JAMAICA HANSARD

Parliamentary Proceedings

of the

HONOURABLE HOUSE OF REPRESENTATIVES

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TUESDAY, August 30, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 2.45 p.m.

PRESENT

THE SPEAKER

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

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

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 Industry, Commerce and Investment.

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

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

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

CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, Minister of Mining and Energy.

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

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of Agriculture and Fisheries.

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.

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.

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, Minister of State in the Ministry of Education.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, Minister of State in the Ministry of National Security.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, Minister of State in the Ministry of Transport and Works.

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

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

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.

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.

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.

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:45 p.m.

The SPEAKER: (Gavels) Please be seated.

The Clerk read the following:

THE CONSTITUTION OF JAMAICA

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.

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 by Proclamation No. 29 of 2011 is published in the Jamaica Gazette Supplement Proclamations, Rules and Regulations, dated 1st April 2011 it was proclaimed that a session of the Parliament of Jamaica would be held at George William Gordon House in the parish of Kingston commencing at 11:00 a.m. on the 14th day of April 2011:

AND WHEREAS it is now expedient that such session of the Parliament of Jamaica should instead 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 instead of the place and time appointed by Proclamation No. 29 of 2011 a Session of the Parliament of Jamaica shall be held at the Jamaica Conference Centre in the parish of Kingston commencing at 2:00 p.m. on the 30th day of August 2011.

Given under my hand and the Broad Seal of Jamaica at King's House this 29th day of August, in the year of our Lord Two Thousand and Eleven in the Sixtieth Year of the Reign of Her Majesty Queen Elizabeth the II. God save the Queen.

The SPEAKER: This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Just before, Members of the House, let me use this opportunity first of all to welcome us back to the sittings of the House after the short break we had in the Summer holidays. I trust that some of the Members got a chance to rest and relax a little bit and that therefore, we are all energized and ready to do the nation's business in an orderly fashion.

We are creating history, because I think for the very first time the sittings of the House are taking place here at the Conference Centre. As the Speaker, I would really have liked that history were created if we were in our own new building, but that is not so and we must face the reality. The circumstances and where we are sitting is less than ideal, but the reality is, as you all know, that there are some housekeeping matters that must be addressed at Gordon House.

And therefore I know, and I am confident, that we will, as Members of this House, carry on the nation's business in an orderly fashion and get through what it is we're here to do. Therefore I am going to ask that we make the best of our surroundings as there is an awesome amount of responsibility laid on us as leaders, and have the nation's business addressed.

Mr. HOLNESS: Madam Speaker, you have pointed out the fact that we have to make the best of the situation that we find ourselves in. I want to point out, Madam Speaker, that we have made the best accommodations possible. I am not pleased that we are not able to accommodate the public in any significant way, this is the people's Parliament, but given the situation that we are in, we do not have the capacity to accommodate a gallery. We depend, therefore, as we always do, on PBCJ and JIS to carry the proceedings to the nation.

In that vein, Madam Speaker, I would want you to - I would want you, Madam Speaker, to move to the item on the Order Paper, Notices...

(Inaudible comment by Mr. M. Peart)

Mr. HOLNESS: Well, what I was about to do was to seek the leave of the House, to do a motion - to present a motion to the House to allow us to have PBCJ and JIS in the well of Parliament - which is not normally the case - and key ministry personnel, to enable us to actually have a sitting and to transmit the sitting to the public.

Rev. THWAITES: Madam Speaker? Madam Speaker, the notion of a gallery is a poetic term, the fact is that this is the people's House and I wish to indicate that respecting the appurtenances here, it is extremely

important that we use what facilities we have in order to accommodate the people's right to be present for the hearing of Parliament. And the device of television is helpful, but it is by no means a substitute.

Madam Speaker, there is space here for a few more chairs. There is a bar on that side, which differentiates those who think they must be differentiated, in order that persons - members of the public properly screened in the normal way that happens at Gordon House, can be accommodated. And we should insist that they be given - they continue with this privilege for whatever period of time we have here. It is a matter of principle.

Thank you, Madam Speaker.

The SPEAKER: Member, I have heard you and I'm sure you heard I said at the beginning that the situation is less than ideal. And yes, there are few seats sitting at the back at both sides, but there are also security issues that have to be addressed. And I say that to let you know that we have taken into consideration, and we want, like yourself, to include the public. The circumstances are less than ideal and this is the best that we can do at this moment. And I do expect, Member, that you understand and that you will cooperate, because more than having them in, the public is awaiting us to do the nation's business.

Rev. THWAITES: Thank you, Madam Speaker, and I will understand if you will explain what are the security concerns that would endanger the proper ordering of this Parliament if we had members of the public here?

The SPEAKER: Member Thwaites, I am...

Rev. THWAITES: May I finish?

The SPEAKER: I have ruled...

Rev. THWAITES: You have ruled?

The SPEAKER: ...we have discussed this matter and...

Rev. THWAITES: You have ruled?

The SPEAKER: Yes, yes.

Rev. THWAITES: I see.

The SPEAKER: And we are proceeding...

Rev. THWAITES: Yes.

The SPEAKER: ...in the way that we have discussed and we are doing it in the best possible way. Thank you very much.

(Applause)

Mr. WARMINGTON: Madam Speaker...

Mr. M. PEART: Madam Speaker, whilst we understand the circumstance that has caused us to be here, I think we need a little more detail as to - with regard to how long we intend to be here?

The SPEAKER: Thank you, Member. We are working as quickly - those of you who have ever done repairs to your roofs at home know that the contractors give us a time limit and sometimes things crop up that move out. We are expecting here in Parliament, that our stay will be as short as is possible, cause as you can well understand, there is great expense - financial expense - as well as inconvenience to us being here. So we are working with the contractors and as soon as we are able to give you a definitive time, the work is going on, he's not able to say at this particular moment, but I know we will be able to in short order and we are working.

Mr. HOLNESS: Madam Speaker, just to assist...

(Inaudible comments by Members)

Mr. HOLNESS: Madam Speaker, to assist in answering the question posed by the Leader of Opposition Business. Our original projections would place us here until the end of September, that is our best estimate, to the end of September. However, as the contractors get deeper into the work they may very well find that they need an extension of time, as is the case usually when it comes on to construction. So we are projecting that we will be here for one month, it is possible that we could be here until mid October.

Mr. WARMINGTON: Madam Speaker, I would like to support the position of the Member from Central Kingston, as it relates to allowing the public access to what is being done in their Parliament.

The issue is that we are servants of the people, and we should allow the people of Jamaica all access to whatever we are doing, if they want to come here to witness, or be a part of what is being done. So, I urge you, Madam Speaker, to reconsider your ruling.

The security issue – you have enough security officers who can ensure that whoever enters the precinct will not be in a position - or have any weapon that will damage anyone. There are a lot of seats around here, and just as we can allow technocrats from the ministries, or supporting staff to be here, I don't see any adequate reasons why we can't allow the citizens also, to be here. We should not lock ourselves away from our supporters. We shouldn't hide ourselves away from the people of Jamaica, we should give them access. So we should never talk about security, that we are insecure when we sit or stand among our brothers and sisters of this country. I do not feel insecure in going anywhere in Jamaica, or be in any part of Jamaica, as long as I am among the people of Jamaica. Therefore, we shouldn't use the word of security to bar the people from Jamaica from being a part of what is being done.

So I do not accept the term 'security', or the reason because of security. If I can travel anywhere I choose to in Jamaica and feel safe being there - there is no quarter or section of this country that I won't drive. I don't use a body guard, I don't use a driver, I drive myself any hour of the night, any time of the day. And as the people's representative, we should secure and ensure that we have an atmosphere in Jamaica whereby we will be safe at all times.

Madam Speaker, I urge you to reconsider your ruling.

The SPEAKER: Thank you, Member. I have heard you and probably my choice of words was incorrect when I said ruling. I have not ruled. But I have heard you, and I urge you – the logistics does not make it possible this evening for us to invite the public in. And I ask you, as a Member of this Honourable House, to bear with us, and the inconveniences this evening as we work this situation out.

Thank you very much.

Mr. HOLNESS: Madam Speaker, the power to allow strangers, that term - visitors, to be in the well of the Parliament, resides with you under Standing Order 84.

Madam Speaker, in accordance with that, I would want to move a resolution.

> BE IT RESOLVED that the key ministry personnel and media personnel from the Public Broadcasting Corporation of Jamaica and the Jamaica Information Service, be accommodated in the place

appointed for meetings, and operate from the areas designated for them during sittings of Parliament at Conference Room number 5, at the Jamaica Conference Centre.

Madam Speaker, I now move for the suspension…

The SPEAKER: The resolution before the House is that the media and technical people from the ministries be allowed to join us in this sitting here this evening.

Mr. WARMINGTON: Madam Speaker, I beg to move for an amendment to that resolution. I beg to move for the amendment to include the citizens of Jamaica with those, the ordinary, common – the ordinary man in Jamaica. So I am asking for an amendment, so you can put the amendment to the vote first. But I am asking for an amendment to that resolution to include Jamaicans, other than technocrats and the press.

Dr. HARRIS: Madam Speaker, Madam Speaker, I would also ask why not the other media houses to be included inside of the well?

Mr. HOLNESS: Madam Speaker, to assist you in answering the question, other media houses are here, they are accommodated in the cubicles normally reserved for the translators and observers. So other media houses are here.

(*Sotto voce* comments)

Well, Madam Speaker, the issue of the gallery, certainly, all parliaments are constructed with facility for the public to view the proceedings. The public is not allowed to be in the well of Parliament or participate in the proceedings of Parliament. The design of this room would not in any way facilitate the general public being in the well of the Houses of Parliament, and therefore, Madam Speaker, I don't believe that we could make any change to the resolution so moved. It is the normal case, Madam Speaker, that we from time to time allow technocrats, ministry people…

Mr. WARMINGTON: Point of Order, Madam Speaker.

Mr. HOLNESS: …to be in the well of the House.

