutions, and socio economic background. Teachers can also be exposed to the best instructional material and knifing resources. Over forty (40) video lectures were produced last year and delivered to schools and broadcast on PBC, Jamaica.

Mr. Speaker, during the last fiscal year over 10,000 of the targeted 11,000 teachers and lecturers were trained by HEART Trust/NTA, of which over 6,000 persons were certified. Additionally, 400 system administrators were trained in network management, as well as approximately 200 teachers, receiving on-line training in ICT skills. Approximately 2,000 teachers were trained through the MICO University in the integration technology in instructional delivery. There are now e-learning implementation committees established in all schools and colleges, and since November 2005 over $2 Billion has been spent for this project.

During this fiscal year, Mr. Speaker, the E-learning company will develop and implement a focussed intervention for 20 low-performing schools, using integrated learning software to assist in English, Mathematics, and Integrated Science learning.

(Applause)

Mr. Speaker...

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

Mr. E. SMITH: Sufficient to complete his presentation.

Mr. HOLNESS: Mr. Speaker, I beg to move for the suspension of Standing Orders to allow the Member 30 minutes in which to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Member a further 30 minutes to complete his presentation.

Put to the House and agreed to.

Mr. VAZ: Thank you, Mr. Speaker.

The SPEAKER: And could I just ask Members, especially those at the back, to please keep your voices down when you are conversing. It's interrupting at the front. Member.

(*Sotto voce* comments by some members) Well, do it outside if you need to.

(Laughter)

Mr. VAZ: Thank you very much, Mr. Speaker. Much obliged, much obliged!

(Applause)

POST AND TELECOMMUNICATIONS DEPT.

Mr. Speaker, the Post and Telecommunications Department has been working assiduously to improve the quality of the country's postal service. The modernization of these services has been a major objective of the department's work. The modernization process is ongoing, and we are pleased with what has been accomplished so far. Mr. Speaker, already we have achieved one hundred per cent (100%) automation of the tracking and tracing system for parcels, ninety per cent (90%) for registered mail unit and 97 per cent achievement of all the targets for Express mail services which is now ranked 22nd worldwide and third in the Caribbean. An achievement about which all of us in this Honourable House can be proud. (Applause)

Mr. Speaker, we have streamlined processing of all incoming mail at the Central Sorting Office, and have significantly increased efficiency in the delivery of international mail. In the area of border protection and control, there has been significant improvement with a ninety per cent (90%) decrease, ninety per cent (90%) decrease, Mr. Speaker, in narcotic finds in international outbound mail over the last two years.

Mr. Speaker, this is a result of the implementation of a high-end imaging machine used to detect contraband. This, of course, Mr. Speaker, has resulted in Jamaica's postal services having a more positive image internationally among postal partners. (Applause)

Interestingly, too, greater comfort regarding our security on outbound mail has led to faster processing of our mail by international customs, especially in the United States.

INFORMATION PORTFOLIO

Mr. Speaker, I now turn to the Information portfolio.

Mr. Speaker, I want to start with the **Access to Information**. Members of this Honourable House are aware that this is a basic right, Mr. Speaker, not a privilege. It is not a courtesy granted by a government to the people. Access to information promotes transparency and accountability, two important pillars, Mr. Speaker, of our democratic system.

It was former President of the United States, JOHN F. KENNEDY who said:

> "*A nation that is afraid to let its people judge the truth on falsehood in an open market is afraid of its people*. "

Mr. Speaker, this Government is not afraid. It is a faithful servant of the people. As Members of this House are aware, a Joint Select Committee has been constituted, and a review of the Access to Information Act, 2002, is underway. The Committee has benefited from submissions by key stakeholders from civil society and the media, as well as concerned citizens. Mr. Speaker, the Committee has reviewed the recommendations of all its stakeholders and will conclude its work in the shortest possible time in order to set deadlines for the implementation of changes aimed at strengthening the access to information framework. The indications are, Mr. Speaker, that this will include legislative as well as administrative changes.

Mr. Speaker, the State is a servant of the people's interest, not their master. The State

exists to facilitate and empower the people, not to obstruct the people's right to know. Mr. Speaker, this Government is sincerely and wholeheartedly committed to openness and transparency. We are proud of our successes, and we will continue to strengthen the regime.

(Applause)

Mr. Speaker, to this end, during the year under review, the Access to Information Unit implemented public education programmes, targeted at various stakeholders and interest groups, ranging from senior citizens to the youth, in the various training institutions.

We continue to use the media to encourage citizens to utilize the legislation, to check up and monitor on their Government and to track our progress in fulfilling commitments made. We believe this is very important in building a participatory democracy and in fostering an active and informed citizenry.

PUBLIC BROADCASTING CORP.

Mr. Speaker, closely aligned to this objective, is the critical work of the Public Broadcasting Corporation of Jamaica. I don't think there is anyone in this House, Mr. Speaker, on either side, who does not appreciate the work of the PBC, Jamaica if only because they are responsible for showing the nation what we do here. Now, perhaps sometimes when we engage in the robust debate and discharge our duties with, some might say, unbridled passion, the public eye reminds us of the focus and the spirit of cooperation with which we must serve. PBC, Jamaica will continue to provide this extremely valuable service.

PBCJ, Mr. Speaker, has successfully engaged the Jamaican society on a wide range of issues, having discussions, interview programmes, cultural segments, educational programmes and documentaries. Mr. Speaker, the mandate of PBCJ is not to be confused with that of the Jamaica Information Service. PBCJ represents an important space in the media landscape in Jamaica and this Government is totally committed to supporting and strengthening it.

As you may know, Mr. Speaker, last year we acquired KOOL FM to facilitate the commencement of public radio broadcasting which will be rolled out to complement the news and current affairs offering provided through the public/private sector partnership between the PBCJ, Public Broadcasting Corporation of Jamaica and Nationwide News Network.

BROADCASTING COMMISSION

Mr. Speaker, it is with pride that I now speak of the work of the Broadcasting Commission, which has had a far-reaching effect on the society and has influenced developments at all levels of the society, particularly at the grassroots. This agency positively impacts all strata of society and has made tangible and permeable improvements in this society's values and attitudes.

The Commission, as you may recall, Mr. Speaker, made certain interventions in February 2009, which have significantly changed the face of the Broadcasting industry in Jamaica. Through vigilance, Mr. Speaker, there has been a significant paradigm shift in the name of public values with broad support from members of the public and to their credit, to the Music and Broadcasting industries.

Mr. Speaker, the Commission has advanced work which will inform

recommendations relative to the development of an electronic media policy.

Turning to other elements in the landscape and opportunities of the forthcoming period, Mr. Speaker, it will be necessary for the Commission to be able to operate with the additional regulatory amendments that have been placed on the table following wide consultations which began in 2008. These include new regulations to combat payola strengthen the protection of the children and the victims of trauma, increase the time allowed for advertising during special periods, regulation of independent programme providers, establishment of a fund to support the production of local content and the introduction of financial sanctions.

Mr. Speaker, the Commission was therefore and is therefore well positioned to host earlier month a Regional Conference on Broadcasting Regulation and Policy. It was a success and allowed for the sharing of important perspectives, including a range of media policy issues that are under consideration.

DIGITAL SWITCHOVER

Importantly, examination of matters relative to the Digital switch-over were also examined and the opportunity is taken to advise this Honourable House that the projection is that in 2010, the global standard and even the timeline and timeframe within Jamaica's analogue systems, are to be switched to digital and will be finalized and efforts in this regard advanced.

C.P.T.C.

Mr. Speaker, another important Public Sector player in the media landscape is the Creative Production and Training Centre (CPTC). The CPTC celebrates its twenty-fifth anniversary of contribution to cultural information and media training and enhancement. Mr. Speaker, the CPTC'S emphasis on culture, which is really our greatest strength and our area of greatest competitive advantage, is critical. Our rich, textured and enviable cultural history and robust cultural status demands care in documenting and showcasing these works. The CPTC has faithfully discharged both its production and training mandates over the last twenty-five years, and I ask Members to join me in saluting them in this service.

(Applause)

The CPTC will be embarking on a number of new projects and initiatives for the current fiscal year, which will be supported by a subvention from Government and revenues earned by the agency.

Mr. Speaker, I come to another critical area, which is the subject of a number of comments.

Mr. Speaker, I take this opportunity to speak to the matter which has been prominent in the news. I refer to the concerns regarding the use of the time reserved for government broadcasts in the private media.

Mr. Speaker, there has been a great deal of misunderstanding, miscommunication on this issue and l would like to set the records straight and put the whole issue in context.

Mr. Speaker, as I said earlier, information is the very lifeblood, the oxygen of our democracy. Without an informed, educated and engaged populace your democracy is incomplete. An ignorant or under-informed person cannot fully exercise their democratic rights. That for communication to be effective,

it must adapt to the needs of the target audience, and this is beyond debate.

We have run out, Mr. Speaker, of superlatives to describe the speed with which people access and use information. One thing is clear in this age of information overload; people digest information one sound byte at a time. This is true; this is as true for the commercial communicators, as well for the government communicators. In fact, there is an even greater imperative for the government communicators to be snappy and concise because usually, the information being given is not naturally seductive enough to maintain interest when juxtaposed with what commercial communicators and advertisers are offering at the same table.

So it is, Mr. Speaker that the burden of creativity rests more strenuously on the shoulders of Government communicators. The menu, Mr. Speaker, has to be aligned to the taste of our radio and television audiences, that is, there has to be a calibration with the changes which has already taken place and had become standardized in media. There was a trend towards punchier features in commercial media and we thought that if people were accustomed to receiving their information in a particular way, then we should not perpetuate by bucking the trend.

J.I.S.

Mr. Speaker, we decided to go with the flow and to cater to the market needs. So in February, indeed, from as early as February 3, 2010, we started negotiations with media managers. The CEO of the Jamaica Information Service and her team went in and spoke to the media managers of the various media entities to discuss with them our desire to be more cutting-edge and to break up our half-an-hour format which we have been using for more than fifty years, Mr. Speaker.

Let Members of this Honourable House and the people of Jamaica be assured that the burden of our efforts is to keep the nation informed, to ensure the citizenry has access to credible, official information in a time already available for broadcast licenses.

We aim very simply, Mr. Speaker, to break up the time allotted into five and three-minute segments to make the information more accessible, listener friendly and more suited to people's viewing and listening patterns. Mr. Speaker, a sample list of some of the programmes produced by the Jamaica Information Service in this new paradigm should illustrate the expanse of useful information which may be covered utilizing this approach.

Mr. Speaker, I will just name the programmes:

- Help with Small Business owner
- the roles and functions of the office of the Child's Registry
- becoming an Entrepreneur
- the human and financial cost of road accidents
- initiatives to increase access to housing solutions
- how to apply for the PATH Programme
- Gastroenteritis reminders of the dangers of illness
- applying for electrical connection.

Mr. Speaker, I could go on, but I believe the evidence is clear.

I ask that we be less emotive, caustic and mistrustful of each other's motives. We have

to give each other the benefit of the doubt - coming on the heels of what the Member said earlier, the previous speaker, and this is why track record is important. This is why it is important to look at the actual data of what these JIS programmes are about.

Mr. Speaker, you know another thing you would find very interesting. JIS recently commissioned a public perception survey by a leading media pollster in Jamaica, MR. DON ANDERSON. I make reference to this informative survey because the impression has been given that the JIS has no credibility among the Jamaican listening and viewing public and, therefore, commercial media entities which carry JIS programmes in prime time could somehow be impairing their own credibility and confusing their audience with propaganda *versus* facts.

According, Mr. Speaker, to this recently conducted Don Anderson perception poll, as much as 90% of respondents polled said that the JIS was a good source of information. Over 55% expressed the view that the JIS is doing a very good job, and another 29% felt JIS was doing an okay job. Some of the respondents said, "*if I missed items of interest on the news, 1 can get it from JIS and the information is reliable*". And this is a quote from the pollster himself, Mr. Speaker -

> *"The results were actually quite positive, because over 66% felt it was important to have ongoing information about Government's programmes, policies and institutions. In general, people have a pretty good opinion of the JIS and again, it's because they believe the JIS produces programmes and provides information and reports of things that are happening".*

Mr. Speaker, I again quote from the pollster.

> "*We asked people to say what they thought was the positive things that they associated with the JIS and the largest one was that the JIS provides information that is current and useful".*

And of note, Mr. Speaker, is the fact that some 76% of those polls did not identify any negative associations with the JIS.

Mr. Speaker, my motivation is derived by the encouragement expressed by the JIS management and staff. As far back as February this year, I received a letter from the CEO of JIS, MRS. DONNA-MARIE ROWE, which said in part:

> *"Congratulations, Minister, the leadership and production teams of the Agency welcome this new approach. For years we lobbied for better times on television in particular.*
>
> *It is felt that this bold move that you have initiated, the reach of Government information will be wider.*
>
> *In our productions, we will aim for mass acceptance, even as we make slight adjustments to branding*".

Mr. Speaker, the JIS is making constructive and purposeful change that's long overdue. Let me take this opportunity to encourage all stakeholders which include the Members of this Honourable House, the MAJ, the PAJ and civil society to give these hard-working creative and professional JIS workers our wholehearted and undivided support.

Mr. Speaker, I want to turn to an issue which is very dear to my heart and which my staff will tell you is the area about which I get most worked up. If there is one impact that I want to make on Government before I make my exit from this job, it is to leave a more efficient, more functional and more customer-oriented Government service. I am firmly committed to that, Mr. Speaker. We have to make interacting with Government less of a hassle and less bureaucratic, while tending to the necessary precaution and guidelines to protect integrity and accountability.

NEPA

Mr. Speaker, the whole area of development approval is one which this administration has been looking at very seriously since 2007. In August last year, the Office of the Prime Minister commenced implementation of the Pilot Development Assistance Centre, which is now located within the National Environmental and NEPA Planning Agency (NEPA).

Mr. Speaker, the Development Assistance Centre was born out of the need to establish a one-stop shop for processing development applications. Mr. Speaker, the proposal was presented to the Government in December 2008, by the Jamaica Chamber of Commerce and what has been called the "Legs and Regs" for legislation and regulation project team, a private/public sector partnership.

Mr. Speaker, anyone who has had to seek development approval would know of the many agencies through which one has to be routed to get a decision. It has been a tedious and costly exercise. It has been reported that applications for matters such as subdivisions have taken up to 18 months. Our pilot Development Assistance Project will identify the main issues constraining the efficient operation of the project applications process and make the relevant recommendations to the CEO of NEPA, who will then report to the Office of the Prime Minister.

AMANDA

Mr. Speaker, of course, there is a programme through which members of the public can track development applications on-line, the Application Management Information System called AMANDA to which I referred earlier. It has been showing commendable results. The AMANDA system has rolled out in four local planning authorities: the KSAC, St. James, Manchester and St. Catherine Parish Councils. And, Mr. Speaker, I am pleased to report that for the period April 2009 to March 31st this year, a total of 2,081 applications were received.

Of these applications, 1,592 have been processed. Of those processed, 82% were assessed within a 90-day processing time. (Applause) Mr. Speaker that is the start of a well needed overhauling and improvement.

NATIONAL SPATIAL PLAN

Mr. Speaker, with regard to the spatial planning, the Government has received a technical assistance grant of US$687,000 from the Caribbean Development Bank to assist in the development of a National Spatial Plan. Mr. Speaker, the National Spatial Plan will provide the basis for the optimal use of the nation's land resources and outline the framework for their effective use and management. The project is being implemented by the Office of the Prime Minister with technical support from NEPA.

Mr. Speaker, during the last fiscal year a Draft Development Order for St. James was completed. Draft Development Orders for Manchester, Kingston and St. Andrew and the Negril/Green Island, are now being reviewed by the Forward Planning Committee of the Town and Country Planning Authority, and Development Orders for Trelawny and Portland have been forwarded to the Chief Parliamentary Counsel.