Mr. WARMINGTON: Point of order, Madam Speaker, point of order. I have moved an amendment, and I believe under Standing Order, the Speaker put the amendment. It's not room for debate.

A MEMBER: Yes, it is.

Mr. WARMINGTON: No. But he is debating it before the Speaker puts it to the House. She hasn't put it.

(*Sotto voce* comments)

Mr. WARMINGTON: But he started debating before the Speaker even recognizes that there is an amendment. He ought to give the Speaker the time - enough time…

(*Sotto voce* comments)

Mr. WARMINGTON: The Chair has not accepted my amendment or recognized the amendment. She ought to be given a chance to do that before you start debating the amendment.

(*Sotto voce* comments)

Mr. HOLNESS: Madam Speaker, I am not asking you not to put the amendment, I am just giving my opinion as to whether or not that amendment can be accepted.

Madam Speaker, I urge you to put the amendment.

The SPEAKER: I am going to.

Mr. HOLNESS: Please put the resolution as is.

The SPEAKER: Members of the House, I am first of all going to put the resolution as moved by the Leader of Government Business, and then I am going to put the amendment and let us vote on it.

Dr. PHILLIPS: Madam Speaker, these are resolutions that have been put, and no doubt, I presume you are allowing an opportunity for debate on these…

Mr. M. PEART: On the motions.

Dr. PHILLIPS: …on the motions that are before us.

The SPEAKER: Yes.

Dr. PHILLIPS: Because Members might so want to discuss both the original motion and the proposed amendment. So I would ask for your clarification as to how we are going to proceed, Madam Speaker.

The SPEAKER: Member, I am looking at section 31, which deals with the amendment to motions. And I am going to put the – I am guided by the Standing Orders, and I am going to put the…

Mr. SAMUDA: Madam Speaker, if I may. I think the amendment as proposed - the resolution as proposed is perfectly in order. But I would just ask that consideration be given for a timeframe within which this would apply, in other words, it would apply for today's sitting. And that an undertaking would be given to revisit the matter at the next sitting, at which time an appropriate amendment could be put to facilitate or deny at that time. But rather than to be contentious today, we proceed with the resolution as put.

(Applause)

The PRIME MINISTER: Might I, Madam Speaker, if you would allow me to suggest further. The facilities here have three main conference rooms, this is the third in size and facilities. And it may be useful if the Leader of the House, along with the Leader of Opposition Business, in consultation with yourself and the Clerk of the Houses, could have some discussion to see whether or not some of the shortcomings of this particular room could not be overcome by looking at Conference Room 2, which does have a mezzanine facility that could provide for accommodation for the public. And rather than trying to resolve that problem – that issue, if we could have those consultations undertaken and some indication given to us at the next sitting.

The SPEAKER: Thank you very much, Prime Minister.

Member, I am going to invite you, therefore – and I expect you will accept my invitation to withdraw your amendment and give us time, based on the facts as they are today, to discuss this matter more fully. Member, Member.

Mr. WARMINGTON: Madam Speaker, based on the circumstances and the wisdom of the Speaker, I do withdraw the amendment and reserve the right to bring it back at another stage if I am not satisfied with the position taken by your Committee.

The SPEAKER: Thank you very much, Member.

Members, the motion before the House is that members – technical persons from the ministries and members of the press and PBCJ, be allowed – and JIS, be allowed to sit in the well of Parliament with us here this – for this sitting of the House.

Put to the House and agreed to.

STATEMENT BY THE PRIME MINISTER

DIGICEL/CLARO

Mr. HOLNESS: Madam Speaker, the Honourable Prime Minister has a statement.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Madam Speaker, Members of this Honourable House would be aware that telecommunications providers, Digicel and Claro, have entered into an agreement under which Digicel would acquire 100 per cent of Claro's shares, and hence, assignment of Claro's licences. This agreement, as required by section 17 subsection (3) of the Telecommunications Act, is subject to ministerial approval, and a joint application to this end, dated March 17, 2011, was submitted to me. The proposed acquisition is part of a tri-country deal with reciprocal arrangements for a similar transfer of ownership from Digicel to Claro, of Digicel's assets in Honduras and El Salvador.

A number of issues arose in consideration of their application. These include:

- the impact that this acquisition would have on the level of competition within the mobile telecommunications market, and in this regard, concern about the wide disparity in termination rates among carriers;
- credible indication that Claro would have exited the market, whether or not the acquisition was approved;
- the service options that would be available to the approximately 517,000 Claro subscribers; and
- the statutory provisions and limitations governing the exercise of ministerial discretion in relation to the application.

Section 17(3) of the Tele-communications Act states that the Minister shall grant approval of an assignment of a telecommunications licence or transfer of control of operations if he is satisfied that the assignee satisfies the requirements of section 11 subsection (1)(a) to (b), as regards the obligations imposed on a licensee by this Act or by the licence.

Given Digicel's stated intention to vary the obligations embedded in the Claro – I am sorry. Section 11(1)(a) to (b) states – and I want to quote that section of the law -

> "An application for a licence under this Act shall be made to the OUR in the prescribed form and shall be accompanied by the prescribed application fee and contain a statement that –
>
> (a) the applicant under-takes to comply with the provisions of this Act relating to the type of facility or specified service to which the application relates, including –
>
> i. inter-connection obligations
> ii. universal service obligations
> iii. licence limitations
> iv. network expansion requirements.
>
> (b) the applicant is not disqualified from being granted a licence by reason of any legal impediment".

End of quotation of that section of the law.

The Attorney-General's Department advised that, under the law, the Minister has no expressed authority to impose conditions in the transfer of the licences. The transfer, however, carries with it all the obligations

contained in the licences, unless by mutual agreement the terms of the licences are modified.

In this regard, Digicel, while stating that it will honour all interconnection agreements currently held by Claro, would have the same right as Claro, to alter or terminate those agreements in accordance with the provision of existing contractual arrangements between it and other providers. That commitment, therefore, as given by Digicel, is of little value to the subscriber.

Further, Digicel indicated its intention to effect a seamless migration of Claro's existing subscribers to Digicel through the consolidation of core networks. Pursuant to this business plan, its intention is to decommission the Claro network and operate both licences through a single network. This would radically alter the existing configuration of the two networks.

Given Digicel's stated intention to vary the obligations embedded in the Claro licence, the opportunity was taken to enter into discussions with Digicel towards a voluntary agreement on a number of issues. Most notably, a more uniformed set of interconnection rates between it and other mobile telecommunications providers on the basis of which, by mutual agreement, modifications would have been made to the Claro licence to accommodate the operational plan as outlined by Digicel.

Currently, Madam Speaker, interconnection retail charges vary widely. For peak pre-paid periods, it ranges from a low – and I am speaking now specifically of cross network charges - it ranges from a low of $9.99 to a high of $17.70, and for off-peak periods, it ranges from a low of $7 to a high of $15.80. The voluntary cross-network rate reduction of $3 for peak periods, and $2 for off-peak periods which was offered by Digicel in relation to interconnection retail charges with the other major provider, namely, LIME, was, in my view, unimpressive. Termination rates are a major component of interconnection retail charges, and ideally the termination rates should be cost oriented and uniformed across all networks.

Given these circumstances, and the statutory constraints placed on the Minister in the exercise of his discretion, I have approved the acquisition of Claro by Digicel and the assignment of the relevant licences without any modifications to the licences or to the obligations contained therein.

This means that Digicel will be required to fulfill all of the obligations contained in the Claro licences with regard to the type of facility and specified service that must be provided, its interconnection obligations, licence limitations and network expansion obligations. Digicel will, therefore be required - contrary to the business plan it proposed - will be required to maintain a separate network and complete a separate build-out of 90 per cent penetration of the island as required under the original Claro licences. Fulfillment of these obligations will be vigorously monitored and enforced.

This issue, Madam Speaker, has brought into sharp focus the need to strengthen the legal and regulatory framework for the telecommunications industry to bring it in line with contemporary best practices, and to ensure that the interest of the consumer is held paramount.

The House will recall that a new Information and Telecommunications Technology Policy was presented to

Parliament in April. It received the support of the Opposition which had been consulted during its preparation. The policy requires far-reaching amendment to the existing Telecommunications Act, and work is proceeding to have the appropriate Bill brought to Parliament. However, it is considered necessary to fast-track specific elements of these amendments to enable the Regulator to discharge its obligations more effectively. These include:

(1) empowering the Regulator to obtain information from licensees without a formal inquiry or the burden of proving reasonable grounds for requiring same;
(2) the application of the provisions of the Act regarding interconnection to not only voice, but also data and other services;
(3) the positive right of licensees to submit their interconnection disputes to the Regulator for resolution, and the power of the Regulator to prescribe the procedures to the arbitration of settlements of disputes;
(4) the automatic amendment of the terms and conditions of all interconnection agreement to conform to the most current Reference Interconnection Agreement authorized by the Regulator, including applicable rates and charges as approved from time to time by the Regulator;
(5) enabling the Regulator, in determining applicable rates and charges to take into account all relevant factors, including cost orientation and local and international benchmarks;
(6) the power of the Regulator to prescribe, after consultation with the Fair Trading Commission, competitive safeguards aimed at preventing anti-competitive activity in the telecommunications market;
(7) special provisions to protect small service providers in utilizing services offered by large carriers including the power and responsibility of the Regulator to examine and approve customer contracts for wholesale and retail services;
(8) provisions to protect non-facilities-based licensees and other wholesale customers against discriminatory and unfair treatment by service providers and carriers;
(9) in addition to judicial remedies that may be pursued, enabling the regulator to secure quick and efficient compliance with statutory rules and directions by giving it direct enforcement powers to impose behavioral remedies including:
    - financial penalties on licensees;
    - orders for compensation to persons adversely affected by actions of licensees that are in contravention of the Act; and,
    - orders to terminate, modify or nullify agreements that might have been entered into;
(10 the power of the Regulator to prescribe, by order published in *the Gazette*, rules that are of a purely regulatory nature;

(11) the power of the Regulator to determine the terms and conditions of access to and sharing of telecommunications facilities and infrastructure by telecommunication providers; and,

(12) regulations to govern the efficient use and operation of spectrum frequency and the authority of the Regulator to take decisions and give directions in relation thereto.

Madam Speaker, given the urgency of the need for these amendments, efforts are being made to have the appropriate Bill brought to Parliament for its consideration within the next six weeks.

The Fair Trading Commission is considering specific steps that may be taken within its statutory function to ensure that the acquisition of Claro by Digicel does not adversely impact on the consuming public.

Mr. PAULWELL: Madam Speaker, it has become a recent custom that the spokesperson on this subject matter could be given an opportunity to make some remarks. And, in that regard, let me again point out that the area of telecommunications is one that both Government and Opposition continue to consult on. And we are very pleased that this is an area that we have been able to remove from the cut and thrust of the politics, and to enable us to have meaningful discussion. And we saw it recently with the tabling of the policy where we were able to approve it without too much fuss.

And, Prime Minister, I would like to suggest that probably this approach could be adopted by some other areas like the Energy, and so on, but I will not go there today.

(Laughter)

And I want to point out that the consultation in this regard has happened though - and the Minister will admit that I have expressed my disappointment in that the final decision was, in fact, taken before the final consultation. But, I appreciate the…

(*Sotto voce* comment)

Mr. PAULWELL: …yes… I appreciate the fact that there was some attempt.

I also want to point out that, Madam Speaker, this matter really ought not to have taken so long for resolution. It is an industry that moves very swiftly, and for this matter to take five months, I really think greater efforts will have to be made in the future, that these things be dealt with in a swifter way.

I can cite for you, a particular area of concern that will affect some persons who are in the industry. Some of the dealers of Claro, for example, they have had no business done in the last five months because people have adopted a wait-and-see attitude. And for them to have waited for five months for this decision, it creates even greater hardship for them.

I have already expressed to the Minister, my strong disagreement with the advice that has been received. And I know that the advice came from the high office of the AG. And, my own legal advice is otherwise that we could have extracted tremendous leverage from the requirement of the law that the Minister grants approval to the request of transfer, and that, as we have seen recently - just recently the Government utilized such leverage in dealing with JPSCo, when approval was granted for shares to be transferred from Marubeni. And

the Government was able to extract from JPSCo - as we did in 2007 - certain concessions that were not in the licence.

And, I believe - and I am coming to the proposal the Prime Minister has just made in terms of how we treat with these matters - but there are really some urgent issues that concern us. And I need to say - especially to a company like Digicel, when the Opposition raises issues in relation to competition, we are not bad-minded; we are not, in any way, trying to highlight any negatives of your company.

Indeed, if I were in business, as I am now, I would strive to become a monopolist. It is the intention of every business to get to a point where they command market share. But, we inside here have a different responsibility. It is our responsibility to ensure that competition prevails because competition suits both business and consumers. And that's the way to extract the best possible benefits.

So, as the Prime Minister has highlighted, there are concerns, in relation to the interconnection rates, and a practice that can see the prevention of - or the limiting of competition in the telecoms market by what we know as ring-fencing. We have to ensure that, as quickly as possible, that matter is adequately addressed. And I believe that we could have dealt with it right here and now.

The Prime Minister has indicated that Digicel has put an offer on the table in relation to dropping the rate by $3. He has not said whether or not he has accepted that offer, but I would urge that in the interim that that be accepted, and the Prime Minister could respond to that afterwards.

(*Sotto voce* comments)

And, of course, our view is that it must be substantially more. And for those persons who are not aware of ringfencing, it occurs when, because of the strengths of a player in the marketplace, they are able to price so that they will attract from their customers, calls to their networks and deny, because of the higher rate, calls going to another network. And in that way they are able to preserve their market, and not allowing growth in other networks. And, that is one of the things that was highlighted just now, and it is one that will continue to be of great concern to us.

The other issue is that of spectrum. The Prime Minister has announced that Digicel is going to be required to maintain Claro's network and spectrum. I don't know how workable that is. But, the fact is that Digicel is now going to have an abundance of spectrum. And spectrum is a finite… very - it's a very expensive asset that a company should have to put aside, that if it were released, could enhance competition in the marketplace. And so, we are very concerned about that.

We are also concerned about the proposal that we have put on the table - and I believe Digicel had accepted - of number portability, where I can use my number that I get from a particular network, and take it to another company to be able to have my service without having to change my number, which creates inconvenience for me. I think that is a low-hanging fruit that we could have insisted on.

And another one that we thought could be achieved now is the matter of network identification. When I take up my phone to call a particular network, I want to know what my rates are, and I will know that if I know which network I am calling. And it is a simple device to intercept calls to say that you are now calling on to another network. And that

will alert you to either hang up the phone, or to continue with the call as you desire. So, those things, I believe, could have been achieved. And it also includes the matter of sharing of facilities.

But, I do have a major concern in relation to Claro and the fact that it is now exiting the Jamaican marketplace, leaving behind employees, dealers, and liabilities that might very well be ignored. There are a number of legal actions, I am aware, that have been taken out against Claro by Jamaicans. What will happen to those Jamaicans when Claro exit the scene? What is going to happen to those dealers, who went into business, went and borrowed money to establish their businesses, and now are left with loads and loads of debt that they are unable to deal with? What are the provisions? And, I think the Government has a responsibility to ensure that those issues are dealt with. What about the many employees? We are already seeing high levels of unemployment. What is going to happen to them? Will there be some preferential treatment given to these employees by Digicel to enable them to be incorporated into the Digicel family? Those are things that, I think, we need to also address.

Madam Speaker, in relation to the proposed emergency legislation, I support that. These are provisions that were embodied into the new policy and we are giving the commitment that we will work with the Government and six weeks, that is quite an ambitious target and I, certainly, would support it. But I would like to ask, where are the resources to come from to achieve that? We know that in drafting legislation it requires a lot of resources. You need to have detailed drafting instructions. You need to have the drafting of the legislation itself. And from time to time we know the constraints of the Chief Parliamentary Counsel's Office. Are we going to be able to find resources to get additional human resources to enable us to proceed with alacrity. Because six (6) weeks, Madam Speaker….

Mr. BUNTING: Only tax legislation can come out that….

Mr. PAULWELL: Well, the Minister of Finance might be able to provide some assistance there, because tax legislation do get out of the system very quickly. But we have to enable the resources to be provided so that this matter can be dealt with.

So having regard to those comments and the issues I have raised, the Opposition will be working to enable the swift passage of legislation to ensure that competition, competition, which is what we have all fought for, is not ruined but can be preserved under a new legislative framework.

Thank you, Madam Speaker. (Applause)

Mr. SAMUDA: Madam Speaker, I would like to ask, Prime Minister, and I hope my understanding is right, that at the moment we know that Digicel charges a termination rate far in excess of what they charge their customers for persons who use the line. This in and of itself, or should. It's put in the form of a question - is the Prime Minister aware that this action on the part of Digicel has given the LIME Corporation tremendous concern as to their longevity in the market? And if that is the case and this new arrangement expands the base of their operation - and as I understand it there is no rate attached to the licence, the company is free to charge whatever termination rate they wish at the moment. And although there are to be two distinct entities

but under one ownership, I ask the question, would it not have provided greater leverage on the part of the Government to insist that Digicel addresses this imbalance in the termination rate prior to allowing them access to Claro's network? (Applause) Because it occurs to me, Prime Minister, that a company that has served Jamaica for so many years and is now - I know from first-hand information - is now threatened by this move, without any provision in the agreement, demanding that Digicel cease its activities that make it uncompetitive in an environment where competition should rule the day. (Applause)

So I would really like the Prime Minister to, most importantly, address the issue of leverage in a negotiation and the extent to which, by providing this facility to Digicel, another alternative could not have been found to bring them to yield, as it were, in the interest of securing a competitive environment. (Applause)

The PRIME MINISTER: Madam Speaker, I have listened to the points that have been raised. The issue was raised as to why it took so long. Well, it took so long for the very reasons that are being adduced in the suggestions as to what actions should have been taken.

First of all, the time it has taken was due in part to the difficulty that I had in obtaining appropriate responses from the two companies involved. The application was made jointly by Digicel and Claro. The initial response from Digicel to the request for critical information is that we don't have the information and we won't have that information until the deal is consummated because that information resides with Claro. The response from Claro was even more curt. The response from Claro was that they have no intention of providing any information because by that time they had started winding down their operations, their Managers had been transferred back to Mexico. And I insisted that proper consideration could not be given until that information was provided. It took a considerable amount of effort to get the information and over a period of time we had, perhaps not all of what we had asked for, but we had a sufficient amount of information to be able to consider the matter properly.

In considering the matter, I am subject to the law and I am guided by the advice provided by the Government's legal advisors. The advice I had is that the Minister has no business whatsoever seeking to determine rates. That is a matter for the regulator. The Minister, as provided for in the law, I think it is section 17(3), shall grant approval to the transfer of the licences once the transferee has satisfied certain obligations that are set out in the law and I read them out in the Statement. And on any objective assessment this satisfied those requirements. And therefore the opportunity was taken and that opportunity was created because Digicel said when we take over Claro we intend to shut down Claro. We intend to operate one single network. We intend to migrate the customers from Claro into Digicel. And we used that as an opportunity, we say, hey, if you are going to change the licence let's talk about some other changes that we feel are necessary, and the most significant of which was the question of the termination charges. The Statement indicated the best offer that over five and a half months Digicel was prepared to make, a

reduction of $3 for peak hour rates and $2 for off-peak hours. I indicated in the statement that I considered that offer to be unimpressive.

Now, as I indicated in the Statement, had Digicel been more inclined to be, in my view, more reasonable it would have been a basis on which, by mutual agreement - I can't unilaterally change the terms of their licence but the terms of their licence can be changed by mutual agreement. And on that basis the licences could have been changed to accommodate the business plan that they had outlined. In view of what I considered to be the unreasonableness of Digicel, then I insisted that in the transfer of the licence you assume every single obligation that is contained in that licence, which means the service that has to be provided as specified in the licence, a separate network to be operated and importantly, 90% penetration. Because if you are going to assume the licence and assume all the rights of the licence you have to assume the liabilities as well.