The transformation continues.

Mr. Speaker, last week the Cabinet approved the Development Applications Approvals Process **"Flow Charts and Procedures Manual for all profiles of applications in the Business Process**" aimed at ensuring a 90-day response time for all applications. This initiative fulfills a specific requirement of the "**Simplification of the Business Process**", under Condition 7 of the 2008 Government of Jamaica/European Union Co-operation Agreement.

The application profiles and flow charts contained in the Procedures Manual provide for, Mr. Speaker, sub-division application of nine (9) lots and under, or five hectares and under, to meet an approval time-line of 70 days. Sub-division of 10 lots and under, to meet a time-line of 90 days, and processing building applications of 300 square metres or less in a time-line of 35 days and, Mr. Speaker, a pre-consultation process for the Development Assistance Centre to guide potential investors and development, to ensure applications are complete at the time of submission. (Applause) found in

Mr. Speaker, what we have found in the past is that applications have been taken in incomplete and they linger in the particular planning authority for many months because of the lack of communication to either indicate to them that they need to return, the applicants need to return for their applications to make this necessary adjustment. And this Development Assistance Centre, Mr. Speaker, will go a far way, especially in the highly sensitive developments, environmental and other, where they can have pre-consultation with the agencies of government that would be required to have a say in the matter, which I am sure will speed up the process significantly.

Mr. Speaker, with regard to the environmental management the NRCA Waste Water and Sludge Regulations are expected to be gazetted shortly. These regulations were prepared after a comprehensive consultative process and will provide for the framework for the construction, modification and operation of waste water treatment facilities. Licensees, when the legislation is passed, will begin to operate under the polluter-pays principle.

Mr. Speaker, I will just touch on Kingston Harbour. In relation to - in terms of the other aspects of NEPA's work I want to mention Kingston Harbour Environmental Management Programme. As you know, for a number of years environmentalists and concerned citizens have agonized over the pollution in the Kingston Harbour. Study after study has been done but we still have not solved the problem.

Mr. Speaker, the Government has zeroed in on the 43 entities identified as potential polluters along the rim of the Kingston Harbour. Thirteen (13) **warning notices** have been so far issued as well as three (3) **enforcement notices** as a result of the assessments done. Thirty-two (32) entities are required to apply for environmental permits or

licenses and 20 are required to upgrade or install secondary containment for hazardous material stored in tanks. In the next phase of the programme entities in St. Catherine will be assessed for their impact on the Kingston Harbour.

TOWN AND COUNTRY PLANNING

Mr. Speaker, one of the pieces of legislation which is now in the drafting stages is the new Town and Country Planning Bill, designed to make local planning authorities fully responsible for development control and enforcement. The Bill allows for the creation of an appropriate legal and institutional framework to enable the Government to formulate policies and plans regarding land use, physical planning and development control, as well as to ensure that they are standardized throughout the country. The Bill also seeks to eliminate overlaps and unnecessary procedures by creating streamlined processes for administering, planning and regulatory functions.

The Bill, in short, will accomplish the following:

- make the Minister accountable for guiding the planning process;
- make the local planning authorities wholly responsible for the enforcement and the development control in their respective parishes;
- mandate public involvement and input at all levels of the planning process - that is, forward planning, development control and enforcement, and the establishment of a more flexible type of forward planning, rather than the prescriptive one, which presently obtains in Development Orders.

Mr. Speaker, in terms of where we are with this Bill, a stakeholder committee has reviewed the comments of the Attorney General and now will be reviewing other pieces of legislation to assess their impact on the proposed Bill, as well as research new provisions and features in other planning jurisdictions. Mr. Speaker, it is our intention to pass this Bill during this fiscal year.

NATIONAL LAND AGENCY

Mr. Speaker, I move on to the National Land Agency, one of our premier public sector institutions for customer service and efficiency and the 2009 recipient of the Prime Minister's Trophy for Best Consumer Service. At the end of 2009/2010 fiscal year the National Land Agency's performance was an astounding 98% based on the rated average of all key performance indicators. (Applause) This actual achievement was recorded against a projected 80% target. This is another agency of which we can all be proud, Mr. Speaker.

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

Mr. HOLNESS: Mr. Speaker, I beg to move for the suspension of Standing orders to allow the Member sufficient time to complete his presentation.

The SPEAKER: The motion before the House is for the suspension of Standing Orders to allow the Member sufficient time to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister Vaz.

Mr. VAZ: Mr. Speaker, I will take it that, that sufficient time will mean that I have a

short time but that I…

Dr. PHILLIPS: If you trespass on it…

TITLES

Mr. VAZ: Mr. Speaker, during the year under review a total of 8,788 new Certificates of Titles were issued with a 99% endorsement put on existing titles within seven (7) days. The Agency, Mr. Speaker, has also been operating an Express Desk, Mr. Speaker, where single transfer and single mortgages are completed within 48 hours, at no extra cost to the customer.

(Applause by Government Member)

I am going to ask you to save your applause and give me one big one when I am finished. (Laughter)

SURVEYS AND MAPPING

Mr. Speaker, in the Surveys and Mapping Division, a total of 15,544 plans were checked for Commissioned Land Surveyors with a turn-around time of nearly 90% on all plans checked within a 35-day period.

The Land Titles Division of the Agency installed a new feature in September last year whereby customers could collect their documents at their own convenience during working hours without joining a line.

During the third quarter, Mr. Speaker, of the last fiscal year the Agency introduced a pilot expedition transaction to facilitate the completion of certain land titling transactions within 24 hours.

Mr. Speaker, during the current fiscal year the NLA will complete the construction of additional facilities at its Western Regional Office to create a one-stop shop where all the core division of the Agency will be represented.

LAND ADMIN. AND MANAGEMENT PROGRAMME

Mr. Speaker, another far-reaching programme is the Land Administration and Management Programme, LAMP. It is, estimated that approximately 40% of land parcels in Jamaica are not represented by registered titles. In fact, Mr. Speaker, this has been a major problem in developing countries.

The well-known Peruvian Economist, FERNANDO DE SOTO, has done significant research work to establish that if countries could just secure proper land titling for the poor that this would prove transformative in tackling poverty, particularly bad poverty in developing countries.

Mr. Speaker, Jamaica has been making progress in this area.

Last year, LAMP secured its highest member of parcels registered in any one year, 925, amounting to 54% of total first registration titles issued to date, 925 of 1,799. As of the end of the last financial year, the number of files opened since the inception of LAMP was 9,491. These files represent both new applications made to bring them under the Registration of Titles Act as well as the updating of existing Certificates of Title to accurately reflect existing legal rights to the parcel of land.

Mr. Speaker, LAMP has strengthened its relationship with the National Housing Trust, establishing LAMP desks at NHT offices in St. Elizabeth and Clarendon. Similar desks are to be established in other parishes in the coming weeks. LAMP is engaging in aide range of activities to make Jamaican people aware of their services and, indeed, the ability to empower those who need their help. A

Memorandum of Understanding has been signed by the Government to pursue the LAMP 2 Project which was launched on the 1st of July in St. Elizabeth. LAMP 2 will not only engage in land tenure issues of registering land and updating existing titles, but will also engage in data conversion of the records of the National Land Agency, required to build the digital coastal map.

For the current year, some 10,000 new files for registration are expected to be opened and some 9,000 parcels of land under the Registration of Titles Act will come on stream.

Mr. Speaker, the portfolio subjects for which I have given account, span a wide area. Whether you are talking about Information and Telecommunications portfolios, covering among other areas, Access to Information, Cinematograph Authority, Spectrum Management, the Broadcasting Commission, Postal Services or the planning and development area such as LAMP, the National Agency, NEPA, Town and Country Planning or any special project in my mind, is one mission, that is, the building of a superstructure for socio-economic growth, facilitating national development and providing a platform for this nation to maximize its potential.

Mr. Speaker, there have been many missed opportunities in our nearly half a century of existence as a nation. But that is a relatively short time in the life of a nation. My sole resolve is to ensure that I'll leave the foundation for public service on higher ground than I found it and to play my part in providing a suitable environment for the people of Jamaica to live in and flourish.

Government MEMBER: Hear, hear!

Mr. VAZ: Mr. Speaker, if then, l can contribute to a more investment and development-friendly environment, if I can build a durable superstructure on the strong foundation we already have in the ICTS, if I can help to expand the Jamaican people's access to information from various sources, if I can go further and ensure that the information and the broadcast media are used to empower people and to strengthen their moral foundation, I would have made a modest but sound contribution.

Mr. Speaker, it's not an easy road I know, but with God on my side and by my side, I will finish the course.

Mr. Speaker, I thank this Honourable House. (Applause)

The SPEAKER: Thank you, Mr. Vaz. House Leader.

Mr. HOLNESS: Mr. Speaker, you will recall that earlier in the sitting I gave notice of a motion with respect to Ministry Paper No. 65. Mr. Speaker, I hereby seek leave of the House to withdraw the motion in respect of that Ministry Paper, notice of which I gave earlier.

The SPEAKER: Members, the House Leader has indicated that he wishes to withdraw the motion, notice of which he gave earlier. Is it the wish of the House that the motion be withdrawn?

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, the motion that I gave earlier was for us to debate today and probably pass today, the matter of guarantee for the re-financing of NROCC. The matter is still urgent, Mr. Speaker, and therefore the House will convene tomorrow to

deal with that and other matters as well, but to deal with that specifically.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. I therefore move that the House do adjourn until the 28th of July when we meet again.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Wednesday the 28th of July at 2.00 p.m.

Put to the House and agreed to.

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

The House adjourned at 6.07 p.m.

WEDNESDAY, July 28, 2010

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.33 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.

ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning, Development and Defence.

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, Sports and Culture.

RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment.

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture.

JAMES RUDOLPH EDWARD ROBERTSON, (JLP), St. Thomas, Western, Minister of Mining and Energy.

MINISTERS OF STATE

THE HONOURABLES:

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture.

CLIFFORD EVERALD ERROL WARMINGTON, (JLP), St. Catherine, South Western, Minister of State in the Ministry of Water and Housing.

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in the Ministry of Labour and Social Security and Deputy Leader.

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Mining, Energy and Telecommunications.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister.

MICHAEL ANTHONY STERN, (JLP), Clarendon, North Western, Minister of State in the Ministry of Industry, Commerce and Investment.

OTHER MEMBERS

MR. NOEL GEORGE DELANO ARSCOTT, (PNP), Clarendon, South Western.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern.

MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern.

MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central.

MR. ROGER HAROLD CLIFFORD CLARKE, (PNP), Westmoreland, Central.

DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern.

DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern.

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern.

DR. FENTON RUDYARD FERGUSON, (PNP), St. Thomas, Eastern.

DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central.

MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern.

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

MR. IAN DAVE HAYLES, (PNP), Hanover, Western.

MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern.

MRS. SHARON MERLE HAY-WEBSTER, (PNP), St. Catherine, South Central.

MR. JOSEPH URIAH HIBBERT, (JLP), St. Andrew, East Rural.

MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western.

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

MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western.

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

DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western.

MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central.

MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central.

MR. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern.

MR. DEAN ALEXANDER PEART, (PNP), Manchester, North Western.

MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern.

DR. PETER DAVID PHILLIPS, (PNP), St. Andrew, East Central.

MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western.

DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern.

THE MOST HON. PORTIA LUCRETIA SIMPSON MILLER, (PNP), St. Andrew, South Western, Leader of the Opposition.

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

MR. ERNEST AUGUSTUS SMITH, (JLP), St. Ann, South Western.

MR. KERN O'MAR SPENCER, (PNP), St. Elizabeth, North Eastern.

REV. RONALD GEORGE THWAITES, (PNP), Kingston, Central.

Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern.

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2.33 p.m.

The SPEAKER: Please 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. 67**
  Refinancing of €204.4 Million loan to the Development Bank of Jamaica (DBJ) from Banco Desarrollo Econonlico y Social de Venezuela (BANDES) which was sent on-lent to the National Road Operating and Constructing Company Limited (NROCC) and guaranteed by the Government of Jamaica and
- Government Guarantee under the provisions of the Approved Organizations and Authorities (Government Guarantee) Act, in respect of an interim short-term financing with a face value of US$ equivalent of €204,386,447 by NROCC to be taken out by a long-term bond issue with a face value of the equivalent of €204,386,447 and this supersedes Ministry Paper No. 65 tabled on July 27, 2010
- **Ministry Paper No. 68**
  Seventh Replenishment of the Special Development Fund (SDF VII) of the Caribbean Development Bank
- General Legal Council
  Annual Report for the period April 1, 2004 to March 31, 2005
- Report of the Public Administration and Appropriations Committee of the House of Representatives on the motion for the Review of the Processes for the Evaluation and Approval of Commercial Agreements by Public Bodies.

REPORTS FROM COMMITTEES

Dr. McNEILL: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Sessional Select Committee on Public Administration and Appropriations and its deliberations on the motion for the Review of the Processes for the Evaluation and Approval of Commercial Agreements by Public Bodies.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Dr. McNeill.

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

> Be it Resolved that the Report of the Sessional Select Committee on Public Administration and Appropriations on its deliberations on the motion for the Review of the Processes for Evaluation and Approval of Commercial Agreement by Public Bodies which was laid on the Table of the House on the 28th day of July, 2010, be adopted.

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

me to take the motion.

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Mr. Speaker, you will recall that we had to withdraw the previous Resolution.

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

> Be it Resolved with reference to Ministry Paper No. 67/10 dated July 28, 2010, which was laid on the Table of the House on the 28th day of July, 2010, that this Honourable House of Representatives approve the granting of Government Guarantees under the Provisions of the Approved Organizations and Authorities Loans, that is Government Guarantee Act, of the following transactions relative to the refinancing of an existing guaranteed loan in the amount of €204,386,447 to the Development Bank of Jamaica from BANDES and on-lent to the National Road Operating and Constructing Company Limited (NROCC):
>
> 1. Issue of a guarantee for an interim short-term bond in the amount of the US equivalent of the face value of the existing bond of €204,386,447 which is estimated at US$275 Million in favour of the local and international investors.
> 2. The issuance of new long-term bonds in the amount of the US equivalent of the face value of €204,386,447 on the local and international markets which will liquidate the short-term interim financing mentioned at item No. 1 above, the restructuring or unwinding of the swap held with CitiBank NA and provide a further sum of up to US$35.15 Million to finance certain obligations of NROCC under the concession agreement of Highway 2000 for Phase 1B1.
>
> Be it Further Resolved that the above guarantees replace the guarantees for which approval was given, by this Honourable House on the 19th day of May 2009, for a guarantee in respect of the above-mentioned loan to NROCC.

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 the Prime Minister to fake the motion, notice of which I gave.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, I beg to introduce and have read a first time A Bill entitled: "The Town and Country Planning (Negril and Green Island Area Local Planning Authority) (Validation, and Indemnity) Act, 2010.

Bill shortly entitled:

"The Town and Country Planning (Negril and Green Island Area Local Planning Authority) (Validation and Indemnity) Act, 2010"

read a first time.

The PRIME MINSTER: Mr. Speaker, I would like to give notice of second reading and to indicate that l will seek the suspension of Standing Orders - It's a simple matter - I will seek suspension of Standing Orders to allow us to take that Bill today.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, at Public Business today we will take the motion notice of which I gave earlier, the Prime Minister will take that motion. The Member from Westmoreland who is Chairman of the Appropriations Committee will be taking the Reports, notice of which he gave and the Prime Minister will be taking the Bill that he just gave notice of as well.

The SPEAKER: We will start in the order you have indicated. Very well.

Prime Minister.

NROCC/BANDES LOAN GUARANTEE

The PRIME MINISTER: Mr. Speaker, I'm actually standing in for the Minister of Finance who is off the island on official business. This matter has to do with the refinancing of the existing BANDES loan which was secured by the DBJ, with a government guarantee and was on-lent to NROCC for the construction of Highway 2000.