In the course of the discussions, I must point out that Digicel indicated its willingness, and this already has been put into effect, to surrender the licence that was issued to Index Communications trading as GOTEL, and that came about because Claro had acquired Index Communications and therefore had the benefit of the spectrum that was controlled by Index. That to me was necessary and appropriate but it still didn't affect the fact, in my view, that a rationalization of the network arrangements should have been accompanied by a reasonable proposal or offer in relation to the charge.

Let me just mention a couple of other things. The Opposition Spokesman said we should have used this as an opportunity to secure a more meaningful rate reduction. I think that's essentially the same point that the Member for North Central St. Andrew is making. We made every effort to and that is part of what dragged this thing out over this period of time. The fact is that that is a regulator's function. And part of what we are seeking to do in fast tracking this legislation is to strengthen the regulator's capacity to effect the kind of rationalization of charges that we feel is appropriate.

On the question of number portability, Digicel did indicate its willingness to consider but raised a number of issues. That, too, is part of what you know is included in the proposals for amendment to the Telecommunications Act. That is part of what we want to fast track.

The question was raised about Claro's liabilities. I think we have to be careful here that we have to separate the regulator's functions, the Minister's exercise of discretion in approving the transfer. There are remedies that are available to those persons.

One of the things you have to be very, very clear on, Madam Speaker, is that whether Digicel was acquiring Claro or not, the likelihood that there would have been no Claro. That's the reality of the situation. A considerable amount of money has been invested, the level of market penetration, the level of the market share that it had anticipated did not materialize and the parent company for Claro essentially took some strategic business decisions. Digicel sought an opportunity to acquire assets and technology, which it found useful.

The question of the interconnection

charges, as I indicated, is a matter that will have to be determined once we have put the amendments in place. I mentioned in the Statement that the Fair Trading Commission is contemplating certain action, the details of which have been shared with me but which I would not want to disclose at this time. There are certain options that, based on the advice that they have received, they think can be pursued; and I expect an early decision on that will be made and no doubt an appropriate statement will be issued by the Commission at that time.

Mr. SAMUDA: Prime Minister, would you care to indicate the time frame within which the appropriate regulation will be put in place? Because my fear is, if it is not done very quickly, we may well lose a very, very important investor.

The PRIME MINISTER: I have been given the assurance that the draft legislation will be on my desk by the end of September. It is on that basis that I indicated that we would have that in Parliament within the next six weeks and we would urge Parliament to deal with it as expeditiously as possible.

Mr. HYLTON: Prime Minister, I wonder, given your own acceptance, that the necessity of having Digicel operating both networks or the responsible obligations under both sets of licences, is not the most efficient way of operating but necessary in the circumstance. I wonder whether it is not time for us to review, as a matter of policy and perhaps even law, whether a merger acquisition review is not an appropriate way to go with respect to our competition policy, notwithstanding that the FTC is now contemplating some type of action. But I believe a clarity, as a matter of policy and perhaps even law, and a merger acquisition review is perhaps appropriate in light of these developments.

The PRIME MINISTER: It would have to be supported by the legislative authority. One of the things that we really need to consider, we have avoided it, I think, because of other implications that it has, we do not have in Jamaica antitrust legislation, it is something that we need to consider, because we used to avoid looking at it because we are a small country, but the fact of the matter is that we are part of a big business landscape and it's not just a control or a concentration within our borders there, that may in fact be even wider than that. So it is something that I believe that we have to take a serious look at.

As a matter of fact, Madam Speaker, it's the kind of thing that I would think that one of our standing Select Committees ought to explore and to make available to us the benefit of the thinking of that.

(Applause by Opposition Members)

Mr. PAULWELL: I appreciate that comment by the Prime Minister. But, Prime Minister, our Fair Competition Act is indeed antitrust legislation. We did not include in it provisions that dealt specifically with mergers and acquisitions, and I think that is what the Member is seeking to elicit.

And, again, we on this side would want to engage in a dialogue to deal with mergers and acquisitions. Section 17 of the Fair Competition Act deals with agreements that have the effect of lessening competition and in that regard you can take care of some of the negatives of mergers and acquisitions.

I want to just ask two questions finally. Earlier you had mentioned that Digicel was prepared to lower, even though it was unimpressive, its termination rates, and I am

not too sure if you have answered me, whether or not, even at this late stage, we can't accept that as a small step forward, but certainly one that will, I think, give some indications just to LIME, for example, that there is some reduction coming....

(*Sotto voce* comment by a Member)

Mr. PAULWELL: Right. So that's one thing.

And secondly, the raft of measures that we are supporting to enact quickly is going to need an effective regulator to implement. And one of the fundamental provisions of the new policy is the single regulator.

Now, Prime Minister, I don't see why we cannot in this six-week period get the appropriate models. It was envisaged, for example, sometime ago that with the Spectrum Management, SMA, as it is, you can - you have a body that can stand alone. You extract from the OUR, the Telecoms people, and from the Broadcasting Commission, those people who deal with the technical aspect, and so you can very quickly establish a single regulator, using this emergency measure; and that will put to bed the issue of the regulator, whether effective or not. And I know you want that same treatment in energy, but for telecommunications it is dire.

The PRIME MINISTER: On the question of the rates, I took note of them. Again, I remind you that in the exercise of the Minister's discretion in this matter, he would expose himself to challenge if he took a decision based on consideration of factors that are outside of his remit. I am trying to stay as close as possible to the legal advice that was given by the new Attorney General, who is not unfamiliar with these matters.

I am hoping that if Digicel does not fulfil that offer or implement that offer, I am hoping that we can put in place very quickly the regulatory arrangement that will ensure that they do.

I am told, for example, not only is the world moving towards uniformed interconnection rates, but I am being told that there is one country in Africa, where in two years time the charge to connect from one network to the other is to be zero, so you know. What we are seeking to do is consistent with current international trends.

In relation to the separation of the regulator, you will notice in the statement I used repeatedly the term 'Regulator' rather than OUR. The technical officers who have been dealing with this matter, perhaps felt that to have that Regulator established, single regulator established within that six-week period would have been too ambitious. You yourself wondered whether what we are proposing already, through you, Madam Speaker, is not overly ambitious. I will certainly canvass it with the technical people and I would urge a continuation of the consultation that I know has been taking place between the Opposition spokesman and the Minister without portfolio, who really anchors this matter in the Office of the Prime Minister. If it is possible at all to have that done within that time frame, I certainly would endeavor to do that.

Dr. PHILLIPS: Just for clarification, Madam Speaker.

Prime Minister, what is it envisaged from the Government's point of view will happen after this legislation that you propose is passed? Is it proposed immediately to enforce

or to undertake negotiations or intervention by the regulator with Digicel, in order to ensure that the circumstances that are desirable as you have outlined them are in fact put in place? In a sense, is that - is it being indicated then to Digicel with this approval that the Government is acting and will act to ensure conformity with the conditions that we have outlined?

The PRIME MINISTER: The answer to that is yes, although in the communications we didn't spell out item by item. We have set them out on pages 4 and 5, which includes, for example, the power of the regulator to establish reference interconnection agreements having to do with rates.

As a matter of fact, Madam Speaker, since this is raised. There was an issue, which the Opposition Spokesman on the subject will recall, of a difference of opinion between himself and the OUR as to the authority of the Minister in the matter. The matter was through the courts here and went all the way to the Privy Council. The Privy Council ruled against the position taken by the Minister.

Mr. VAZ: Who was the Minister?
(Laughter)

The PRIME MINISTER: You will understand the caution that I have been observing.

The PRIME MINISTER: But, pursuant to that Privy Council's decision, the OUR, even now, has certain authority that can be exercised. The problem is, that it has to be exercised in a way that involves extensive consultation. I am told that it is a process that could take up to 18 months. We can't wait for that, and we are hoping that the amendments that I have outlined will empower that regulator, be it the OUR or the stand-alone regulator, to be able to take quick action, and as the Member has asked, to intervene and to seek to bring some stability, some uniformity to the rates. Because there is no question based on what we have seen, there is no question that there are disadvantages being experienced by some providers and it is the consumers who are eventually suffering, and it is the interest of Jamaica in terms of having options and choices that will eventually be the same.

So, I am pleased that we will be able to move on this as swiftly as the circumstances require.

Dr. PHILLIPS: I don't want to belabour the point, and I don't think it can be resolved now. But there is a - there is an issue that arises as you determine the role and function of the Regulator of the extent to which that regulator exercises autonomous decision or is a creature of the policy of the Executive and to what degree.

The issues - obviously there is some potential for overlap, but it's an issue that needs to be carefully settled and also, I think, would suggest that we need to think as we establish the regulator - and I think one is necessary, and I also agree as has been expressed by the Opposition Spokesman with the general purposes as outlined for the regulator - but we need to ensure that we are making policy really for the long term benefit of the industry and the powers of the regulator would be so designed rather than something, so to speak, as an emergency response to the specifics of this particular agreement.

The PRIME MINISTER: You know, I think if the Member has the assurance.... We

are lifting out, we are not creating anything new, we are simply fast tracking some of what had already been agreed in the Telecommunications Policy.

Insofar as the status of the Regulator is concerned, it is intended that in its regulatory functions, the Regulator is independent, and will take directions from himself or herself. The directions that can be given would - as happens in other cases, to have a general policy nature. Because the development of the telecommunications industry, which is something that is ever changing and is ever going to change, has to respond to government policy. But the regulation within that, would be the Regulator's responsibility and Government would not be in a position to interfere with that. But the matter can be pursued even more extensively once we bring the legislative measures here, and if that includes in the six-week timeframe, the establishment of this independent Regulator.

It may be possible, Madam Speaker, because a lot of work was done. As a matter of fact, that issue alone, I think, delayed the completion of the policy for a couple of months, and we ventilated it thoroughly so we will make every effort to see whether that can be included. And as the Opposition Spokesman has said, since it would have combined the Spectrum Management Authority and the Telecommunications function of the OUR, we may have much of the basic infrastructure already that would allow us to pull it together. We will make every effort to see if that can be done.