The loan, Mr. Speaker, was originally denominated in Euros but in March of 2008, the DBJ entered into a cross currency swap arrangement with CitiBank in order to hedge against significant movements in the Euro as against the US Dollar. That arrangement involves certain conditions which required additional guarantees; it required money payments into a reserve fund to cover margin calls and conversion risks; but because of the significant weakening of the Euro against the Dollar the arrangement has become unfavourable. Indeed, the debt service payments that DBJ now has to make exceeds the amount which is actually due and payable to the bond holders and, therefore, it is wise for us to seek to exit these arrangements.

The proposed transaction involves two separate components: One, is the issue of a short-term note to facilitate the full payout of the existing loan and that short-term note will be for a period of 12 months at an interest rate of 9% per cent. Secondly, within that 12 month period, to issue new long-term bonds to replace the interim financing and those, it is proposed would be for a period of 12 years, at 9.375 per cent.

What this will do, Mr. Speaker, it will allow for the unwinding of the cross currency swap arrangements with CitiBank and therefore relieve the DBJ of the contingent liabilities which have proven to be quite onerous. The transaction will be conducted by a joint team of local and international intermediaries, external intermediaries - local and external and these have been chosen through a competitive bidding process. The arrangement is that they will purchase the existing notes at a discount and will then market the new bonds at an appropriate time on the local and international market.

There is one additional aspect of the transaction that is of some significance and that is, we anticipate that after the unwinding of the arrangements with CitiBank there will be a balance of some US$35 Million which will enable NROCC to finance its share of the next phase of Highway 2000 - Phase 1B1. This phase was originally designed to go from where it now ends at Sandy Bay to Four Paths. There is some discussion, put it no stronger than that because it's still in a preliminary stage, to do some redesigning of that leg to

actually take it beyond Four Paths. But that's something about which the Minister of Transport and Works will speak at the appropriate time.

I would just like to point out, Mr. Speaker, that these transactions will not increase the debt stock or the debt service obligation since the replacement of the existing debt on better terms, albeit a slightly higher coupon rates, we will in fact be taking out the existing loan and the new guarantees being sought will simply replace the guarantees that are currently in place.

The presentation of this matter, Mr. Speaker, has benefited from consultation between the Government and the Opposition, a number of issues were addressed during those discussions and therefore I seek the approval of the House.

The SPEAKER: Dr. Davies.

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

Mr. Speaker, let me begin by indicating that the - to confirm the Prime Minister's statement that the Opposition has been in dialogue in varying ways since late Monday night, much more in- depth yesterday. In fact, I don't know what the pay for consistency is, but the Member from Central Manchester's consultancy skill is a little bit more than mine, but we were involved in aspects of this. But there are some important points which we wish to make about this resolution, and in fact, I am seeing the resolution for the first time, and I am going to have a comment about a modification to the resolution, which we are going to propose.

But, Mr. Speaker, I must begin with a statement, and I would like you and the rest of colleagues to listen carefully. There are too many occasions on which significant issues are being dealt with in a rushed manner.

(MR. ROBERT DIXON PICKERSGILL, (PNP), St. Catherine, North Western, entered and took his seat.)

At the minimum, a resolution is tabled in the normal situation, and then you have a week to reflect, to follow-up to research. And there are just too many instances in which - where we have been forced to come up with a response, either on our feet or so. These things happen from time to time, Mr. Speaker, but they are happening too frequently for them to be regarded as time to time.

There is a Supplementary Budget which was presented. I was called overnight by the Minister of Finance and asked to facilitate a presentation, a review, a debate and a vote, and we were here until 3.00 o'clock, 3:00 am. There have been various instances, and the essence of us being parliamentarians, our objective is to advance the national good. But Mr. Speaker, it is a fact that on the various occasions when we have demonstrated this level of cooperation, the manner in which we have been treated - and I am sorry the Minister of Finance himself is not here, because he has been the chief offender in that regard - is to engage in scurrilous attacks in his closing.

And, Mr. Speaker, even as the public has been commenting on our public behaviour, we wish to be a responsible Opposition. We have demonstrated on various occasions, and we have...(Applause)...we have demonstrated on various occasions, and we are going to demonstrate again here - and the Prime Minister himself will confirm the work which the Member from Central Manchester and I put in yesterday, in helping to move this process forward. But there must be some

recognition, something is wrong; there are too many things... (Applause) ...happening at the last moment.

Mr. Speaker, this whole - this loan is something we know about, the original loan. It was provided by BANDES, which is the Venezuelan Development Bank, in a way to assist us in carrying out the financing of Highway 2000. Fascinating, Mr. Speaker, this loan was for €204.4 Million, at an interest rate of 7.5 per cent lent to the Development Bank without the need, without the need for a GOJ Guarantee. Now, that is significant. They are lending you their money without the need for a GOJ Guarantee.

One may argue that the DBJ is Government, so they would expect Government to repay, but without the need - everybody else has demanded a Government Guarantee, Two Hundred and Four point Four Million at 7.5 per cent to DBJ.

Now, Mr. Speaker, then lots of things happened, there was the international crisis. And, you know, all of us have grown up with this expression with the mother hog and her piglets or whatever, and it's mama, how you...

(*Sotto voce* comments from Opposition Members)

Yes, mek time run, Mr. Speaker.

Mr. PICKERSGILL: You a grow come, you will find out.

Dr. DAVIES: Let me just indicate that something happened. There was a hedge, a debt swap, I am not certain how this occurred - I am going to explore it a little further.

(MR. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South eastern, entered and took his seat.)

I am going to explore it a little further. But when this debt swap, this hedge took place, the Euro was One Fifty-Four, I believe to the US - it was US$154 to the Euro, and presumably, fearing that this could get worse - because we earn most of our foreign exchange in US dollars - a decision was taken to move to swap into US dollars. This was done, and now the Euro even went down to 110, but at a higher interest rate. So we are losing on the principal and we are paying more on the interest rate.

Mr. Speaker, these things happen, these things happen. And so whenever I hear everybody wise after the event with the forward-sale of alumina, how come you did this? How come this happen? (Applause) These things happen, Mr. Speaker, these things happen, Mr. Speaker, because governments at various...

Mr. ROBERTSON: That's a bad example.

(Cross talk)

Government MEMBER: Inefficiency!

Dr. DAVIES: ...points in time, at various points in time - just shut up so we don't know your ignorance!

Mr. ROBERTSON: Stick to the facts. Don't abuse me!

Dr. DAVIES: Shut up and go to your seat! Shut up with your ignorance!

The SPEAKER: (Gavelling) Enough! Enough! Enough!

Dr. DAVIES: So, Mr. Speaker, this here is a situation where a government at a particular point in time took a decision which it felt was a correct decision. And we understand that. But we wish that similar understanding is displayed when we speak about other issues. (Applause)

But, having said that, Mr. Speaker, we need to pose some questions. How was this

decision about the swap taken? Where was the analysis? Who took this decision? Was it on the advice of the Debt Management Unit or the Ministry of Finance? How did that decision get taken by one entity in the Government, but the Government itself is not taking a similar decision about its own Euro denominated debt?

I hope you understand, Mr. Speaker, that there seems to be some contradiction, that on the one hand, a government entity has taken a significant decision about a debt swap which has - I don't know what the full cost is to date, but because of these things, Mr. Speaker, there has been a significant cost and we need to know how this disjuncture between a decision taken by an entity which we all now will have to hug up - this is one of the things which the Prime Minister indicated the cost has gone beyond the original cost when the loan was denominated in Euros, and we need to know why this decision and what was the analysis which led to this decision.

So, Mr. Speaker, this is something which we need to look at. And we need to look at it not only because of the cost, but because there are too many entities which seem to be taking decisions which are out of sync with overall Government policy. And so you will have an entity making a decision, which then down the road, if there is a cost, this entity is not in a position to finance or to hug up the implications. We are seeing many examples in the PAC.

And, Mr. Speaker, there is - let me just put a warning that there is another major loan about which the Opposition has serious questions. And I speak about the China loan which ostensibly is being borrowed through the Road Maintenance Fund.

Mr. Speaker, as I said before, I usually don't - I have not been able to elicit any responses of the Road Maintenance Fund. I tried with your - the enormous prestige of your office, and both of us were unsuccessful. So I wrote to the Auditor General and said, can you help me? And what the Auditor General has indicated, Mr. Speaker, is that in examining the Road Maintenance Fund - and it's going to come to the PAC, all PAC members have this - she has written to me with her Report, and she has indicated that the RMF, starting with the Board as well as with the Executive Director, has indicated to the Government, starting with their Minister, that the Fund will be unable to meet the loan obligations beyond March 2011, as there will be an immediate shortfall of US$10.7 Million which will be required in April 2011.

And let me just place here, put on warning, that we are not going to allow this charade to take place, whereby the Government is seeking to borrow but not put it on the Central Government's books because of the IMF agreement, and pass it through an entity which is unable to service it, and the entity has indicated to the powers that be their inability. This is - and I am quoting from the Special Audit Report, a copy of which was presented to me by the Auditor General. So I adjust indicating - and all members of the PAC, all members of the PAC have this.

Mr. HIBBERT: All Parliamentarians must have it.

Dr. DAVIES: Well, that's not my problem. All members of the PAC have got that.

So, Mr. Speaker, I am just indicating that this situation is one which we, we, all of us

here, must not allow to recur. And we cannot allow the RMF - and there are lots of other interesting issues which we will discuss, there is time, there is lots more which we are going to discuss. But I am giving warning that the RMF and the officials at the RMF have officially indicated and formally indicated to the Government that that loan which you are talking about, we cannot service from the RMF.

What is the conclusion? If the loan goes through, that loan will have to be serviced by the Central Government, by the Ministry of Finance. And so, Mr. Speaker, l put that in the context here.

Now, Mr. Speaker...

(*Sotto voce* comment from Mr. Pickersgill)

…It was not in the IMF, this is the difficulty - or you are talking about a foreign exchange loan?

Mr. Speaker, let's say something about the 'proposed transaction', and I use the word 'proposed transaction' - the term 'proposed transaction'. The Prime Minister knows became we indicated that to him - this is an opportunity for a transaction; it's an opportunity for a transaction. And it is an opportunity to escape the additional cost of this swap or this hedge, whatever it is.

One of the problems we face, Mr. Speaker, is that we don't know what will happen. There are lots of ifs. If you ask me, it's an iffy proposal. There are lots of ifs. There is the 'if' of what is the discount we will get the bonds for, *et cetera* and everything rides on that.

But I'd like to raise a couple other points because inherent in this transaction are inheritable - if it's successful - if it's not successful, that's one problem. If it is successful, another set of problems. The indicative interest rate which will be paid both on the interim bond - because there are two bonds being proposed, the short-term one which will allow you to buy back the discounted BANDES loan - that's the first - and then the second one which is the long-term bond, which is then to take out the short-term bond.

But, Mr. Speaker, these bonds, US dollar, will be offered at rates which are virtually the same as the Jamaica Dollar bonds. Understand the implications. We are going to be offering - Government of Jamaica - because this is no longer a DBJ activity you know. This is why we are doing a GOJ loan. The Government of Jamaica will be offering a US dollar bond at 9.75 whatever per cent, which will mean that the Government of Jamaica on the path of lower interest rate in Jamaica Dollar bond will be offering a rate - and there is a reason, you need to ensure it's a success. But therein is a contradiction, because here is the difficulty which will occur.

If any of us in here had money and we had a chance with a LRS issued of ten or nine or whatever and a US Dollar bond at 9.5, all of us would be heading to get that conversion to allow us to participate. So the success of the one is going to create problems on the other. What do you see as the possible implication? Mr. Speaker, this is just common sense - is that there is going to be a logical rush by local investors to get in that bond. And that from their position on perspective would be logical.

The difficulty you face, Mr. Speaker - and you know, I have been very, very quiet in recent times about the implications. I laid out some of the question marks about the JDX and

the restrictions placed on the Bank of Jamaica. The Bank of Jamaica now, has a tool to fight instability in the foreign exchange market, has one tool and one tool only. It has to sell foreign exchange in that market. It cannot move against its own interest rate policy. And therein is one of the - we don't want it to happen - but we want that this bond, if successful, by creating the demand for more foreign exchange, could then put yourself in the position whereby the Bank of Jamaica is seeking to sterilize or to meet the demand, the Bank of Jamaica would be selling in the market such that the bond can be successful. And I put that out there, Mr. Speaker.

Mr. Speaker, the Opposition recognizes the situation we are in. The present - I don't know whether the Prime Minister or anyone can provide us with (a) the additional cost to date of this debt swap or hedge. But it could get better, it could get worse. And therefore, from that perspective, we as parliamentarians must allow this opportunity, because there is an opportunity for an improvement.

There are lots of ifs, discount rate, whatever. But the support is conditional. The support is conditional. Associated with this, we wish to have a firm commitment from the Prime Minister and the Minister of Finance that any further action taken by entities in terms of negotiations for external loans, *et cetera*, must have the full involvement and authorization of the Ministry of Finance before they can be concluded. Must have. That must be explicitly agreed to. And this applies not just to NROCC or to the DBJ, but to all entities that this move whereby an entity could have embarked on a debt swap, or hedge, which is now costing the country - and I have the details on the cost. There is no need for me to put that out here, but it's costing us. This is why we have a conditional support.

But beyond that, Mr. Speaker, we have a concern of - we have not seen the mandate letter - and this is not against the entities which have this mandate, but we worry about such entities making a killing. You could call it a good profit, a windfall, but we can't afford that. And therefore, the Opposition will support the resolution - with all the caveats I've put - with the commitment that entities from now on in engaging in - before they embark on these adventures - must have the full involvement of the Ministry of Finance and approval.

We would like to therefore suggest the following amendment to the resolution. And before the first - I'm looking for the resolution which as I indicated...You have it here?

(Dr. Davies searches for the resolution) (Inaudible comments)

No, this is mine. Can I get a copy of the resolution.

(Dr. Davies locates a copy of the resolution)

The resolution has the... *'be it resolved'*, and all that preamble, and then it says, and it gets to the thing, '*issue of a guarantee*'. I would - before you get to (1) - and it's in handwriting but we can give it:

> *'Subject to the renegotiation of the mandate letter with the arrangers to ensure that the purchase price of the BANDES bonds is transparent to the Government and that the compensation of the arrangers be capped at a reasonable sum or at a specific commission rate '*, we go into,

'issue of a guarantee for an interim short-term bond',

and...*et cetera*.

The SPEAKER: You have a draft?

The PRIME MINISTER: How you asking for renegotiation and you say you haven't seen it? (Inaudible)

Dr. DAVIES: Haven't seen what?

(Inaudible comments by the Prime Minister)

Yes, we asked. That's the problem. Have you seen it?

The PRIME MINISTER: No, but you say you want to renegotiate. (Inaudible)

Dr. DAVIES: Yes. Okay, well, if you can assure us that that is already contained, thank you very much. Can you?

A MEMBER: Of course. (Inaudible)

Dr. DAVIES: We were told... But specifically...

The SPEAKER: Dr. Davies, you have a draft of your recommended amendment?

Dr. DAVIES: Yes, I have it. It's in my handwriting though. It's in my handwriting.

The SPEAKER: All right, could you go....?

Dr. DAVIES: Wait nuh! But, Mr. Speaker, with all due respect, it will be harder for me to, it will be difficult for me to have it written up before.

Mr. HOLNESS: It would be much more... (Inaudible) ...if he were to provide.... (Inaudible)

The SPEAKER: That's fine.

Dr. DAVIES: Okay. But, Prime Minister, with all due respect, we were told that the Ministry didn't know what's there. So, it would seem... This is part of my problem, that there's an entity with an arrangement and we are being asked to take up the cost of this arrangement without us knowing. So we...if it's already capped, if it's already there, then this is unnecessary. But this is to tell you, Mr. Speaker, if it's not there, the conditional support is subject to the renegotiation. Okay, let me try this one.