Mr. HOLNESS: Madam Speaker, we'll have a Statement from the Minister of Labour.

JAMAICA/US OVERSEAS WORK PROGRAMME

Mr. CHARLES: Madam Speaker, in recent times concerns have been raised about the status of the Jamaica/United States Overseas Farm Work Programme or just Overseas Work Programme. Certain information being circulated are erroneous and show a lack of understanding by those who, in my opinion, should know better. There are in fact challenges in the US Programme and I want to use this opportunity to state the true nature of the problem so the Jamaican people can have a better understanding, and to avert any panic about the continuation of the Overseas Work Programme.

Madam Speaker, I want to state at the outset that despite the challenges that we have faced, the challenges that continue to arise from time to time, recently, I want to state clearly today that the Programme remains intact and it's a firm understanding between the Governments of the Caribbean and the Government of the United States that there is absolutely no harm to the Programme. Indeed, we have begun to see improvements in a number of ways since the recession and prospects appear much more favourable.

In January 2009, the United States Citizens and Immigration Service, a constituent agency of the United States Department of Homeland Security, enacted a new Regulation affecting the operation of the United States H-2 - this is the Agricultural Programme - and H-2B, to other non-agricultural programme.

Changes in the Regulations were a direct result of abuse that developed in the H-2

System. Private recruiters charged fees for job placement directly to workers and in many cases these fees were outrageous. In a number of situations jobs were promised that did not exist. Workers arrived at the airport just to find nobody to pick them up.

The regulations prohibit the payment of recruitment or related fees for workers at the H-2 and H-2B visas. All fees related to employment of migrant workers are the responsibility of the employer and not to be charged to the employees.

Reports from the United States Department of Homeland Security, Office of Immigration statistics show that for 2009 Fiscal Year, a total of 149,763 H-2 workers and 56,542 H-2B visas were issued by the United States worldwide. Approximately 50 countries are recipients of these visas. Mexican workers receive by far the largest number of these visas, 140,540 H-2A and 37,467 H-2B.... The first number was agricultural workers; the second was other workers...with the Caribbean receiving the second highest, 4,273 agricultural workers and 4,359 other workers.

Since the start of the Overseas Employment Programme in the United States in 1943, workers who have been employed on the programme have been afforded (the) protection of the Government of Jamaica and other participating Caribbean islands while in the United States, through our liaison service there. These services have been wide-ranging and address every aspect of the workers' welfare, both on and off the job.

We found it important to do this, Madam Speaker, because of the social and cultural adjustments that workers have to make because of workers sometimes running into difficulties and are arrested and have nobody to offer legal protection to them. They sometimes get sick and need medical assistance outside of their normal work week. The Liaison service operated by Caribbean governments provide this. Participating governments of the Caribbean, Jamaica, Barbados, Trinidad & Tobago, St. Lucia, St. Vincent and Dominica, constitute the Regional Labour Board which is directly responsible for overseeing the operation of the United States Overseas Programme.

The Jamaica Central Labour Organization, the JCLO, the administrative arm of the Board has day-to-day responsibility for administering the programme and these responsibilities include:

- providing welfare service for workers in order to protect their best interest, including housing accommodation, health benefits, medical care as well as assisting them with problems that may arise during the course of their employment;
- administering the programme and ensuring that the policies and procedures of the programme are adhered to by employers; providing advisory service to employers and employees;
- liaising with the United States Federal and State authorities as well as employers and employees representatives.

The JCLO is not a recruiting agent as it undertakes no recruitment whatsoever. All functions are undertaken by the welfare workers while in the United States. Its only source of funding has been contributions from the workers which are utilized for the social services provided to them in the United States. Four per cent (4%) of their earnings were deducted to meet the administrative cost of the labour services.

These contributions have historical roots, in that during the war years when the programme started the British government was unable to provide the necessary funding and a decision was taken to have the workers make this contribution.

In June 2010, the United States Citizens and Immigration Service defined the JCLO as a recruiting agent and threatened to disallow the administration of temporary farm workers by denying US Immigration Petition upon which employment to the United States is based. In order to ensure that the workers are able to take up their employment, the JCLO advised the USCIS that it would no longer collect the contribution made by workers, pending a resolution of the JCLO's status.

A series of initiatives was undertaken by the Ministry to mitigate the challenges associated with the new US Regulations. These efforts have had only mixed outcomes, none of which has resulted in the reinstatement of the workers' contribution for the services provided by the JCLO.

The following includes some of the initiatives:

1. On March 11, 2009, Jamaica's Ambassador to the United States, AMBASSADOR ANTHONY JOHNSON, then, hosted a meeting between the representatives of Jamaica and the United States Department of State, the United States Department of Labour to address issues arising from these Regulations.
2. An amendment to our Employment Agencies Regulations Act to make it illegal for private agents to *"charge any fee to any person for his placement in employment in any programme which requires a H-2B visas issued by the Government of the United States..."* This was gazetted on Friday, June 18, 2010.
3. Meeting with licensed private recruiters to inform them of the changes in the law. This was followed by a joint meeting of employers, the Regional Labour Board and representatives from the USCIS and the USDOL in January 2010.
4. There was no new development until June 2010 when the Ministry was informed that 100 H-2B workers had their visas withheld, ostensibly because they had agreed to contribute to the provision of their social welfare services through a payroll deduction. As a result, the decision was taken not to collect any contribution from these workers pending resolution of the issues, and all 100 workers were allowed to travel to the United States after that decision was taken.
5. In correspondence received by employers and sent to the JCLO in July 2010, the USCIS advised that

contributions made by the H-2A and H-2B workers constituted a recruitment fee or a condition of employment and accordingly, it was going to deny and return the petition of various H-2 employers.

6. In August 2010, the Ministry through the JCLO advised all employers to cease deducting the contribution made by Jamaican A-2 workers toward their social welfare service. This was done in an effort not to cause disruption to the employment of Jamaican workers and to allow for the 2010 harvest to take place. Workers were allowed to start travelling in August 2010.
7. In February 2011, the JCLO was made aware through correspondence received by employers from the USCIS that it would not be permissible for employers to deduct from H-2 workers' wages the payments that the workers voluntarily requested to be made relating to their NIS contributions and health insurance savings here in Jamaica.

I made contact and I advised that the Government of Jamaica will insist that the workers' future be protected and that as they do in paying NIS in Jamaica that this contribution should be allowed.

It is important to note that several meetings and discussions have been held and continue to take place between officials of the Ministry of Labour and Social Security at the Regional Labour Board, the Ministry of Foreign Affairs and foreign Trade and our Ambassador to the United States, officials including Congressional and Senate staff, the USDOL, USCIS, USDHS and local US Embassy staff with a view of resolving this matter.

Additionally, a number of Congressional Officers worked with Vermont Legislators to produce a joint resolution which applauds the work of the JCLO and endorses the tremendous benefits it provides to Caribbean workers as well as the contribution those workers make to the US economy.

I want to state, Madam Speaker, that for every Jamaican worker that travels on the farm work to the United States, well over four American workers are benefitting.

(Inaudible comments by a Member)

Mr. CHARLES: Simple. When they pick the apple, it's an American who transports it from the farm to the warehouse. It's an American who packs it. It's an American who distributes it. It's an American who sells it. Every Jamaican who leaves here and travels there, pretty near four or five Americans are benefitting from employment.

The Bill, HR 10, was passed in the State of Vermont House of Representatives in April 2011 and seeks to have the workers' voluntary deductions for benefits and welfare services reinstated.

I wish to make it clear that the actions of the United States Government do not threaten the continued viability of the programme but it will impact on the operation of the JCLO in offering social service and protection outside of what the American Labour Department sets for general worker. The selection, recruitment and transportation of workers will remain intact. The Government remains firmly committed to these services.

Therefore, while there are significant challenges, I would like to assure the people of Jamaica that no effort is being spared to have

the matter resolved. The adjustments that have been made to date have ensured that the workers' job opportunities are neither compromised nor reduced. Future adjustments that will be necessary will be undertaken in a manner not to jeopardize job opportunities for the Jamaican worker, and the measures that have been undertaken so far and that will be pursued will at all times provide protection for the workers in the most critical areas.

Indeed, in spite of the challenges, we have been able to increase the number of workers going to the United States. In 2008 when the recession started and impacted several businesses in the United States, the number of workers participating in the US programme reduced from 7,211 to 4,308 in 2010.

I am happy to report that the number now stands at 5,000 and there are good prospects for an increase in the future. As a consequence of these developments, and in fact the JCLO has no income stream to undertake the service it normally provides, it has become necessary to continue the rationalization of its current staff which will now involve the separation of 16 persons. The remaining staff will be incorporated under the aegis of the Jamaican Embassy in Washington DC as a Consular Labour Relations Annex and will include an accountant, an administrator, four liaison officers and a clerical officer.

It is estimated that it will cost Five Hundred Thousand US Dollars *per annum* to operate this level of service. The Jamaican Government will provide the necessary funding to ensure that there is no disruption in the programme thereby facilitating employers in obtaining the required number of Jamaican workers and the liaison officers will strategically be deployed to continue serving the welfare of the workers.

In conclusion, Madam Speaker, we are dealing with an issue which requires the highest level of objectivity and responsibility. I have taken time off to brief the Opposition Spokesman on Labour; I have on many times advised the Leader of the Opposition that we are having some difficulty. She has offered her assistance, standing by to help wherever she can, to make sure that nothing goes wrong with this programme.

The United States has its justification for enacting new regulation. The regulation does not target any specific country, but rather unscrupulous persons who may be tempted to engage in the abuse of migrant workers through human trafficking, excessive fees, downright disregard for basic human rights. All countries supplying workers to the United States under the H-2B system are subjected to rigorous requirement of this new regulation.

We are still trying to work with the new regulations, while we intensify our efforts to some degree of facilitation and consideration for the government-run liaison service. As I indicated, in the meantime, a restructured liaison service under the Jamaican Embassy will provide certain critical service for the workers.