'Subject to the inclusion in the mandate...'

The SPEAKER: Slowly, slowly so that the Clerk can get your recommended amendment, Dr. Davies.

Dr. DAVIES: All right.

The SPEAKER: Go ahead.

Dr. DAVIES:

'Subject to the renegotiation of the mandate letter with the specific condition that the purchase price of the BANDES bonds is transparent to the Government, and that the compensation of the arrangers....'

Is that the proper term?

(Inaudible comments by Dr. Phillips)

Dr. DAVIES: *...'the arrangers, be capped at a reasonable sum or a specified commission rate',*

then you go into this...

Opposition MEMBER: You get this...? (Inaudible)

Dr. DAVIES: Ah just get this thing yu nuh. (Laughs)

Mr. Speaker, within that context, the Opposition will support the amended resolution. I thank you, sir. (Applause)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker, permission to speak from a seat other than my own?

The SPEAKER: Permission granted, Mr. Bunting.

Mr. BUNTING: Mr. Speaker, this transaction, or the Ministry Paper which

describes the transaction, a careful reading of it will show you that there are actually a number of separate transactions. The first is the purchase of the BANDES bonds. The second is to facilitate the purchase of the bonds, which is a short-term fund-raising. The third possible transaction is an unwinding of the Euro/US dollar derivative swap. And the fourth is a long-term, or an issuance of long-term bonds which would take out the short-term financing.

But the two, perhaps the major components and the unusual components of this transaction really have to do with the unwinding of the Euro/US cross-currency derivative, well really, not just the unwinding, but the fact that there is that transaction. And the second is the repurchase of the BANDES bonds. And I want to spend a little time on those two.

What perhaps is the motivation for this transaction and for this guarantee which we are debating now is the fact that the Development Bank of Jamaica is taking a beating on this derivative arrangement that they entered into in 2008. We had really, what was a perfectly good and concessions Euro loan arrangement from the Development Bank, not hugely concessional, but slightly below what the Government, with a guarantee was raising Euro Bond rates at the time. I believe it was around 7% or slightly above 7% on Euros, and this was a long-term bond. Clearly, it was in a sense, the Government of Venezuela doing a favour to the people of Jamaica.

Dr. PHILLIPS: Tell them what was the tenure....(lnaudible).

Mr. BUNTING: You think I..... (Inaudible)

Dr. PHILLIPS: No, just tell them what was the length of it.

Mr. BUNTING: What was the tenure? It is not included, but from recollection, I believe it matures in ‘26, is it? 2026? And it was taken out about 2005, 2006? So it was somewhere around a 20-year bond. I believe it was 20-year financing, rather. A 20-year financing loan from BANDES, Euro, Two Hundred and Four Million, from BANDES, which is the Development Bank of Venezuela to the DBJ the Development Bank of Jamaica, and this was for the financing of NROCC.

(Inaudible comments)

I had no role in that transaction. I had no role in that transaction.

So the first question, since that is the motivation is to relieve DBJ of the - what must be a crippling cost to carry this derivative transaction that went badly wrong, well - the Member from South St. Andrew pointed out to me that the DBJ is not capable of carrying those type of losses without the support of the Ministry of Finance. But we have not been told what those losses are, or how much, what is the amount of the losses, what is the amount of the losses to date or what it will cost to unwind the transaction.

Now, obviously if you are dealing with transaction that is predicated on movement in interest rates and exchange rates from day to day this figure will change, it can get better or it can get worse. My understanding is that, the cost of unwinding that currency, derivative, or let me just be accurate in how it is described in the document. Yes it is described as a cross-currency swap. The cost of unwinding that cross currency swap were it done yesterday, would have been US$57 Million or J$5 Billion in losses. And this doesn't - I am not sure if

this includes the losses that we have made to date on the interest payments and I suspect it does not. So, we still need to get an accounting for completeness and to understand the urgency of the transaction, we need to get an accounting of what has this transaction cost the tax payers of Jamaica so far since early 2008, when we entered the transaction and present. And indeed, who was responsible for this transaction. (Applause)

You know, if I was cynical I would say, who was the rocket scientist that came up with the idea of doing that. But the truth is, Mr. Speaker that I am sure when the transaction was entered into, it was done based on advice. I am sure somebody must have advised whoever took this decision whether it was the Minister of Finance, whether it was Senator Wehby, or the DBJ Board, although I am sure they could not have entered this sort of obligation of the taxpayer on their own. Somebody must have advised them that this was a good idea based on projections for future exchange rates and future interest rates. So I am sure it was entered into sincerely, but I can't help but comparing this with how the Minister of Finance and the Prime Minister have treated with the forward sale of alumina from CAP, which was based on the same sorts of assumptions of what alumina prices would have been forward, what the input prices would have been forward. And with the best will in the world, and with the best advice in the world, nobody has a crystal ball. So sometimes you will come out looking like a genius and with hindsight, at other times, you would come out looking very silly and if you were totally incompetent.

(*Sotto voce* comments by Mr. Mullings)

Mr. BUNTING: I beg you Member, l beg you.

I want to turn now, Mr. Speaker, to the repurchase of the BANDES bonds. Now, looking just at this component of the transaction, the Government is providing the funding for this because the Government is giving their guarantee and the arrangers with this guarantee in their pocket can go out and raise the short-term financing which will facilitate the shopping for the bonds. But the Government or one of its agencies is also guaranteeing to purchase those bonds at a price, not disclosed here and it perhaps should not be disclosed here because that is going to be subject to negotiation, market conditions *et cetera*. So, I don't have a problem with it not being disclosed here.

However, what we do know, is that it must be at substantial discounts for the transaction to make sense. So the assumption is that there are bonds in the market at substantial discounts. The Government, or one of its agencies DBJ, or NROCC, has said to the arrangers we will purchase, we are going to lend you the money to go out and purchase and we guarantee you a price at which we will purchase these BANDES bonds. However, nobody on the Government side knows or will know what price the bonds are purchased at. So essentially, the arrangers have little or no risks because they are using the Government guarantee to raise the money, they have a guaranteed market to sell the bonds to when they buy it, but their upside is essentially unlimited. If they can buy it at a 10% discount higher than what the Government is offering, then they would make 20 Million Euro on that single component of the transaction. Now, I

am not saying that that is what they are going to make, I don't know and I would not know at this time. But the mandate letter, the contract with the arrangers should be written in such a way that the windfall, to use the words of the Member from South St. Andrew, the windfall which may be available on that accrue substantially to the taxpayers of this country who have borne the losses.

(Applause)

Mr. Speaker, as we understand it now, that is not acceptable to the Opposition. This is very poor negotiating of the mandate and it must be renegotiated. And there is no point, Mr. Speaker, in the Government coming to us as it did with the **Hongfan** purchase or proposed purchase of **Jamalco** shares and say the Contractor General can investigate all him want because it is a done deal, that cannot be so in this case, because if there is no Government Guarantee there is no deal. And Parliament could not be taken for granted in any agreement that the Government enters into or any of its agencies. (Applause) And we have already made it very clear that we are not going to accept that Parliament being treated as a rubber stamp, by anybody. (Applause) But Mr. Speaker, we have seen a pattern of transactions by this Government....

(*Sotto voce* comments by Members)

Mr. BUNTING: But Mr. Speaker, we have seen a pattern of transactions by this JLP Government in negotiating major contracts where hugely important elements of these transactions are hidden from the public view, hidden even from the Contractor General, hidden from the Auditor General where no one can determine at the end of the day if this was a fair deal, if the taxpayers got value for money, and when it is presented to the Parliament and the people of Jamaica it is presented as a *fait-accompli*, as a done deal something that really we have no talk in it anymore. That is not the case here, and we must set, we must set an example, we must send a clear signal that we don't come here elected by the hundreds of thousands of constituents who voted for us; we don't come here to be a rubber stamp. (Applause)

Mr. Speaker, we see that pattern of transacting which circumvents the established procurement procedures, which keep the details or some elements of the transactions opaque. We saw it as I mention in the sale of the Government's shares in **Jamalco,** where we up to now no one can tell us what value **Port Reliant** brings to the table, nobody can tell us who the shareholders are and whose beneficial interest it operates for. No one can tell us, certainly when you Google the name Port Reliant, you don't find it coming up as any expert or advisor anywhere. We saw it in...

Mr. ROBERTSON: Mr. Speaker, on a Point of Order. The Member is misleading. It has been clearly stated publicly and in this House that there is no contract between the Government and any entity by the name of Port Reliant. I ask the Member to bring evidence of that or withdraw that comment.

The SPEAKER: Yes, Mr. Bunting.

Mr. BUNTING: I never said that there was a contract between the Government and **Port Reliant**. I said there are important elements of these transactions which are opaque, nobody can see through and understand the role that certain entities play...

The SPEAKER: You used the term **Port Reliant** though?

Mr. ROBERTSON: Mr. Speaker, **Port**

Reliant played and offered no service...

The SPEAKER: Hold a second Mr. Robertson. You used the term **Port Reliant**, and said you googled it and cannot find any information on it.

Mr. BUNTING: Yes, and Mr. Speaker, I am quoting that name from a Report of a commission of this Parliament, the Contractor General, that submitted a Report to this Parliament which raised questions about a company named **Port Reliant Limited** it was within... (Applause)

The SPEAKER: But the Member is saying there is no such relationship with **Port Reliant.**

Mr. BUNTING: But I didn't say it was contracted. I raised it within the context of the Contractor General in a Report to this Parliament, where he raised the name **Port Reliant Limited**, at the time it was a forward sale of alumina that was being discussed and he was commenting on. They were advisors in the transaction to Hong Fan Limited, the Chinese company. He raised the concern that although he was told that that they would get a one and a half per cent commission on the transaction, nobody could disclose what the value was they brought to the table, how they had been introduced to the transaction, who the beneficial owners of that company was, and I am referring to that pattern of transacting. I don't see how that is irrelevant to what we are talking about here.

(*Sotto voce* comments by Mr. Pickersgill)

Mr. BUNTING: And Mr. Speaker, we can find other examples of that and we have to go no further than the Contractor General's Reports or letters or press releases. We have similar concerns with the Falmouth Pier where an international tender had been put out and was abandoned and a new method found to procure a contractor that circumvented all of our procurement procedures and scrutiny by the Contractor General and Auditor General.

We see the same thing with the Chinese Road Programme. (Applause)

A MEMBER: List them now?

Mr. BUNTING: We see the same pattern of transacting with the Chinese Road Programme where again, a way has been found to circumvent our normal procurement procedures, circumvent our competitive tendering processes where there is no guarantee... where there is no guarantee of value for money in these contracts. We see what is happening with the airport road where we originally had, I believe under the Member from North West Manchester was the Minister at the time - an estimate of somewhere in the region of $13 Million to correct, or to protect against the risk to the road.

(Laughter/*Sotto voce* comment)

That has been increased now to $65 Million, I believe was the last estimate; $13 Million to $65 Million, and we have no way of ensuring that we are going to get value for money in that process.

Mr. Speaker, there are two other points I would like to comment on.

(*Sotto voce* comments by some members)

Mr. Speaker, in the Ministry Paper, under Section 1.3:

> *"It is contemplated by effecting the proposed transactions that the level of GOJ guarantees already in issue will not be exceeded."*

Mr. Speaker, that doesn't seem to be an accurate statement, from my reading of the Ministry Paper and the Resolution. What we will have certainly, for the first few months of

this transaction, or the first few months after the approval of this transactions is that the arrangers holding the GOJ guarantee will go out and raise the €204 Million approximately. At that point in time, all the existing guarantees will be outstanding and this new guarantee will also be outstanding. And for whatever period of time while it is deemed appropriate to determine what is the best time to unwind the CitiBank swap, both of these guarantees will be running concurrently, or that is my understanding. If that is not so, then I would like the - ask the Prime Minister to clarify how that will work, because to my mind, as we discuss this here today, there is no guarantee to BANDES bank for their facility.

We are going to raise a new facility to retire those bonds. We are retiring a facility that doesn't have a Government guarantee, using a new facility that does have a Government guarantee. And it will take some time to unwind the other elements of the transaction. But that seems to be the case. I am asking - putting it here for clarification. Maybe if I understand how the mechanics of the transaction works and the timing, then that may be not the right assumption.

The final point I want to turn to is 1.4. The statement that says, the *arrangers for the transaction were determined through a competitive bidding process.*

(*Sotto voce* comment)

Now, one of the challenges with a transaction like this is, you put something to tender and different bidders, different consortia of bidders make proposals, each with its own structure. Now, my understanding is that this group of arrangers, this consortium came with a transaction structure that no other group came with.

Now, it is very difficult - and I am not criticizing for that, because that brings some creativity. It is not a new thing. It allows for bidders to bring some creativity to the process. But, given that each structure is different, you are not comparing apples with apples in making the assessment of the competitive tenders. Because if one person just came in with a sort of standard re-financing arrangements, we will come in and we will raise bonds for you - new bonds to pay out this old arrangement with DBJ and NROCC, that's one thing. That's fairly easy. All you are comparing on is term and price.

But, when you have a structure, that's really about four different transactions packaged together in one, there really is no way for you to determine whether this is competitive or not, unless you are seeing all sides of the transaction, so you know what all the costs are and what all revenues are, then you can negotiate what is a reasonable compensation. In this transaction that doesn't exist now. So, just by saying, yes there was competitive bidding process, does not guarantee you the best value for money because you are not comparing apples with apples.

A MEMBER: And we still don't know the total cost of this.

Mr. BUNTING: And we still don't know the total cost at this point in time. This is why, Mr. Speaker, I believe that it is incumbent upon this Parliament to accept the amendment which was spoken to by the Member from South St. Andrew. We are not attempting to sabotage this chance at a deal because we don't know, even if we approve here today, whether as market conditions move, it will be feasible, or even desirable to proceed with the

deal, but we don't want to sabotage the chance at a deal. However, we believe that the very value in these types of matters coming to Parliament for approval is that it gives us a chance to improve and ensure that we get the best value for the taxpayers of this country.

Thank you very much, Mr. Speaker.

(Applause)

Mr. HOLNESS: Mr. Speaker, in light of the proposed amendments made by the Member from St. Andrew South, we would want, Mr. Speaker, to suspend the debate and consider the proposed amendments. So, we will - you wanted to speak before the suspension?

(*Sotto voce* comments)

Mr. HOLNESS: Oh, Oh! Mr. Speaker, we would then move now to deal with the reports from the Appropriations Committee.

The SPEAKER: Dr. McNeill.

CHINA HARBOUR/PALISADOES - REPORT

Dr. McNEILL: Thank you, Mr. Speaker.

Given the discussion that has taken place, I think it would be appropriate for us to start with the Report of the Select Committee on the China Harbour Engineering Company Limited for road works at Palisadoes, and for the Jamaica Development Infrastructure Programme.

Mr. Speaker, your Committee was informed of loans applied for by the Governmental Jamaica, from the EXIM Bank under the Preferential Export Bias Credit Programme. There were two loans. The first was a loan of $58 Million which had been borrowed by the Ministry of Finance and the Public Service. It would be used to fund the Palisadoes Shoreline Protection Works Project, and would be repaid from the Consolidated Fund.

The second loan amounted to US$340 Million and would be used as part funding for the Jamaica Development Infrastructure Programme, the JDIP. In this case, the borrower was the Road Maintenance Fund. The loan amounted to J$30 Billion or $6 Billion a year during the repayment period.

In contrast, the Road Maintenance Fund, we found at the Committee, earns $700 Million per year from motor vehicle licenses and there was also a provision of $1.56 Billion to be paid into it from the Fuel Cess. This gave a total of $2.2 Million annually. Mr. Speaker, what that showed us was that to repay this loan, it would take 15 years at the current rate - the entire funds that were going into the Road Maintenance Fund, it would take 15 years to repay it. Therefore, your Committee would like to place on record our grave concerns about the magnitude and the impact of the debt repayment arrangements in respect of these loans.

The second thing, Mr. Speaker, was that reservations were expressed by Members of the Committee regarding the selection of local sub-contractors for executing works in respect of this, and other large Government contracts awarded to overseas entities. We were of the view that the process could facilitate the passing of large quantities of Government funds to specific local companies in the absence of competition and compliance with established standards relating to the probity and competence of the awardees.

To this end, Mr. Speaker, your Committee recommended that a list of fit and proper persons be established by the National Contracts Committee in collaboration with the

Jamaica Constabulary Force, and that all contractors and sub-contractors engaged in respect of large government contracts must qualify with this list.

The third thing, Mr. Speaker, had to do with the environmental approvals for the Palisadoes Shoreline Protection Works Project. Your Committee was informed that a less extensive version of the Palisadoes Shoreline Protection Works Project had been approved by NEPA several years previously, but that there was doubt as to whether the latest incarnation of the project had been sanctioned by that agency. We were subsequently told by representatives of NEPA that there had been no legal requirement for the National Works Agency to obtain approvals in respect of the project as the length of the roadway did not exceed ten kilometres.

Mr. Speaker, what we were told was that any project under ten kilometre did not require - done by NWA, did not require NEPA approval. Mr. Speaker, your Committee found this unacceptable as the environmental impact of a project could not be determined solely, by the measurement of the area that it would disturb.

(Applause)

Mr. Speaker, your Committee therefore, recommends that the Palisadoes Shoreline Protection Works Project proceed with the full involvement of NEPA at every stage of the process, in order to ensure that the environment is safeguarded. Your Committee further recommends amendments to the existing rules to stimulate - stipulate that all projects that have implications for the environment must have the benefit of an environmental impact assessment, and to prohibit their being undertaken without the approval from the National Environment and Planning Agency, regardless of the length of the roadway involved.

Mr. Speaker, one of the advantages of the Public Administrations and Appropriations Committee is the fact that we can go into detail, and have discussions with the agency about what is being done in a lot of these programmes. I think, one of the things that surprised many Members of the Committee is the extent of the work that is to be done, Mr. Speaker.

Just for the record. The roadway, the existing Palisadoes roadway is going to be elevated from the level it's at now, ten feet high. So, the road is actually going to be ten feet higher than what it is at present. And both on the shore side and on the harbour side, it is planned to build a retaining wall which is going to be twenty feet high. So, what you are going to have is an elevated road, ten feet high, which will be about the height of that plaque... (The Member pointed to a plaque on the wall in the Chamber) ...and retaining walls which will be twenty feet high on both sides.

So you are going to be driving down a channel. And I think that it is important in going forward, that proper debate takes place on this project because of the impact it is going to have. Not just on the environment, not just the cost which the committee had great problems with, but also the fact that people arriving on the island now are able to drive from the airport in and the vistas of Palisadoes and looking at the view. And what they are going to end up with at the end of this project is, a road now that is going to be 10 feet higher than it is now with retaining walls on both sides that are 20-feet high. So, Mr.

Speaker, this Report is being laid before the House for discussion and what we are asking is that it be referred to Cabinet for Cabinet to review this project that is going forward.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Henry.

Mr. HENRY: Mr. Speaker, it's unfortunate that some of the things you present and you criticize you immediately do not even recognize what you are defending.

Because I think I heard the Opposition say earlier we sprung things on them by surprise.

I am only getting this Report today, a short while ago and they have in their hands the Special Audit Report on the RMF, which is being presented to the Chairman of the Public Accounts, but which I only got a while ago, too. But I will seek to answer some of the issues being raised, that's because the Opposition in their usual obfuscation is jumping from one subject to the other.

Rev. THWAITES: This is not the Opposition.

Mr. HENRY: I am dealing first with the Opposition and its position on 1(b)(1).

Mr. KELLIER: A point of order, Mr. Speaker.

Mr. HENRY: As I said you are jumping from one point to the other.

The SPEAKER: Mr. Henry, there is a point of order. Yes, Mr. Kellier.

Mr. KELLIER: This Report is not a report from the Opposition. It's a report from the committee.

The SPEAKER: Okay. Yes. Very well, Mr. Kellier.

Mr. KELLIER: The Member is misleading the House by saying that. It's a tabled Report.

The SPEAKER: Mr. Henry, the point of order is that the Report is coming from the committee of Parliament and not from the Opposition.

Mr. HENRY: Unfortunately, it's signed by only about three members. So that I am not sure if it has been circulated to the membership to be an aspect of what it is of a committee. DR. MCNEILL signed, DESMOND MAIR signed, TARN PERALTO signed, Phillip PAULWELL signed, MORAIS GUY signed, MR. THWAITES hasn't signed, DR. DUNCAN hasn't signed, IAN HAYLES hasn't signed, FITZ JACKSON hasn't signed, FRANKLYN WITTER hasn't signed, AUBYN BARTLETT hasn't signed, ERNEST SMITH hasn't signed, MICHAEL STERN hasn't signed and ROBERT MONTAGUE. So I am asking, is this a tidy Report? So on the point of order you advise me, Mr. Speaker, whether I should get a report only signed by three people.

(*Sotto voce* remarks by Opposition Member)

Mr. HENRY: I am putting it back to you, that's an Opposition Report because the committee has not substantively signed off on it.

The SPEAKER: No, Mr. Henry, you can speak to the Report but it's a Report of the subcommittee of Parliament. It is not a Report from the Opposition.

Mr. HENRY: I will accede to their irresponsibility in not seeing that it is signed.

Mr. BUCHANAN: No!

Mr. HENRY: Sorry, not irresponsibility, their neglect in carrying out their duties which the Parliament demands. So, Mr. Speaker, the Ministry of Transport and Works…

(*Sotto voce* remarks by the Opposition)

Mr. HENRY: If any Member wishes to

speak because the attendance records are here, maybe they would want to speak to guide me. But if you wish to try and dispense with the business of the public . . .

The SPEAKER: Continue, Mr. Henry.

Mr. HENRY: …based on the irresponsibility of the Chairman of the committee, I await your ruling.

Dr. McNEILL: On a point of order, Mr. Speaker. The Public Administration and Appropriations Committee has met, as is mandated by this Parliament, and we deliberated on all the matters. In discussion with the Leader of the House we had agreed that we would table our Reports on a quarterly basis. This is now the end of the first quarter and we table the Reports. This Report was tabled last week Tuesday in the House and circulated to all Members. So Members who would have read their Parliamentary papers would have seen the Report that was tabled last week and the Report is now before us for debate today.

Thank you, Mr. Speaker.

Mr. HENRY: So, Mr. Speaker, obviously circumstances have overtaken this Report. Because in the Report, if I may try and deal with the issues as I see them, proper criteria for the status of contractors in this regard. The China Harbour Company is being guided by the Works Agency to contact the National Contracts Committee and to use the list of contractors registered with them and they have provided their own structure to support the quality of the work that they wish. They have been provided with a number of Grade 1 contractors from the National Contracts Committee. They have made their own requisite position because it is a loan from China EXIM Bank to China Harbour to carry out work and those contractors, I think 14 to 17 are already registered, other grades of contractors will be registered and the quality of work will be so managed by the Works Agency and the Road Maintenance Fund.

When I hear talks of the Palisadoes shoreline and what we inherited, a Cuban study that was not complete. We inherit a Cuban study which relates to some of the rocks you see being placed as you drive now, and that is meant to protect the shoreline over all. We extend that study to Sandwell, I think, in Canada who had come back with a study about raising the level of the road and about the impact on the shoreline overall, and that if it wasn't raised to withstand a one in 150 year old, Category Five hurricane that we could have serious problems. I will make that study available, which if the committee had asked we could make it available to them.

(*Sotto voce* remarks by Members)

Mr. HENRY: And my people have advised me in respect of that. So, Mr. Speaker, I have answered those now and I will move to the whole NEPA. I advised one of the Members of this committee that he was misleading the House.

Certificate of licence of renewal from NEPA, licence renewal, construction and maintenance of seawalls at the Palisadoes main road along the harbour side from Harbour Head to Gun Boat Beach, dated 16th of April 2010; the Beach Control Act and the licenses and we can have NEPA at any time and the contractor fill you in. I believe the contractors are thinking meters and in feet. So you might want to look at your foot. You said 20 feet high. I don't know how many meters that is, because every drawing I get is in meters. At my age I don't really convert too

quickly. You might want to do, that since you are supposed to be younger with a quicker mind. Okay. So that, Mr. Speaker, everything that is here has been addressed by the National Works Agency and the Road Maintenance Fund - it costs to copy documents but I will let you have them later - has been addressed and we will have a full rollout of the project, which they fear. You know politically they fear performance. Because I hear them talk about 1(b)1 . . .

(*Sotto voce* remarks by Mr. Buchanan)

Mr. E. SMITH: Shut up country boy!

Mr. HENRY: 1(b)1 was meant to take much further than Four Paths. The concession agreement that they sign and left with wrong statistics about traffic on Toll roads has meant that the delay in continuing the concession agreement, which would have meant financing of that by the contractor with no government fund, was because of their tardiness in moving to that level and because they underestimated traffic which is meant to drive the development. That delay has sent up the cost beyond where it should have been and this Government is trying to correct that to be able to save the continuity of the Toll road structure which they badly planned, badly organized for and undercounted the population. And the Minister of Finance knows all of that.

Mr. WARMINGTON: Tell them about the highway from nowhere to nowhere.

Mr. HENRY: I am sorry that the Minister of Finance isn't here overall. Everything was discussed with the debt management, with every aspect of the Ministry of Finance. And indeed it relates to utilizing the high cost of interest you put on roads in order to come out with building out the 1(b)1 which you allow to be moved from the concession agreement by delays in making the decisions. I will address that much further but then, a fourth-term government which didn't perform would come with this kind of obfuscation.

Thank you.

The SPEAKER: Mr. Paulwell.

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

Mr. Speaker, I am a Member of the committee and I must, in speaking to this Report, declare interest because in relation to the Palisadoes project it falls into an area that I represent. And. in fact I was very impressed with the opening ceremony at the launch of the project sometime ago. Actually that happened, and I should correct the Minister, that happened prior to the actual presentation before this committee of members from the Ministry of Works.

Before I deal with the project in some detail, I want to, Mr. Speaker, remind us in relation to the function of the Public Admin. Committee. Because we recently passed a law in this Parliament which spells out the additional responsibilities that this Parliament has put to the work of this committee. In fact, under the IMF arrangement and with the new Fiscal Responsibility Act, it is quite clear that the Government has committed to the IMF and to this Parliament that there will not be certain types of expenditures that will be countenanced by the Government that ought not to have been put before the Public Admin. Committee. Let me go over that point again. We have a budget, a national budget, it sets certain limits. The law assumes that any variation and in particular…

Mr. HENRY: On a point of order. What budget are you speaking on?

Mr. PAULWELL: I am speaking about the national budget that we pass every year in this Parliament.

(*Sotto voce* remarks by Mr. Henry)

The SPEAKER: Just a second. What's the point of order.

Mr. HENRY: On a point of order. The budget of the country has the $1.2 Billion in the national budget for the Palisadoes that's being financed by the Government, $1.2 Billion is in the budget.

Mr. PAULWELL: Mr. Speaker, let me go back to what we are trying to establish, which is the framework under which this committee operates.

(Cross talks)

The SPEAKER: (Gavels) Could we have one speaker at a time place.

Mr. PAULWELL: Mr. Speaker, I am going back again to the central function.

Mr. ROBERTSON: Full of it.

Mr. PAULWELL: Mr. Speaker, I am going back again to one of the roles of the Public Admin. Committee and that is under the fiscal responsibility law…

Mr. Speaker, I don't know if you are pleased with how this House is....

(*Sotto voce* remarks by some member)

The SPEAKER: (Gavels) Members, Members, please, I can't hear the Member on his feet. Those who are sitting down and shouting could you please shut up. Yes, Mr. Paulwell.

Mr. PAULWELL: I am again reminding the House, Mr. Speaker, that under the Fiscal Responsibility Act there is a clear role demarcated for the functioning of the Public Administration Committee and that is, approval has to be granted to a process involving that committee for any variation in the national budget; and it's a point that I really want to hold fast to. In fact at the PAC meeting we have asked for the Ministry of Finance to undertake an opinion from the AG's office to establish that once and for all, because based on what we are seeing here and I want to juxtapose the Report with the Road Maintenance Fund Report - that, Mr. Speaker, we were told at the PAC that this loan which is to fund development with be paid out of the Road Maintenance Fund and what we are acknowledging today is that the IMF will only be able to support this up to some time next year March, thereafter it falls back to the Central Government to the Consol Fund for taxpayers to pay back.

I believe that that is a critical issue that ought to be sent back to the Public Admin. Committee for further consideration, because I believe it has implications for the Fiscal Responsibility Act that this Parliament approved recently, and the arrangements that we have under the International Monetary Fund.

Mr. Speaker, I want to go back to the environmental issue, because it wasn't the Members who dreamt this up. During the Committee deliberations the Ministry - the team was here and they, when asked the question, confirmed that the original project, the Cuban project for $30 Million had gone through and had received the various environmental approvals. That this additional component of the project - so from $13 Million to $60-odd Million, that that additional component did not go through that process.

And the Minister has indicated that it has happened and we certainly would love to see those updated environmental approvals,

because we are dealing with a very fragile ecosystem along that airport road. And no responsible Member of Parliament will want to see a degradation in that system, beyond where it is today. That road is gonna transport a lot of people to the airport, people who don't live in East Kingston. I have to make sure that those who live in East Kingston can benefit - can have continued benefits from an ecosystem that support their living.

Mr. Speaker, we've already spoken about subcontracting, and the Committee is very firm about this, that for you to have such a large contract and the substantial component of it subcontracted out, that really ought to be done under the supervision of the National Contracts Committee. And that questions that have been raised about the project, ought to be properly answered in relation to the basis on which subcontractors have been selected.

So, Mr. Speaker, I will have more to say on the other reports, but just to summarise that in relation to the responsibilities that this new law has entrusted on this Committee, that we have a responsibility to ensure that any variation in our national budget must be done with the expressed approval of the Public Admin. and Appropriations Committee...

Opposition MEMBER: Hear, hear!

Mr. PAULWELL: ...and that this loan in relation to the China Harbour project, where we have seen that there is no provision in the national budget to support it, but that it must happen that that must be a matter to be sent back to the Appropriations Committee for its further contemplation. (Applause)

Thank you very much, Mr. Speaker.

The SPEAKER: Yes, Dr. McNeill.

Dr. McNEILL: Thank you, Mr. Speaker. Just to say to the Minister, that this discussion took up quite a bit of time at the Committee meeting and that the concerns were very deep, because of the magnitude of work that is to be done. And I would just impress on the Minister, that this is not something that we are trying to attack with, but just given the magnitude of work that we would like you to really take the concerns that the Committee is making seriously, and that the Cabinet take a second look at the issues that are before us, because of these concerns.

Mr. Speaker, at the end I'm going to move for the adopting of all the Reports as one.

The SPEAKER: Are you at the end now?

Dr. McNEILL: No, I'm at the end of the Report on the China Harbour.

The SPEAKER: Now how many do you have in all, Dr.?

Dr. McNEILL: Four.

The SPEAKER: And how many have you gone through?

Dr. McNEILL: One, but I would suspect that this is the most...

The SPEAKER: I thought you were doing all at the same time?

Dr. McNEILL: Yes, so I'm moving to the second one now.

The SPEAKER: Uh?

Dr. McNEILL: Yes, Mr. Speaker, but I'm moving the second one now.

Mr. HOLNESS: Mr. Speaker, l would suggest that we take the Report as they are...

The SPEAKER: So let's take that one first.

Mr. HOLNESS: So let's take this Report.

Mr. WARMINGTON: There are two Members on their feet.

The SPEAKER: All right.