Madam Speaker, we are of the necessity to comply with the regulation in order to avoid any threat to the programme. We have begun to see signs of the rebound in a number of workers being recruited and we are doing everything possible to maintain this momentum.

I must advise the House that I will - it is proposed and arranged for me to be in

Washington in another two days to continue discussion initiated by our Ambassador Audrey Marks. And I want to take this opportunity to advise the House of the powerful job that she is doing in order to help this programme survive. This is not a time for misrepresentation, and to give the impression that a magic wand is there somewhere to be waved to reverse the legislation by the US authority overnight. The approach suggests that there is a great misunderstanding of the challenges that confront us. It is a time for cooperation and for us to address a national issue in every mature and intelligent fashion.

And I want to publicly advise the Opposition, that it is my intention to brief the Opposition Spokesman, before I leave the island and to advise the Leader of the Opposition that if needed…

Mr. PICKERSGILL: When yuh leaving?

Mr. CHARLES: If needed, her presence - if her presence is needed she will be advised.

Thank you, Madam Speaker.

Mr. VAZ: Yuh a pay fi de ticket dem?

Mrs. SIMPSON MILLER: Thank you very much.

Madam Speaker, this is such a critical programme to Jamaica and I crave your indulgence for me to just say a few words in response to the Minister's statement.

Minister, you know how I feel about the Farm Work programme and I think successive governments take seriously both the American and the Canadian programme. I have a serious concern though, in that, the fact that the office will have to be closed I have a serious concern. Because the liaison officers working with the - from we had eleven thousand in sugar or close to twelve thousand in sugar until the mechanical harvesters took over and then we only now have in other areas. The programme is of significance. It is historic because Jamaicans were recruited when they had to have the small planes flying overhead while they were on the ships because it was in the war years when most of the men in the United States they were at war and so the Jamaican workers went, working in the agricultural belts of the United States of America, and in factories turning out war production. I think that - my concern, Minister, I think that there is going to be a serious challenge because the liaison officers for the Farm Work programme, not only that they have to inspect their accommodation to ensure that their accommodation is satisfactory, if a worker should get ill at 2:00 in the morning, and they call the liaison officer, that liaison officer must get out of bed, go to where the worker is living or if they rush the worker to the hospital, and must remain with the worker until he is absolutely sure of the condition of that worker. With due respect - it is not I am not criticizing the government, it is not your fault, but I really believe we will have to point something and I will make a recommendation to you, but I don't want to do it publicly. But I will make a recommendation to see if it is something that could be considered that we could get over one hurdle, because four members of staff will not be able to service that wide area of workers. And workers could; one, get into problems - remember we have to consistently monitor them, monitor the treatment of the workers by employers because we love the programme, but we also always work hard to see to the protection of the rights of the workers. Four members of staff will not able to handle it.

And I will have a discussion with you. It is unfortunate that you are speaking to us that you will meet with us to brief us when you already – you have already done the public briefing. I am quite aware of the programme, I know it inside out, you know it, you know that I know the challenges; you know that I know the advantages and the disadvantages and you know I also understand the implications it could have for Jamaica, if we lose this programme. So I understand. I support the programme fully. I will speak to you and make some suggestions because I do not believe four persons will be able to monitor, with all the best will in the world, or that the interest of the workers will be protected by these few. And I want to have a discussion with you. One, we have to discuss the building because it is owned by the West Indies Farm Work Organization, that housed the liaison officers, the headquarters for the US Farm Work Programme. It is something that we need to discuss and I will make a suggestion to you if it can work to see if we can get over this hurdle that you can have if it can work you would be able to have more people to monitor the programme in the United States.

So at the end of the sitting I will speak to you privately because I don't want to make the recommendation publicly at this time.

Thank you very much for allowing me, Madam Speaker.

Mr. CHARLES: Madam Speaker, I just want to reassure, reassure that the liaison service is not being closed. This could be described as a temporary measure while we continue discussion and seek for more adjustment in rationalizing the thing. So if the embassy is going to have four, there are other consular service, there are other areas in other States belonging to our government and so I don't want to go into the detail either. But I want to make it clear that at this stage we are making contact with the employers for them to make some adjustment. We are making contact at the embassy for them to supervise certain adjustments. And if needs be that the Ministry of Labour has to send inspectors from here from time to time we will do it. But for the time being we will continue discussion on Thursday and probably a week or two we will have a better opening knowledge of where we have to go from there.

The SPEAKER: Member.

Mr. KELLIER: Thank you, Madam Speaker.

The Leader of the Opposition has given her commitment on behalf of the Opposition in respect of our full support for this United States Employment Programme. We have always said and stood ready on this side, Madam Speaker, to give the Minister whatever assistance or advice that he would require for us to give and to cooperate fully. Because as the Leader of the Opposition said, we consider this programme to be a vital one for the people of Jamaica. The fact that he was prompted to bring a Statement here, because of the silence that existed, is to show that the Opposition wanted the information so that we could have this discussion that we are having today; to have this matter properly settled on behalf of the Jamaican workers that are in the United States and those that are here hoping to go there.

He says he has - his intention is to brief us, and I certainly look forward to it because then the suggestions that we want to make we can make it at that time and we would have

hoped if he had called us before then the Statement would be a different type of Statement today. However, having said that, that our cooperation is there, the question that I want to ask, and today we see the tabling of a Supplementary Estimates, it is going to cost Five Hundred Thousand US Dollars to continue to operate this programme. To the best of my knowledge rough calculation tells me that that is about Forty Three Million Dollars or thereabout. The Minister is nodding it is some where there. I don't know whether or not in this book - since this thing is not tomorrow - is now. I don't know whether or not in this book there is anywhere there that that money has been put to keep this service going; because you have stated in here that it is going to cost Five Hundred Thousand Dollars to keep it going. The JCLO offices have been closed technically what - where in here is the money to run the programme? If it is not yet in here, then that is something that you need to look at because it means that all that have been said here mean nothing.

I don't need to go into the things that the office does. Everyone here is well aware, and the Leader of the Opposition said it. Because clearly, the welfare of the workers is of paramount importance and if we can't collect the money at that end we have to find some other way to do it, which we'll discuss after, out of the public's view until we can come to some sensible and workable arrangement that is acceptable on the other side. Because I know from discussions we had long ago, that you know, we're going to run into this problem.

I had hoped Minister that you know, you would've come before us so that we could maybe get rid of some of these hurdles. But since we're going to be having the consultations and the briefings, I will save those remarks for then. The only thing I want to know, where is the money to run the programme? (Laughter)

Mr. PICKERSGILL: Everybody waan know the same thing, where is the money?

Mr. KELLIER: Because the $43 Million that is required that I don't see. And I've gone through this book and I don't see nowhere here, Madam Speaker, that there is an additional $43 Million in there. So maybe the Minister of Finance can help you before the programme close.

Thank you.

Mr. CHARLES: I want to assure the Member that the Ministry of Labour will find the money and does not at this time, intend to ask the Ministry of Finance to adjust any budget. We will find the money. We have...

Mr. PICKERSGILL: What is in it?

Mr. KELLIER: It is not in here.

Mr. CHARLES: We have...

Mr. KELLIER: It is not in here.

A MEMBER: Can he read...

Mr. KELLIER: Him caan read now, it's not in there.

Mr. CHARLES: If you want to meet us - you say in a private briefing...

Mr. PICKERSGILL: Private, private wah?

Mr. CHARLES: We will advise you, but I want to assure you...

(Inaudible comments)

Mr. VAZ: No, you weren't here, the Opposition Leader said she wants to discuss it privately.

Mr. CHARLES: ...that it will be found and that the service will continue. I haven't advised you when, because remember, there

was a budget there - there was a bank account that was left there when we took over from you, so there is still some money in the liaison service.

Mr. PICKERSGILL: Where?

Mr. CHARLES: So when you come, if you want to meet before I go I will open the account and show you, but it will be found without any danger to the Minister's budget.

The SPEAKER: Member Hanna.

A MEMBER: Madam Speaker.

Miss HANNA: Thank you, Madam Speaker.

A MEMBER: Oh, sorry.

Miss HANNA: Minister - thank you, Madam Speaker.

A MEMBER: Three people one time.

Miss HANNA: Minister, at a recent meeting of the Public Accounts Committee last - earlier this year - when the Ministry of Labour sat before us, one of the things that they had said when we asked about the Farm work Programme, is that it had stopped, that it had ceased - that a number of employers - they were not issuing any new cards. And so, Minister, I see here where you say even though the number has been reduced, you managed to - the number now stands at over 5,000. I want some clarification on it. Whether or not if those statements were in fact true, because those of us who are Members of Parliament - those of us who are Members of Parliament are at great pains to try and explain what the current status of the Programme is.

I recognized that this has a tremendous amount of details concerning employee relations et cetera, but as it relates to the Programme itself, is it that you're only taking from the pool of current applicants both for the United States and Canada, or is the Programme going to be continuing where new applications will be given out for persons to be able to apply and cards will be sent out?

Thank you.

Mr. CHARLES: Madam Speaker, let me advise the Member that there are some 7,000 workers, particularly in the hospitality industry that was working in the United States, 3,000 of them were not recalled. Most of the hotels that I'm moving into operation again have been sending back to Jamaica for those workers. So we are not recruiting new workers. The workers who were employed there are now being recalled and we are now at 5,000, there are still 2,000 of those workers who've not yet been recalled.

In addition to that I advise you that there is a pool of workers who've been selected and medical and have not yet travelled. It does not make sense to me to give out more cards and to select more people. And you know, it's a frustration and it's almost dishonest to be selecting people, putting down their names and you know they're not going anywhere.

Mr. GALLIMORE: Hear, hear!

Mr. CHARLES: So we are going to use those who are in the pool first. It's not that the Programme has stopped. I have stopped giving out cards to bring in new workers before we send off those who have been in there before and those who are in a pool.