Dr. McNEILL: So, Mr. Speaker, I would move that the motion be approved.

The SPEAKER: The motion before you, Members ...

Mr. HENRY: Just before you put the motion, I have sent you Mr. Speaker, the National Environment and Planning Agency approval, which you can make available to the Members, which the Palisadoes Shoreline Protection and Rehabilitation work NWA Design 2009, modification to the Cuban Design 2007, received and date stamped July 24, 2009 by the National Resources Conservation Authority and accompanying addenda. And I provided you al1 the material. Despite my advising the Member of that Committee that he was misleading the House. But I'll leave it for you.

The SPEAKER: Okay Now, Dr. McNeill, it seems to me that it is in Number 27, so it seems to me that you'll better take the others, so we take them *en bloc*. Okay, so proceed.

(Inaudible comments by Dr. McNeill)

The SPEAKER: No, one second.

Mr. HOLNESS: Mr. Speaker, I think for an orderly process, that we take the Report one at a time.

The SPEAKER: The problem we have is that it is in one resolution.

Dr. McNEILL: No!

The SPEAKER: They're all in one resolution, so we need to just proceed with it as one resolution.

Go ahead, Dr. McNeill with the others.

Dr. McNEILL: Mr. Speaker, the second Report is from the Ministry of Youth Sports and Culture. Mr. Speaker, the Report was tabled last week. There's only one thing that I would like to advise the Parliament of, it's that the Committee was informed, Mr. Speaker, that the budget of the Jamaica Anti-Doping Commission is insufficient to allow adequate drug testing. And that the shortfall cannot be offset with private funds due to the possibility of a perceived or actual conflict of interest.

It is therefore our recommendation, Mr. Speaker, that in order to safeguard Jamaica's reputation for excellence in athletics, attempts be made to procure independent funding to carry out this important exercise. Mr. Speaker, Jamaica has a reputation to uphold, and what was reported to us is that the funding for this important commission is inadequate. And therefore our recommendation to the Parliament was that we seek additional funding because of the importance of it.

Mr. Speaker, it was also brought to my attention that the Jamaica Anti-Doping Commission has subsequently been asked to resign, all the commissioners, and that at present, there is no commission in place. Mr. Speaker, this is a very serious, a very serious thing. And I would like to recommend that moves be taken immediately to address the situation, because it is absolutely unacceptible. (Applause)

Mr. Speaker, those are the important recommendations that came from the Ministry of Youth and Sports.

The SPEAKER: Dr. McNeill, could you do the other Reports now?

Dr. McNEILL: Okay. Oh, you'd like me to just continue?

The SPEAKER: Yes, do all of them right now and then the response will come after.

Mr. ROBERTSON: Mr. Speaker, nobody is going to respond to him.

Dr. BARTLETT: Mr. Speaker, I just...

Mr. WARMINGTON: Point of order, it's a point of order for clarification.

The SPEAKER: It's a point of order.

Dr. BARTLETT: A point which was raised by the Speaker...

(Cross talks)

The SPEAKER: Yes, Dr. Bartlett.

Dr. BARTLETT: Mr. Speaker, the final comments of the Member, with respect to the...

Mr. BUCHANAN: The Committee has become bipartisan.

Dr. BARTLETT: ...Committee that has resigned, I just want to let it be known to this House, because that matter was not discussed…

The SPEAKER: Mr. Buchanan, I can't hear Dr. Bartlett please. Yes.

Dr. BARTLETT: That matter...

Mr. WARMINGTON: Shut up!

Dr. BARTLETT: ...was no discussed at the Committee meeting and consequently the last comment by the Chairman of the Committee...

The SPEAKER: Was his own comment?

Dr. BARTLETT: ...should be seen as his own comment and not representing the Committee's position.

The SPEAKER: Very well, yes. Continue, Dr. McNeill, on the next Report.

Mr. JACKSON: Mr. Speaker, on a point of order.

The SPEAKER: Yes.

Mr. JACKSON: It is very unfortunate.

Dr. McNEILL: You would like to disassociate yourself from those.

Dr. BARTLETT: I would like to know. Is it that you don't want a commission in place?

Mr. JACKSON: Please, on a point of order, on a point of order.

The SPEAKER: Yes, let's hear the point of order, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, it has been pointed out to the House that the Report to which the Chairman spoke was a Report of the Committee. What is before the Parliament to decide on, is not what the Chairman said on his feet, is what is contained in the Report.

A MEMBER: That's foolishness.

(Cross talks)

Mr. JACKSON: And therefore, Mr. Speaker, it is improper for the Member to make that remark he made.

The SPEAKER: No, but the question is, is that last remark in the Report?

Mr. WARMINGTON: No it's not! And that's the point. It should not be in the Report.

(Cross talks)

The SPEAKER: If he's speaking to the Report it is inappropriate.

A MEMBER: Apologise for misleading the House.

(Inaudible comments by some members)

The SPEAKER: Continue with the next Report, Dr. McNeill. The next Report.

Dr. McNEILL: Mr. Speaker...

Mr. WARMINGTON: Mr. Speaker, you have two Members on their feet across there.

Mr. KELLIER: If you'll just indulge me, Mr. Speaker.

Mr. WARMINGTON: Mr. Speaker, you can't ...!

(Cross talks)

The SPEAKER: Mr. Kellier, Mr. Kellier, please, please, please!

Mr. KELLIER: Mr. Speaker, if you will just indulge me.

The SPEAKER: Mr. Kellier, Mr. Kellier, just a second.

The Chairman is presenting his Report. He brought up a matter which Dr. Bartlett as a Member of the Committee, felt was

inappropriate. I think, in the light of the Report...

Mr. KELLIER: I'm not going there.

The SPEAKER: Yes, but let us move on then.

Mr. KELLIER: Mr. Speaker...

(Cross talks)

The SPEAKER: What is the point?

Mr. KELLIER: I'm seeking some procedural clarification.

The SPEAKER: Yes.

(*Sotto voce* comment by some members)

The SPEAKER: (Gavels) Come, come, come, please!

Yes, Mr. Kellier.

Mr. KELLIER: The Chairman of the Committee presented a Report from the Committee...

The SPEAKER: Yes.

Mr. KELLIER: ...on the specific matters relating to that Ministry.

The SPEAKER: Yes.

Mr. KELLIER: It would be most appropriate, Mr. Speaker, for the Minister to respond and then we go on to the next Report.

The SPEAKER: No, no, no!

Mr. KELLIER: We can't take all the report and then respond to some?

The SPEAKER: Please, Mr. Kellier, we are doing all the reports, then the Minister can respond - all the Ministers can respond after the reports have been presented. So go to the next one place, Dr. McNeill.

Mr. KELLIER: The procedure seems to be....

Dr. McNEILL: Thank you.

(Heckling/laughter)

Dr. McNEILL: Mr. Speaker, as I indicated I gave the salient points of importance that were in the Report, and I went on to state afterwards that it has been brought to my attention that the commissioners...

The SPEAKER: No, the next report please, let's not go back, the next one.

Dr. McNEILL: ...have resigned, and therefore, this is a very serious thing, Mr. Speaker.

(*Sotto voce* comments by some members)

Dr. McNEILL: Mr. Speaker...

The SPEAKER: Which is the next one, Dr. McNeill?

Dr. McNEILL: The Third Report has to do with the deliberations with the Financial Services Commission.

Mr. Speaker, among the terms of reference of our Committee, are also to look at things that have to do with public efficiency. So where there is anything where government guidelines or government rules may cause a - may have repercussions on the running of the economy or the Government, it can be brought to our Committee for discussion. Based on this, Mr. Speaker, it was brought to our attention that certain guidelines issued to the insurance industry by the Financial Services Commission, could constitute such a hindrance, as they necessitated collection of large amounts of information, which would increase the administrative burden on insurance companies, and have the undesired result of forcing a hike in insurance premiums.

(Heckling)

The SPEAKER: Members, please, the Member is presenting a Report which could affect you, so could you please listen?

Mr. BUCHANAN: The Government take everything for a joke.

Dr. McNEILL: Mr. Speaker, while be it fully cognisant of the nation's obligations as set out in the recommendations of the

Financial Action Taskforce, we wish to ensure that our complying with them, would not create undue bureaucracy and economic hardship. We therefore convened a meeting with the representatives of the Financial Services Commission. In our deliberations, we discovered that the reported difficulties resulted from the collection of information, in keeping with the 'know your customer rule'. What we found is that a second form had now been added to those collected in this general insurance. And this really is largely for motor vehicles and for house insurance.

We also found that special provisions were being applied as regards politically exposed persons but the interpretive note to that particular recommendation of the Financial Action Task Force, that is Recommendation 6, stated that countries were encouraged and not mandated to implement these special provisions. Mr. Speaker, what that meant was that on each insurance form where before we would have one insurance form and fill it out, a second one was now being put in place which also had a number of requirements by the Financial Services Commission that had to do with, now your customer. And one of the points that was brought to the attention of the Committee was one where on the form, on the general form it says, are you entrusted with a prominent public position such as that of a senior politician, senior government official or executive of a political party? And that had to be answered and if so what is that association?

(Heckling)

Mr. Speaker, members of the Committee had some…

The SPEAKER: Dr. McNeill, I don't think the Members heard that point you raised. Members - could you please repeat it so they can hear?

Dr. McNEILL: Yes. Mr. Speaker, what we found was that based on the new regulations which stated, "know your customer" it was now mandated on all insurance company forms whether it is to insure a car, a house, whatever it was, one of the questions was, are you entrusted with a prominent public position such as that of a senior politician, senior government official, or executive of a political party? And it was "yes" or "no" and if "yes" please explain.

Mr. STERN: Foolishness?

Dr. McNEILL: It also went on to say, "are you immediately related to or closely associated with any person in any of these positions mentioned above?" Mr. Speaker, Members of the Committee had some concerns about that. We also, during our deliberations determined that this was where the majority of the problem was, that in collecting all this additional data was going to entail with insurance companies that they would now have to get additional administrative staff and space and this was going to have an adverse effect on the premiums.

(*Sotto voce* comments.)

Dr. McNEILL: Mr. Speaker, we are pleased to report that after having met with the FSC we made some suggestions to him - to the Commission that these things be looked at and if they could work with insurance companies to ensure that things were done where we could comply with all that needed to be done, but at the same time to keep down the bureaucracy so that it would not have an adverse effect on every single person that was taking out an insurance.

Mr. Speaker, we are pleased to report that in a letter dated May 10, 2010, the Executive Director of the Financial Services Commission informed us that at a meeting of representatives of the Insurance Association of Jamaica, the Jamaica Insurance Brokers Association, the Financial Investigations Division, the Ministry of Finance and Public Service and the FSC on May 4, insurance companies agreed to develop a standardized proposal form which would be used to collect the requisite data from customers, and insurance brokers agreed to develop a standardized broker slip. Contact with representatives of the industry has revealed that they too are satisfied. Additionally, the action taken in response to our intervention could help to contain the insurance premiums.

So, Mr. Speaker, we think it was important to bring to the House these findings of the Committee. I will also say that one last thing that the Committee found quite interesting, is that in terms of the politically exposed persons, it went on to say that once they had identified politically exposed persons an institution should consult several sources of information to assist in determining whether to conduct business with an individual who may be a PEP, political exposed person, including:

1. Reports by non-government organizations that identify corruption, fraud and abuse; example, corruption, perceptions, index of transparency international.
2. Reports on corruption and money laundering issued by international financial institutions, example, World Bank and IMF.
3. Information published on the worldwide web by foreign countries, and
4. Information published in the World Fact Book published by the CIA, the Central Intelligence Agency.

So the Committee had made some recommendations that some of these things be reviewed by the Industry.

(*Sotto voce* comments)

The SPEAKER: Okay, which is the next one Dr. McNeill?

Dr. McNEILL: Mr. Speaker, the last two have to do with the - well, the second to last one has to do with the report on the variations to the budget of the Ministry of Tourism. Our Committee was informed that a submission had been made to Cabinet requesting US$10 Million to implement a marketing and sales plan for restoring Jamaica's image following violence in West Kingston. The expenditure had been approved in principle by Cabinet pending the findings of a report by the Ministry of Finance and the Public Service, but the latter Ministry had given instructions that spending should not be initiated without their approval. In the interim the Ministry of Tourism, we were informed, had used funds from their normal allocation to increase promotional activities in response to reports of adverse impact from the incident.

While the review of the Ministry of Finance and Public Service has not yet been concluded, your Committee wishes to recommend that every effort be made to facilitate implementation of the planned marketing initiative, given the importance of the tourism industry to the nation's economy.

The SPEAKER: And the final One.

Dr. McNEILL: Mr. Speaker, the final

one has to do with the Report for the review of the processes for the evaluation or approval of commercial agreements by public bodies. Mr. Speaker, this Report is not a contentious report but it was laid this afternoon on the House, so 1 would have to move for suspension of Standing Orders to take it, Mr. Speaker, as it was tabled today in Parliament.

The SPEAKER: Okay. Members, the motion before the House is for the suspension of Standing Orders to allow the Chairman of the Committee to take this Report, which was only tabled today.

Motion put to the House and agreed to.

The SPEAKER: Approved Dr. McNeill.

Dr. McNEILL: Thank you.

Mr. Speaker, as you note the Leader of the House had referred a resolution to the Public Administration and Appropriations Committee:

> Be it Resolved with reference to the Contractor General's Report of investigations into the Airlift Guarantee Agreements between American Airlines and Jamaica Vacations Limited, that the processes for the evaluation approval of commercial agreements by public bodies be referred to the PAAC for review and report to the House.

Mr. Speaker, once we got this the process that we carried out was, we then wrote to the Contractor General who wrote back to us giving his recommendations. These recommendations were sent to the Auditor General, the Attorney General as well as to the Ministry of Tourism. The Ministry of Tourism then came in and we deliberated on it, had discussions with them and then afterwards we came up with some recommendations. I would like to read out the recommendations for the House which is the proposed general guidelines for the process.

Mr. Speaker, our recommendations regarding the subject are as follows:

a) That Jamaica Vacations utilize the approval process that's outlined below in respect of transactions that do not create a contingent liability:

- All contracts must be submitted to JamVac in writing for prior approval by the Board of Directors of JamVac and the Permanent Secretary, regardless of value.
- Prior to signing, contracts are sent to the Office of the Attorney General for legal opinion and to the Ministry of Finance and Public Service for comments.
- Contracts below a value of $30 Million are sent to the Cabinet in the form of a Cabinet note for their advice prior to execution.
- Contracts of J$30 Million and over are sent to the Cabinet for approval and are accompanied by comments from the Attorney General and the Ministry of Finance.

b) That where airlift agreements create a contingent liability - and Mr. Speaker, just to explain the difficulty. In the majority of cases where airlift agreements are entered into what happens is that they are contained in the budget, so JAMVAC will have a budget and they can only do it out of the budget. But what happened with the American Airlines deal is that in doing it, it was not contained in the budget and it therefore created a

contingent liability. Members of the Ministry of Tourism had said that this was a one-off thing but we felt that in making the terms of reference and the guidelines that we must contain all contingencies. So therefore:

c) - where airlift agreements create a contingent liability they will be subject to review by the Debt Management Unit in the Ministry of Finance and the Public Service and to parliamentary approval in addition to Cabinet approval.

And third and I think the most important, that there be a cap on all future airlift agreements to ensure that we don't go over a predetermined amount.

Mr. Speaker, your Committee further recommends that...

The SPEAKER: But since you are tabling the Report there is no need to read all of it.

Dr. McNEILL: I'm not reading all of it, Mr. Speaker, there is actually more but I think there are some important points.

Mr. Speaker, what we have determined in the Report is that what we have given, what we have given, Mr. Speaker, are the general guidelines but what we would like to see happen now is for this Report to go to the Ministry of Finance and Public Service so that they can now determine the step by step procedures following this guideline; because it was understood that we at the Committee level do not have the requisite experience or expertise to actually give all the details and what we would like is for them to go forward and to give us the step by step details and also to incorporate it in the **Procedural Handbook**, so that the sanctions that apply to other breaches will take place under this Act, and then once they have written it in that it can come back to the Committee and we can sign off on it.

Mr. Speaker, those are the Reports of the Committee.

The SPEAKER: Thank you very much Dr. McNeill. I think these are fairly comprehensive Reports and it's the subcommittee of Parliament that has reported to Parliament. The Ministers of necessity must take cognizance of what are in these Reports. I'm not too sure if there needs to be any response but if it is pressing I have no problem.

Minister Grange.

Miss GRANGE: Mr. Speaker, my comments will be brief.

I notice in the Report reference was made to the impression that the Committee has, that the Ministry – there was a lack of coordination among the multiple entities that worked with young people and of course the Social Development Commission and so on.

Yes, there was some apparent lack of coordination, because the Ministry - a new Ministry which was being put together by different entities being pulled from main Ministries and being put together, so at that time it was a work in progress. That has been addressed in the Public Sector Master Rationalization Plan, and so you will find that those concerns have been addressed in this Plan. And when this is rolled out you are going to be looking at a Ministry of social transformation, one of the most important Ministries that you will find in Government. I am only hoping that in the distant future, if a new government takes over they will not pull that Ministry apart, because it's going to play a

very critical role in the country's development.

In terms of JADCO, Jamaica Anti-Doping Commission, yes, we recognize that resources are limited, but we have taken steps to source funding, and we have been successful in getting funding from UNESCO to do a public education programme, and to do other activities within the Commission. We also have applied for additional funding and from the recent visit of WADA, we have agreed to accept technical support from them, as well as financial support, because we recognize the importance of JADCO, and that it has to be efficient and very effective.

Now, in relation to the matter you mentioned, which was really not in the Report...

The SPEAKER: Well, don't respond to it then if it wasn't in the Report.

Miss GRANGE: Well, I can just say that we recognize the urgency, and at the next Cabinet meeting recommendations will be made for the new Board.

The SPEAKER: Thank you, Minister Grange.

Miss GRANGE: And, finally, in terms of accommodations, we are looking, just like all the other Ministries, we are looking Downtown to try to find a space. And I think that this Report basically recognize the concerns and the issues that we also have, and we are making every attempt to rectify those.

Thank you, Thank you, Mr. Speaker.

The SPEAKER: Thank you, Minister Grange.

Leader of the Opposition.

Mrs. SIMPSON MILLER: Thank you very much, Mr. Speaker. The Minister responded to aspects of the Report. JADCO is a very important organization, it has to do with our athletes, and to ensure that we keep our athletes drug free. It's not an organization we can play it. And I am very happy that the Minister was able to get funding.

But I have a concern, in terms of what came out of the Report and the Board. Because I would want to know whether it is WADA instruction that members of the Board who were drawn from sporting associations to ensure that they protect the interest of the country and the athletes by ensuring our athletes are drug free? And I would want to know why then would that Board, where the members are drawn from different entities that are critical to that organization, would be asked to leave so that some others - and who will replace these members of JADCO?

Thank you very much, Mr. Speaker.

The SPEAKER: Save and except we don't know who will as yet replace them, Leader.

Thank you, Members. We would like to adopt the Reports now, you know.

Mr. BARTLETT: Just before...

Dr. BARTLETT: Mr. Speaker, I think that...

The SPEAKER: Mr. Mullings then Mr. Bartlett

Mr. MULLINGS: Thank you, Mr. Speaker.

Miss GRANGE: Mr. Speaker, a point of clarification.

The SPEAKER: A very short point of clarification.

Miss GRANGE: Yes. I think it is important that the recommendation of WADA had nothing to do with the credentials, the credibility and the importance of the former directors. The concern was a conflict of interest, and 9 out of the 13 or 15 members on

the Board, they were heads or connected to sporting associations, and since their athletes are the ones who would be subject to testing, WADA said it would be a conflict or it appeared to be a conflict. And because Jamaica is so much at the centre of world view/world attention, that we must not be complacent with the fact that even if it is a perceived conflict, it could affect our credibility.

Mr. ROBERTSON: Them couldn't understand that!

The SPEAKER: Mr. Mullings.

Mr. MULLINGS: Thank you, Mr. Speaker.

I would like to, through you, Mr. Speaker, speaking to the Committee's deliberations on the difficulties faced by the insurance companies, as it relates to the forms to be filled out, and that there was apparently an administrative bugbear in doing that.

But I think, Mr. Speaker, and Members of this House, that what is causing me great, great discomfort is that the deliberation suggests that the insurance companies rely on directions from the FSC, as it relates to the know-your-customer provision, and that they seek to rely on the Financial Action Task Force put together from a meeting of the G-7 countries in 1989.

And my complaint is this, that a requirement to indicate on a form whether the person is a senior politician, whether they are persons who are connected to a senior politician, whoever that beast may be - but to take into account the concerns of the Central Intelligence Agency? Am l to understand, Mr. Speaker, that what the local insurance industry is directed to do is to have the data input of several agencies, including the Central Intelligence Agency, which as far as I understand, and as history has disclosed that, that particular agency may have its concerns not only in - with respect to an individual and the status of their character or livelihood, but also political considerations.

And so I would like to know whether the insurance industry is being directed to have as an important part of their consideration in their premiums, what have you, whether they are going to get information from the Central Intelligence Agency. If that is so, then I am very concerned that as a sovereign nation, that our industry is being directed in such a way. I am very concerned. Apart from the issue as to whether the person is a politician or not, but the more deep concern must be, how on earth is the insurance industry being directed to get this information? Because if there is something adverse from the Central Intelligence Agency not to send it through, or we don't know what may have motivated the information that that is being taken into account? If that is so, then I believe we ought to look very seriously, not only at the administrative challenges, but in terms of the content of those questions, and whether it relates to issues of a constitutional breach, whether it relates to issues of sovereignty, these are very germane. And we must be very careful, Mr. Speaker, that these things don't creep in, and creep into our processes and that we make decisions on them, because it is coming from an international body.

That is my brief concern, but it is a deep one.

May it please you, Mr. Speaker.

The SPEAKER: Thank you, Mr. Mullings. Mr. Bartlett

Mr. BARTLETT: Mr. Speaker, I think - I

merely wanted to make two general comments about the Reports that your Committee submitted.

One of course is related to the fact that the procedures as indicated by your Committee, have our full approbation, because we were party to actually deliberating on them, and indeed, concluding on those. And the reason for it being that the airlifts weren't outside of the procurement procedures, and therefore, we all needed to ensure that a full procedure was developed so that whenever the Contractor General or anyone had comments on it, those comments were related to the procedures as set, and whether or not they were followed. And so therefore, these recommendations in fact represent the process that we have been following, but now to become formalized.

The second comment that I wanted to make on it is in relation to the airlifts out of Phoenix, which is the U.S. air transaction which took place, and which had the overrun. And I think that perhaps your Committee was a little less forthcoming, in terms of the explanation, bearing in mind that the Phoenix gateway was a brand new gateway.

(*Sotto voce* comment from a Member)

Dr. McNEILL: Exactly, except that detail. And so we just wanted that point to be understood and that it in fact came out of the reality that Air Jamaica had actually come out of the Los Angeles gateway, leaving the entire western area of the United States without any connectivity to Jamaica. And therefore, we had to go in and to literally create and inaugurate a gateway, and therefore, the costs were overrun in that regard.

The SPEAKER: Mr. McNeill.

Dr. McNEILL: Thank you, Mr. Speaker.

Mr. Speaker, just a couple notes. The Member from St. James West Central had made a point. What we found is that these were recommendations to be encouraged but were not mandated, and that's why we asked them to re-look at them.

Mr. Speaker, the other thing, with regard to the airlift agreements, one of the recommendations we made that is very important, is the fact that we have recognized that all contracts over $30 Million must go to Cabinet. It's a given. And therefore all things - and it was one of the things the Committee said to ensure that all agencies and Ministries of Government recognize that fact.

And the last thing, Mr. Speaker, with regard to the Ministry of Sport, Youth and Sport - Culture, that where they came and had the discussion about the accommodation, we recognized, we recognized the difficulties, the funds that had been spent to outfit the office, *et cetera*, already. But what we were saying is that we have been instructed that there is a government policy to move the Ministries and agencies Downtown, and to try and move from private buildings to Government buildings, and therefore, our Committee is going to frown on anything outside of that mandate that comes before that.

Mr. Speaker, with that, I would like to move these motions for approval of the House.

The SPEAKER: Yes. Thank you, Dr. McNeill.

Now, Members, the motion before the House is for the adoption of the Reports in - Number 27 on the Order Paper.

Put to the House and agreed to.

One point, House Leader and Leader of Opposition Business, I would just like you to take note of the attendance record at these meetings.

And I would ask House Leader and Leader of Opposition Business – the Chairman clearly is, and the Committee is doing a good job - (Applause) - that notice be taken of the attendance record of those who are on this Committee.

House Leader.

Mr. HOLNESS: Mr. Speaker, we will now resume the debate on the Guarantee, the Prime Minister.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, a number of points were made by both the Member for South St. Andrew and the Member for Central Manchester, some of them quite substantive, and they need to be acknowledged and responded to. Some of them, forgive me, perhaps unnecessary and gratuitous, and they need to be responded to as well.

It is not a fair criticism to say that we have this pattern of coming at the last minute with matters that have to be passed and not sufficient time.

I want to say two things. It happens from time to time. It has happened during our Administration, it happened during the previous Administration. Sometimes it is because of unexpected things that develop, and sometimes it is because we perhaps were tardy in preparing ourselves for certain deadlines. In other words, it's not that it happened suddenly, it's just that for whatever reason whether it is bureaucracy or other circumstances, and we normally try to consult as much as possible on those matters.

But again we must be mindful. I think it is Standing Orders 32 that makes it clear, that Government motions are due for the attention of the House at the next meeting of the House. And in point if there is a Private Member's Motion, it must be not less than six days later. So let's not give the impression that we are trying to break rules. We brought the matter yesterday, I spoke with the Member - the Opposition Spokesman on Finance, he indicated that he had certain difficulties with it, we consulted yesterday and we decided we would not attempt to take it yesterday we would take it today because it is important that we take it before the recess.

It is true to say - well let me just deal with one of the reasons why we are trying to get this transaction in place. As I indicated when I opened the debate, we entered into this debt conversion swap or-whatever it is that it is properly called, in March of 2008, because at that time the Euro was moving in the wrong way, as far as our obligations were concerned. And, the analysis that was done at that time suggested that that was a direction that was going to continue. This was just before the collapse on Wall Street that changed the whole configuration of a whole heap of parameters, and therefore, the numbers started jumping all over the place in directions that could have not have been foreseen. And we, having sort of lived with it for two years and having hurt - and I am going to address the extent to which we have hurt and what will mitigate the extent of those losses - we felt that it was timely to try to get out of it, as quickly as possible. To show you how the world turns. The Euro has started to do a different thing now, which suggests that the urgency to exit is perhaps not as great as it was when this exit transaction we put together several weeks or a few months ago, but it is still the advice that we have, that

particularly because of the alignment of our currency holdings and obligations that we should proceed on that basis.

It is not a fair comparison to try to put this and the forward sale agreement for bauxite as if they are two similar transactions. At least with this one you can get out, the other locks you in until 2013 and it requires you, not to pay cash, you know, to deliver bauxite, to deliver alumina. It locks you into that because it is tied to certain supply obligation that the other party to the arrangement has locked you in to. And that kind arrangement is not as marketable as this one. That is not the kind of contract that can to a third party and say, hey, relieve me of this and you take it over and you deal with it. It is not a fair comparison, but it true to say that the decision to enter into arrangement with CitiBank was made at a time when, based on what was happening with the currency, it was the best thing to do at that time. Now we have come to the point that the best thing to do is to get out of it. And thank God that in this instance we can come to Parliament, make a proposal and with the approval of Parliament, we can get out of it so that that burden would no longer be on our shoulders.

Now in terms of the losses, yes there would have been - we would have suffered losses. And I think if you look at - as I mentioned before, because of this arrangement DBJ has had to be paying more per month to service the debt than the holders of the bond actually get in their hands I mean, that is because of the way the thing has moved. In addition to that, we have had to deposit significant sums to meet margin call, and I think so far it is somewhere in the region of US$18 Million that we have deposited. But at the end of the transaction, once we unwind that money is ours, that money is in a reserve fund.

In addition to that, as both the Member for South St. Andrew and Central Manchester have acknowledged, we intend, because of the conditions of the market, to repurchase these bonds at a significant discount, significant. And it would not be appropriate here for me to mention any figures or to speculate. But I think all of us agree that given the nature of the market and the nature of the bonds, we will be able to purchase them at a significant discount. It is because we expect that that discount will be sufficient to meet the cost of unwinding, quoted by the Member for Central Manchester, I won't repeat it because, in a sense, it is speculative. But even in that kind of ballpark, we expect to be able to pay out that cost and still end up with US$30 or US$35 Million to finance NROCC'S obligation for the extension of Highway 2000. So to give the impression that these are not net losses...

Mr. BUNTING: They are two different transactions.

The PRIME MINISTER: They are two different transactions, but they were put together in holy matrimony. And the fact of the matter is that the one facilitate the other, I mean, we had a discussion outside of the Chamber and we agreed that there are different components that could very well have been handled by different players completely. But they are all tied to the same BANDES loan, they are tied to the derivative arrangement that had to be entered into to try to ease the pressure of the BANDES Loan,

they are all locked into the same thing. And it is the same BANDES Loan NROCC arrangement that has an obligation in relation to highway 2000 1(b)1.

Dr. PHILLIPS: Divorce and marriage in the same ceremony?

The PRIME MINISTER: No, you get married in church. I don't know of any church that conducts divorces.

And there were suggestions that there is - what we are asking the House to approve is not a transaction that has already been put together. It is what - we are seeking a guarantee that will allow arrangers to proceed to work the deal, and therefore there is some amount of iffyness about it, but then that is the nature of the market. I don't know of any market where things are not iffy, but I think all the intelligent advice that we have suggested that the iffyness of this project is quite probable and that it is a deal that can be struck. And that is why it is structured in a way that we are going for an interim financing so that we can get that part of the process going, but we expect within a year - which is why we are not looking for 18 months or two-year financing - within a year we should be able to get the long-term funding.

There is a misrepresentation that has been made and I want to correct it. DBJ is the borrower, Government guarantees. DBJ has responsibilities and it saw the burden of these Euro denominated obligations hurting them. They recommended, and I will even put it stronger than that, they kept urging that an arrangement be made to cap the exposure and I think you know the figures already, it was supposed to be capped at 1.524. But the arrangement was sanctioned - was examined and sanctioned by the Ministry of Finance. It required a Cabinet approval and you know from experience that a matter like this does not even get on the Cabinet agenda unless the Ministry of Finance has given its comments. And we would never have taken a decision like that without the concurrence of the Ministry of Finance.

We are not asking the House to rubber-stamp anything, I believe that in this particular instance despite - and it was a little painful to hear the Member for Central Manchester, he must have made the exhortation about half a dozen times, in this matter we consulted yesterday...

A MEMBER: Grandstanding, Sir.

The PRIME MINISTER: No, no, please. We consulted yesterday, we consulted again today. I held back the head of the Debt Management Unit who is due to be on a flight out of here on government's business, to the point where I had to ask one of the outriders who escort me to take her to the airport. We consulted and we have reached on a point where, we have even discussed the amendment that they proposed which we are going to accept with some further amendments which they have agreed to.

(Applause)

How in the context of that - you know. Now, couple of other things that need to be responded to. I have heard not once but several times, this insinuation about some arrangement with JAMALCO, HONG FAN and PORT RELIANT, even the Contractor General I think has been misinformed. And I don't know, I should hope that the Minister with responsibility in his responses to the Contractor General had presented him with the

information as I understand it. What really happened?