Miss HANNA: Okay, thank you, Minister, and that is the clarification that we actually wanted, because what is actually happening is, people don't understand that. Because when it is explained that there is a pool and we're actually taking from that pool, I think a time line should be given as to when you believe that pool will actually be sent off, so that those persons who are perhaps asking

for cards can have an idea when new cards will be issued. Because people actually feel, and your Ministry has said that the Programme has stopped because you're taking from the pool.

Mr. CHARLES: I cannot anticipate the crop that will require additional workers. I may get a call later that they need 50 workers, it may be next week, it may be next year, so we keep a pool of workers who've been selected who you have contributed to last year. Every Member in here has workers in the pool. Some have been selected and medical, some have not yet been medical, right, some are frustrated, everyday they come and say, what about me?

Miss HANNA: That's the point.

Mr. CHARLES: Yes. And there are some Members who would want to get some more cards to put more in there, we can't do that, because I am the one getting the bounce. So as soon as we get some new employers making request for new workers you'll be advised.

Mr. JACKSON: Madam Speaker.

The SPEAKER: Yes, Member Jackson.

Mr. D. SMITH: Madam Speaker.

Mr. JACKSON: Minister, I heard you very clearly in your answer to the Member from South East...

Mr. PICKERSGILL: Derrick, not your time.

Mr. JACKSON: ...but I am still not so comfortable in my mind. Yes, you said there are no new recruitment of workers and the persons who are going are from either previously worked, or who are already on the pool. In my own constituency and a number of other MPs - in fact at that Public Accounts Committee meeting, Members on both sides of the aisle indicated the concern as to the transparency of the persons who do go.

I would humbly submit, Minister, or make request, that for those who are being re-invited in much the same way, that when they are being recruited, the Member of Parliament is advised through the solicitation made, that we be made aware, so to ensure greater transparency in the reassignment of persons into the Programme. Because there is the feeling there and it has come to my office on a number of occasions, that notwithstanding the fact that it's announced that there are no new recruitments, persons are being sent anew. So I would love if you could assist me to dispel that perception.

Mr. CHARLES: Mr. Member, you can understand if you're having that problem what about me? Every Member over here...

Mr. PICKERSGILL: That's not a problem.

Mr. CHARLES: ...is at my head that them hear sey people going away...

Mr. PICKERSGILL: But it's true.

Mr. CHARLES: ...and people are flocking their offices for it, right.

A MEMBER: It's true.

Mr. CHARLES: But I want to make the presentation again. Once you supply the names to me and the selection is done and they are put in a pool, they're not PNP and JLP anymore. I don't know who goes anymore. They're in a pool and they're selected - the former Minister will tell you...

Mr. MONTAGUE: They're in a blue pool.

Mr. CHARLES: ...they're now in a pool...

(Heckling/laughter)

Mr. CHARLES: ...so tell you what, some people who just get in get call depending on the alphabet - depending on where they fall.

Mr. PICKERSGILL: Alphabet?

Mr. CHARLES: Both Ministers will tell you...

Mr. PICKERSGILL: Alphabet?

Mr. CHARLES: ...we don't - sometimes when I hear - for example, I've asked them to tell me when the number thirteen thousandth worker - because we propose - we're pretty near that now going away and we will be making a fourth off with that person, you know...

(Inaudible comments by Members)

(Inaudible comment by Mr. Pickersgill)

Mr. CHARLES: I don't know who the person is, I'll probably find out, maybe from your constituency or mine.

Mr. PICKERSGILL: What's the...

(Inaudible comment by Dr. Phillips)

(MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, entered and took his seat.)

The SPEAKER: Member Samuda and Member Smith and

Mr. CHARLES: What's that?

(Inaudible comment by Dr. Phillips)

Mr. CHARLES: Well just like how you match seven plus seven.

Dr. PHILLIPS: Seven and seven is just seventeen.

Mr. CHARLES: You put it near 13,000 enough - up to 13,000, so once you reach 13,000...

Mr. PICKERSGILL: For the year?

Dr. PHILLIPS: Per year?

Mr. CHARLES: Yeah, both Canada and the Unites States.

Mr. VAZ: Thirteen is from Portland.

Mr. SAMUDA: Madam Speaker, based on...

(Inaudible comments)

The SPEAKER: (Gavels) Members.

Mr. SAMUDA: ...based on the Minister's Statement, I think he is in a most enviable position, because what he has indicated from the numbers he has cited is that Jamaica only occupies 3% of the entire American Farm Work Programme of which Mexico, in the category of H2, is responsible for 94% ...

A MEMBER: As a country and not a region?

Mr. SAMUDA: Of the country, one country.

A MEMBER: And not the region?

Mr. SAMUDA: One country.

...represents 94% and the rest of the world is 6% and because of the obvious proximity, we are at 3%.

Now it occurs to me, Madam Speaker, that the Minister has a vast...

Mr. SPENCER: Work to do.

Mr. SAMUDA: ...area of work to be done in order to expand the level of participation in Jamaica. (Applause)

(Inaudible comment by a Member)

The SPEAKER: And your question?

Mr. SAMUDA: And I would like to ask the Minister if he has any firsthand information as to - apart from the obvious proximity that is traversing the border by land - if there is any other reason why this apparent disproportionate volume is coming from one country, when we are indeed so close at a time when we need the employment? So I implore

the Minister to make strong representation on our behalf, to dent the 94% that Mexico is - because Mexico was the country that took away the 807 work apparel industry, when NAFTA was formed - was finalized. And again we have a farm work programme where Mexico, with respect to America, takes up most of it.

Minister, your contribution *via* the H2 is not in the same ratio as the H2B, in that you have a greater percentage of the balance of the H2B coming to Jamaica. What I would like to ask is, what is the differentiation between the H2, which is, I understand, ordinary farm work fieldwork and the H2B, where perhaps we could expand that area if we can't penetrate the H2 category. But all in all, the suggestion that the Farm Work Programme has been discontinued, perhaps because of the infinitesimal percentage of work done by farm workers in America that is controlled by Jamaica is so insignificant, that it might appear that we are finish, but we can't because the scope for expansion is so enormous.

So, Mr. Minister, if you could just give me some enlightening as to the prospects for expanding the H2B, and at the same time, what is the scope for expanding and taking some of the 94% that is occupied by the Mexicans.

A MEMBER: That is a favouritism.

Mr. CHARLES: Madam Speaker, I am not sure that I could give you historically, what is the percentage, it could have been much lower. One time we had a whole - a large quantity, I think 11,000 workers cutting canes in Florida that has been mechanised. But the Member is correct, if we could explore that area and get more Jamaicans in it, it would be very good for us.

I don't want to speculate, I will speak to the Member privately, but I recognize that this is being recorded by **Hansard**. There are certain things that we hear, the Member over there is well aware, the Member over there is well aware, I am aware and I just want to let you know that we are searching for expansion.

The H2B workers have to be our chefs and our first-class hotel workers, every hotel you go you might hear somebody call out, who is that? And if you see a Jamaican they will respond, right. We are again searching for that. The other day we had Montego Bay - people coming into Montego Bay to look for cultural workers, dancers and so forth, so we are trying. But I don't think we'll be able to match the Mexican situation for many reasons that I would want to tell you off the record, because I'm guessing some of them.

The SPEAKER: Thank you very much. I am going to have the last two questions on this now. Member Smith and - Member Kellier, do you want to ask…?

(Inaudible comment from Mr. Kellier)

The SPEAKER: Very well, go ahead. The last question, therefore, Member Smith.

Mr. D. SMITH: Madam Speaker, to the Minister.

Minister, I have had the pleasure of being exposed to the Programme over many years, from South in Florida, from North Connecticut, Vermont, Massachussetts. I would like to ask, Minister, right now, on an average, liaison officers, how many cases do they deal with per month? Number one.

Number two, after rationalization, are you going to be moving from – I didn't get the number liaison officers you currently have, but I think you say you are moving to four.

Mr. CHARLES: From eleven.

Mr. D. SMITH: From eleven to four.

Mr. CHARLES: Permanent.

Mr. D. SMITH: Good. Now, having answered the first question I asked you about the cases on average they deal with, what do you anticipate that each liaison officer of the four, will deal with after the rationalization, from South to North?

Mr. CHARLES: There are some States that don't have a case, and there are some States that have three/four cases in one week. So, it's not that we anticipate all these planned cases. But we will have to watch the situation, and if more arise in Connecticut, we will have to do some dispatch, or use some people from the Embassy or the Consulate in America, or send somebody there. But we guarantee this House that we will be trying as best as possible to protect the interest of the workers.

I cannot give you how many cases we have done, I could look that up and advise you, but I didn't carry that with me today.

The SPEAKER: Thank you, Minister.

ANNOUNCEMENTS

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

- **Ministry Paper No. 55**
  Annual Report and Audited Financial Statements of the Banana Board for the year ended December 31, 2008.
- **Ministry Paper No. 56** and
  Annual Report and Audited Financial Statements of the Jamaica Agricultural Society for the Financial Year 2008/2009.
- **Ministry Paper No. 57** and
  Annual Report and Audited Statements of the Agricultural Credit Board for the Financial Year 2009/2010.
- **Ministry Paper No. 58**
  Cabinet Agenda Issues for July 11, 2011.
- Ministry Paper No. 59
  Cabinet Agenda Issues for July 18, 2011.
- **Ministry Paper No. 60 & 61**
  Cabinet Agenda Issues for July 25 and August 15, 2011, respectively.
- **Ministry Paper No. 62**
  North East Regional Health Authority Area Annual Report and Audited Financial Statements for Financial Years 1999/2000, 2000/2001, 2001/2002, 2002/2003, 2003/2004, and 2005/2006.
- **Ministry Paper No. 63**
  Southern Regional Area Health Authority and Report and Audited Financial Statements for the Financial Years 1999/2000, 2000/2001, 2001/2002, 2002/2003, 2003/2004 and 2005/2006.
- Water Resources Authority
  Annual Report and Audited Financial Statements for the years 2005/2006 and 2007/2008.
- Aeronautical Telecommunications Ltd., (Aerotel)
  Annual Reported Financial Statements for the Financial Years 2008/2009 and 2009/2010.