A company called Hong Fan approached us, to see whether or not they could purchase alumina. They had with them a representative of a company called PORT RELIANT that involved at least one and I don't know if it is more than one Jamaican shareholder, partner. They wanted to purchase alumina. We said to them, we are sorry, we have no alumina to sell because all of our alumina is tied up in some forward sale agreements that we can't break, so we don't have any alumina to sell. They had made a proposal that they would purchase, a detailed proposal and there was something in there about a commission that would be paid to PORT RELIANT. We told them in the discussions that were held that even if we had alumina to sell we don't pay commission. We negotiate a price with you, if you have agents that are providing you services then that must come out of whatever we negotiate with you, but we do not pay that kind of commission. But at any rate we have no alumina to sell. It was at that point that they said, 'well, look are you interested? As a matter of fact we might have communicated to them that we are looking at the possibility of in fact divesting our shares in **Jamalco** and therefore, it is not a matter that our alumina would be tied up, we wouldn't be part of the operation any at all. They expressed an interest from that stage, **Hong Fan**, that they would want to have discussions with us if we were prepared to divest and that is where it began. In the discussions for the divestment and the arrangement, the contract that we signed there was no **Port Reliant** not sitting at the table waiting outside of the door, they were not engaged in that transaction any at all. Their only engagement was not with the Government but with **Hong Fan** and it was in relation to sourcing alumina to supply some market or the other that they have. And, I keep hearing this question as if, I mean, the Minister got quite - I would not want to say angry, but he was anguished sometime ago when he was being asked to provide all sorts of information about **Port Reliant** where his only knowledge about **Port Reliant** his having met them when they came here and it is almost as if he is suppose to provide details, who are the shareholders of **Port Reliant**. He has to go and ask questions. How long has **Port Reliant** been in business? He has to go ask **Port Reliant** that, he doesn't know.

My understanding is that the partners that I think was engaged was a MR. JOE CHANG who is the brother for RAY CHANG. I don't know if there is anything so dishonourable about that. But their only engagement was with **Hong Fan** who was seeking to purchase alumina and we had no alumina to sell because of the commitments that have been made in relation to the **Jamalco** output.

In relation to the Falmouth Pier the accusation that has been made is an accusation for which we stand, we stand ready to accept any time. They went through a tender process for the building of Falmouth Pier. And I can't remember now whether the invitation was during our time or it was prior to our time. Based on the bids that came, there were two companies, I don't know if it was two companies who bid or two companies who were evaluated, but it was short listed down to two. Don't hold me for the exact figure, because I am just trying to give you an

illustration. One said I will do this job for $150 Million, another said I will do this job for $175 Million, and then Royal Caribbean came forward and said look we are in this business, we have experience, we can put together a team to build this plant, we are prepared to do it for $120 Million. And we said what, are you serious, a reputable company that is in the business? And that not only is in the business, but would also be keeping the thing going, these are not people who just going to build it, and hand you the key and go about their business. They are the ones who are going to bring their ships in so they would have an interest. And we said, but this is a proper arrangement.

(*Sotto voce* comments by members)

Now, I want somebody to tell me that we have violated some procurement arrangement because we took a proposal that was submitted after the tender process had been completed, and the proposal was more attractive than either of the two that came out of - have I represented the situation correctly?

(*Sotto voce* comments by some members)

Now, the Minister will - at an appropriate time because I don't have the brief - speak to the question of the airport road improvement. My own recollection is that what was contemplated which the Member said was to have cost $13 Million, would not have preserved that access road. And that a much more elaborate design had to be done, which includes, for example, raising the road - I can't remember how many metres that it is to be raised. And therefore, we would have to be careful that we are not talking about apples and oranges.

Let me just look at the transaction that we are seeking the House approval for. We have looked at the amendment that the Opposition has proposed. The concern of the Opposition is that there was this unknown area which involves the price at which the bonds would be purchased, and the price at which the new bonds would be sold, and the spread that they would make. Now, it is a good point.

A MEMBER: Out of ten you must get one.

The PRIME MINISTER: Now, part of the difficulty is that we are anxious to get out of this arrangement so that we are not, in a sense - we are not - in a sense, we are kind of an impatient client. But at the same time, our anxiety mustn't allow us to, sort of go at all cost. So, what we have agreed to? The amendment that was proposed read as follows:

> *Subject to the re-negotiation of the mandate letter with the specified condition that the purchase price of the BANDES bonds be transparent to the Government, and that the compensation of the arrangers be at a specified commission rate.*

We don't want to make it too prescriptive, but what we are proposing is that it be amended to read:

> *Subject to the amendment of the mandate letter to specify that the purchase price of the BANDES bonds be disclosed to the Government, and that the total compensation to the arrangers...*

And I should point out, the total compensation would include both the spread, as well as the commission rate, which was already agreed on, but that the total compensation to the arrangers *shall be reasonable*.

I am advised that the word *reasonable* is almost a term of art in the financial transaction because the market will always determine what is reasonable. And in the discussions with the Members of the Opposition, my understanding is that they also understand the significance of the wording, and would be prepared to accept it.

The other point I would like to make too, and it came out of the discussions that we were having, is that the interest rates that are referred to in the Ministry Paper appear - let me say they appear on the high side. And the point was made by the Opposition Spokesman on Finance that you are running into a situation where your domestic -local interest rate seems to be holding hands, and in fact, moving ahead of what is proposed here. Let me just explain.

These are the rates for which we are seeking the guarantee of the House, but these are indicative rates. In other words, they are the top rate; they are maximum. At the time when these rates were conceived as being what would govern the transaction, the market was not quite what it is today. And therefore, we certainly expect that both in terms of the short-term and the long term instrument that we will be looking at rates that are below this. I don't want to say considerably below.

I don't want to speculate on the market. But the expectation is that there is nowhere that we have now to go pay nine point odd per cent for short term facilities of this nature. So I just want to make the point that this is not something that - this is not the rate. It is the guarantee. But, once they go to the market and the negotiations start and so on, that we will be talking about a rate that is much more attractive. Mr. Speaker, with those few words...

(*Sotto voce* comments)

The SPEAKER: Are you putting the.... could you put the Resolution - put the Resolution as amended.

The PRIME MINISTER: I had to respond to both. With those few words, Mr. Speaker, I beg to move the Resolution. I am going to have to - you are going to have to put the amendment and then we put the amended Resolution.

The SPEAKER: Very well. Members, before you is the Resolution that's presented by the Prime Minister. I first put the amendment to the amendment.

Put to the House and agreed to.

The SPEAKER: I now put the amendment to the Resolution.

Put to the House and agreed to.

The SPEAKER: I now put the Resolution as amended.

Put to the House and agreed to.

The SPEAKER: Resolution passed.

House Leader.

Mr. HOLNESS: Mr. Speaker, the Prime Minister will now take the Bill, notice of which he gave earlier.

The SPEAKER: Very well. Prime Minister.

The PRIME MINISTER: Mr, Speaker, can l move suspension of the Standing Orders to allow me to take second reading of the Bill, which I gave notice of earlier?

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the Prime Minister to take the motion, notice of which was given earlier.

Put to the House and agreed to.

VALIDATION ACT- NIGRIL/GREEN ISLAND L.P. AUTHORITY

The RIME MINISTER: Mr. Speaker, this is really a tidying-up measure. It involves a combination of two errors that were made over an extended period of time. Let me explain very quickly.

The Negril/Green Island Local Planning Authority was established in 1984, for a particular reason. It was felt that the Negril area spans two separate parishes and therefore fell in two separate local authority. It was felt that we needed an agency that would be able to focus and help to plan and regulate the development of Negril. They didn't supersede the existing planning and building authority, but they served an important function in enforcement, and in monitoring. When it was set up, Mr. Speaker, in 1984, the then Minister responsible who was, in fact, the Prime Minister, did not have the establishment properly made and gazetted.

And therefore, while the authority was appointed, they were acting without the proper authority.

That omission was recognized, and an attempt was made to correct it in November of 2005 when the then Minister had issued an Order, had it gazetted but made an error. In the gazetting he referred to the designation under which it would operate as being a Provisional Development Order, rather than a Confirmed Development Order, notification of which was published in the *Jamaica Gazette* on December 8, 2005.

The legal opinion is that the authority had been operating from its inception, which is over 25 years ago without proper legal authority. And therefore, what the Bill seeks to do is to validate the acts that may have been carried out by the authority since 1984, and until the coming into force of this. I made sure to check to find out whether there was any possibility of any liability, if there was any case pending, any litigation, any claims that may be outstanding, because before we can just validate these things, we need to inform ourselves whether or not in validating anything, we are doing an injustice to somebody who may have suffered loss. But I am advised that there is no such claim, no such liability outstanding.

And therefore, I think Parliament can safely approve the Bill which seeks to validate the acts that would have been done by the authority in good faith, since - between the period of March 24, 1984, and the date when this Act comes into force.

The SPEAKER: Thank you, Prime Minister.

Members, 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 the exercise of functions as the local planning authority for the Negril and Green Island Area, carried out in good faith, by the body known as the Negril and Green Island Area Local Planning Authority during the period March 24, 1984 to the date of commencement of this Act, to indemnify that body, its members, employees and other persons against liability arising out of the carrying out of these functions; 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: Members, I put Clause 1.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 2.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Title and Enacting... sorry, I put Clause 3.

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 without amendment.

Put to the Committee and agreed to.

RESUMPTION

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

Prime Minister?

The PRIME MINISTER: Mr. Speaker, I would like to beg to 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 Validate and Confirm the exercise of functions as the local planning authority for the well and Green Island Area, carried out in good faith, by the body down as the well and Green Island Area Local Planning Authority during the period March 24, 1984 to the date of commencement of this Act; to indemnify that body, its members, employees and other persons against liability arising out of the carrying out of these function; and for connected matters?

read a third time and passed.

The SPEAKER: Bill passed.

House Leader.

Mr. HOLNESS: Mr. Speaker, last week you will recall the Prime Minister tabled **Green Paper No. 1** of the Report of the Public Sector Transformation Unit. Mr. Speaker, notice was given last week for this Report to be sent to the Public Administration and Appropriations Committee for their review. Mr. Speaker, I would now want that to be done, I so move. Item No. 4.

The SPEAKER: Members, you would like to…

Dr. McNEILL: On that, Mr. Speaker, the Prime Minister had made note last week.

The SPEAKER: You ask for permission to speak…

Dr. McNEILL: From a seat other than my own.

The SPEAKER: Permission wanted.

Dr. McNEILL: Last week, the Prime Minister had asked that during the summer recess if the Public Administration and Appropriations Committee could consider it. We discussed it today and we will be setting the appropriate date and try and meet. But we just would like to ask the Leader of the House to implore - the Ministry of Finance, we have been asking for some additional resources to help our committee operate. We have been meeting almost weekly and with the amount of things that are referred and what we are doing it is becoming more and more difficult and we

are going to need some additional resources in order to operate. So I am asking that we get some assistance with that for the Committee.

Mr. HOLNESS: Mr. Speaker, let me extend, and I am sure you will join in congratulating the Chairman of the Public Appropriations Committee…

Dr. BARTLETT: And the Members.

Mr. HOLNESS: ...and the Members, even those who did not attend or sign the Report, especially those who attended, for the work that they have done. It is indeed a landmark achievement for this Parliament, because we fought long and hard whilst in opposition, to have this committee established. We are pleased to see that the committee is working. I want to assure the Chairman that the Government will do everything in its power to ensure that the resources you need to carry out your work will be made available. I just had discussions with the Clerk and I myself will be calling the Ministry of Finance to ensure that you have the necessary resources to do the work.

The SPEAKER: Thank you, House Leader. Members, the motion before the House is for the adoption of the resolution,
Item No. 4.

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, I would like to move for the suspension of Standing Orders to recommit the items 'Announcements and Notices of Motions Given Orally'.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the recommittal of the items 'Announcements and Notices of Motions Given Orally.

Put to the House and agreed to.

ANNOUNCEMENTS
(Recommitted)

The Clerk by leave laid on the Table of the House the Special Audit Report of the Road Maintenance Fund, RMF, from the Auditor General's Department.

NOTICES OF MOTIONS GIVEN ORALLY (Recommitted)

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I am much obliged.

I beg to give notice that at the next meeting of the House I will move:

> Whereas many unresolved questions of public interest remain in relation to the request of the United States for the extradition of MR. CHRISTOPHER COKE that was received in August 2009;
>
> And Whereas United States firm Manatt, Phelps & Phillips was engaged purportedly by the Government of Jamaica to lobby United States Government with regard to the said extradition process;
>
> And Whereas further there are many unresolved questions of general public importance concerning the circumstances, terms and conditions of engagement and the role of the aforesaid firm with respect to handling of the extradition matter;
>
> And Whereas that in the event the apprehension and extradition of Mr. Coke necessitated the declaration of a

state of public emergency and resulted in loss of lives of at least 70 persons and extensive damage to public property, including armed attacks on police facilities:

Be it Resolved that this Honourable House calls upon the Government to immediately establish an Independent Commission of Enquiry to enquire into all the circumstances surrounding the extradition request and subsequent issues, including the engagement of the lobby firm Manatt, Phelps & Phillips and the deaths of Jamaican citizens that occurred as a consequence of the efforts to arrest Mr. Coke.

(*Sotto voce* remarks by some members)

The SPEAKER: House Leader.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. I therefore move that the House do adjourn to a date to be fixed.

(*Sotto voce* remarks by some members)

The SPEAKER: Members.

APPOINTMENT OF COMMISSIONER OF INVESTIGATIONS

The PRIME MINISTER: Mr. Speaker, if you will allow me, since we are going to be taking the adjournment today and won't be resuming until possibly some time September, there are two matters I want to bring to the attention of the House. One is: I am very pleased to learn that the Governor-General has appointed a Commissioner of Investigation pursuant to the Commission of Investigations Act that we passed here. His name is MR. TERRENCE WILLIAMS and he is to be sworn in at Kings House tomorrow. I think it's an important milestone in seeking to establish this office . …

(*Sotto voce* remarks by Opposition Member)

The PRIME MINISTER: Yes yes.

ELECTORAL COMMISSION/POLITICAL PARTY FINANCING

Secondly, Mr. Speaker, the Electoral Commission has finalized its recommendations for regulations governing political party financing. It was in fact awaiting the signatures and has been agreed to by both sides who were represented on the Commission, of course, including the Independent Commissioners. It was awaiting the signature of the Minister of Industry, Investment and Commerce who was off the island and has since returned and has signed it. I had hoped that the Report could have reached Parliament before the recess so that we could have had the time to study it but I expect that it will be with us the moment we resume and it's a matter that I hope we will take up early after resumption.

CHARTER OF RIGHTS

Thirdly, I had said two but they are in fact three. The question of the Charter of Rights, Mr. Speaker, we had agreed on certain agreements. The Opposition raised concern that the amendments while addressing the particular issue that had arisen, did not adequately address certain other constraints to insulating the application of the law from the

effect of Pratt & Morgan. We took counsel and I will, tomorrow, submit to the Leader of the Opposition for her examination the redrafted Bill which we believe captures all of the issues that have been raised. And I indicated to her earlier this afternoon that I would very much wish that we could have that Bill introduced in Parliament as early as possible in September; because remember it takes a particular period of time, three months before debate and three months After the debate is concluded before it can be voted on. And I believe that both sides would want to see to what extent we can have that Charter of Rights and the provisions therein, brought into the Constitution before Parliament is prorogued at the end of the legislative year.

So those were the three things I felt it was important to bring to the attention of the House, Mr. Speaker.

I thank you.

The SPEAKER: Thank you, Prime Minister.

Members, the motion before the House is that this Honourable House do adjourn for a date to be fixed.

Put to the House and agreed to.

The SPEAKER: (Gavels) This Parliament stands adjourned.

The House adjourned at 6.07 p.m.