- Airports Authority of Jamaica
  Annual Reported Audited Financial Statements for the Financial Year 2009/2010.
- National Works Agency
  Annual Report and Audited Financial Statements for the Financial Year 2006/2007.
- Port Authority of Jamaica
  Annual Report and Audited Financial Statements for the Financial Year 2009/2010.
- Port Authority
  Annual Report and Audited Financial Statements for the Financial Year 2009/2010.
- Port Authority Management Services Limited
  Annual Report and Audited Financial Statements for the period July 2007 to March 2009.
- Rural Water Supply Limited
  Annual Report and Audited Financial Statements for the Financial Year 2007/2008.
- Milk River Bath
  Annual Report and Audited Financial Statements for the years 1998 to 2005.
- Overseas Examinations Commission (OEC)
  Annual Report and Audited Financial Statements for the Financial Year 2009/2010.
- National Report of Jamaica Millennium Development Goals for the UN Economic and Social Council Annual Ministerial Review (Geneva, July 2009).
- Auditor General's Information Technology
  Audited Report of Fiscal Services Limited.
- Jamaica Foundation for Lifelong Learning
  Annual Report and Audited Financial Statements for the Financial Years 2008/2009 and 2009/2010.
- Statement C – Actual Expenditure from the Consolidated Fund Principal Bank Account as Compared with the Estimates of Expenditure for the Financial Year ended March 31, 2010.
- Certified Appropriation Accounts for the following Agencies:
  - His Excellency Governor-General and Staff 2009/2010.
  - National Land Agency 2009/2010.
  - Customs Department 2009/2010.
  - Tax Appeals Department 2009/2010.
  - Tax Administration Services Department 2009/2010.
  - Ministry of National Security 2009/2010.
  - Chief Parliamentary Counsel 2009/2010
  - Ministry of Foreign Affairs and Foreign Trade 2009/2010
  - Office of the Prime Minister 2009/2010.
  - Ministry of Energy and Mining 2009/2010.
  - Office of the Prime Minister – Local Government Department 2009/2010.

- Office of the Prime Minister – Local Government Department 2008/2009.
- National Land Agency 2003/2004 and 2004/2005.

Rev. THWAITES: Madam Speaker, Madam Speaker, in respect of the documents laid on the Table of the House, I wish to indicate three concerns.

One…

The SPEAKER: Member, we are not through with the Announcements.

Rev. THWAITES: I beg your pardon.

Mr. SHAW: Madam Speaker, I beg to lay on the Table of the House a copy of The First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2012.

And a copy of the Revised Estimates of Revenue and Expenditure for the Jamaica Public Bodies, for the year ending March 31, 2012.

The SPEAKER: Thank you.

Rev. THWAITES: May I be heard?

The SPEAKER: Yes.

Rev. THWAITES: Madam Speaker, there are three concerns. One, in the Announcements, it was the rubric established by your predecessor - and I hope will be followed by you – that where the paper of the Report, the hard copy is not available we would be told where the announced item is going to be. In the raft of announcements just made we have no such information. One.

Two, in respect of the National Works Agency's accounts, a very important agency of Government, I cannot find among my papers that particular Report, which I would have thought would have been much more important than many of the others that we have in fact have circulated.

And thirdly, Madam Speaker, would you ask the relevant Minister to please address us why the extremely important and expensive Regional Health Authority's should be over ten years, in some instances, in their reporting mechanism? These are areas where large sums of money are expended, where the issues of the public are intimately concerned, and where we, the Parliament, the custodians of the people's funds, yes, people responsible for the service that the State gives them, must wait ten years, Madam Speaker, in order to get Reports. This is unacceptable government. I ask you to address – to allow the appropriate Minister to address it right now, Ma'am.

The SPEAKER: Member, I don't know. I don't think – I am looking around and I don't think that the Speaker has any particular privilege. But apart from the stack of paper, I have a stack of CDs sitting in front of me. I don't know if you have checked to see whether or not some of the things that you are asking for are not included there.

Rev. THWAITES: Madam Speaker, I thank you for that. Indeed, the National Works Agency's Report is here.

The SPEAKER: I thought so.

Rev. THWATIES: But in the Announcement it would be very helpful if it could be just simply itemized so that we do not have to go on a detective search.

The SPEAKER: We will try and do that. You don't have to do a detective search, it's right in front of us. But I take your point.

Rev. THWAITES: Could you deal with the other matter that I have raised, with regard to the Health Authorities?

The SPEAKER: I am looking around for the Minister of Health, and unfortunately, I am

not seeing him at all. He is not in the House at the moment.

Rev. THWAITES: Well, is there anybody who can assist him?

The SPEAKER: No, I don't see…

Rev. THWAITES: So, would you give me leave at the next sitting? …must wait until he is here – but maybe it should be raised on that occasion.

The SPEAKER: Member, I don't think that is the position. He was in here at the beginning and he was sitting here. I cannot say for what reason he is out, but we will address it.

Rev. THWAITES: No, I am not blaming him. I am asking for leave to deal with it when he is here.

The SPEAKER: Yes, very well.

Rev. THWAITES: And I am concerned that - I felt that he would have raised something like this. Ten years!

BILLS BROUGHT FROM THE SENATE

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

TO THE HONOURABLE HOUSE OF REPRESENTATIVES:

I have the honour to advise the Honourable House of Representatives that on the 22nd day of July, 2011, and the 28th day of July, 2011, respectively, the following Bills were passed in the Senate:

- Bill shortly entitled
  The Tourism Enhancement (Amendment) Act, 2011.

Passed on the 22nd day of July without amendment.

- Bill shortly entitled
  "The Travel Agencies Regulation (Amendment) Act, 2011"

Passed on the 28th day of July, 2011, without amendment.

- Bill shortly entitled
  "The Interception of Communications (Amendment) Act, 2011"

Passed on the 28th day of July, 2011, with one (1) amendment, for which the Honourable Senate desires the concurrence of the House of Representatives.

And the amendment is:

In Clause 3 delete the clause and substitute therefor the following:

Amendment of section 15 of the principal Act and that section 15 of the principal Act is amended –

(a) by inserting in subsection (2), next after the words *"commits an offence"*, the words *"whether the disclosure takes place in Jamaica or elsewhere".*

(b) by inserting the following at subsection (4):

"In the case of an offence under subsection (2), where the disclosure takes place outside of Jamaica, the Resident Magistrate's Court for the Corporate Area shall have jurisdiction to hear the matter".

I also have the honour to advise the Honourable House of Representatives that on the 22nd day of July, the Senate concurred with the House amendment to the Bill shortly entitled: The Custos

Rotulorum Act, 2011.

Signed: Oswald G. Harding
President of the Senate.

Mr. CHUCK: Madam Speaker, I beg to give notice that at the next meeting of the House I will move that the Senate's amendment to the Bill entitled The Interception of Communications (Amendment) Act, 2011, be approved.

NOTICES OF MOTIONS GIVEN ORALLY

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

BE IT RESOLVED that the First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2012, and the Revised Estimates of Revenue and Expenditure for the Jamaica Public Bodies for the year ending March 31, 2012, which was laid on the Table of the House on the 30th day of August, 2011, be referred to the Public Administrations and Appropriations Committee for consideration and report.

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.

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

BE IT RESOLVED that with reference to the motion approved by this Honourable House of Representatives on the 14th day of April, 2011, appointing the Public Administration and Appropriations Committee, and notwithstanding Standing Orders 68(3), that the names Sharon Hay-Webster, Laurence Broderick and Neville Gallimore, be added thereto, and the name Robert Montague be deleted therefrom.

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. WARMINGTON: Madam Speaker... Mr. House Leader, can you ask for the...

Mr. HOLNESS: That's what I am…

Mr. WARMINGTON: Three o'clock has passed.

Mr. HOLNESS: Yes, so….

(*Sotto voce* comments)

Mr. WARMINGTON: That's what I am asking.

(Laughter)

Mr. JACKSON: Madam Speaker, I crave your indulgence. In respect to the motion moved by the House Leader on the additional membership to the Public Appropriations and Administration Committee, I would have thought, that in terms of the numbers where you have some net addition, some consultations would have been made regarding adding Members from the Opposition consulting with the Opposition on any additional membership.

(*Sotto voce* comments by some Members)

Mr. JACKSON: There is an interest in that regard.

Mr. SHAW: No Member of the Opposition was mentioned.

(Laughter)

Mr. JACKSON: That's the very point. Madam Speaker, that's the very point - is that there is an established ratio, in terms of Government and Opposition. And, out of convention and protocol, Madam Speaker, that there would have been some consultation. It is the norm that in these matters, they are not unilaterally pursued by the Leader of the House, but certainly consultation takes place. I am merely inviting that that convention be preserved.

Opposition MEMBERS: Hear, hear!

(Applause)

Mr. HOLNESS: Madam Speaker, the Member pointed out that there is a certain ratio to be maintained. I believe, Madam Speaker, that in the action that I have taken, that the ratio is maintained. One Member that was added, Madam Speaker, is not a member of the Government, or a member of the Opposition, so declared.

And so, Madam Speaker, I believe that the ratio has been maintained by the addition of one Member. On the Government side you now have one independent Member and the Opposition Member.

Mr. VAZ: Madam, you always need balance in everything you do. Everything you do you need balance.

Mr. JACKSON: Madam Speaker, I will not pursue these things be construed as a contentious matter. But, I will just say that I will have dialogue with the House Leader in this matter so that we can have it resolved.

The SPEAKER: Very well. Thank you very much.

Mr. HOLNESS: Madam Speaker, the point that the Member made regarding consultation is not one that is assailable, so we will have consultation on the matter. But just for the fact, is that the ratios have been maintained.

The SPEAKER: Thank you. We don't have a clock in front of us but I suspect we have gone past...

Mr. HOLNESS: Madam Speaker, once again, we have been and we have taken up significant time in Statements which goes back to my original point I always make, that we have to keep Statements the responses to Statements tight. And, Madam Speaker, it is making it very difficult.

The SPEAKER: Except that I will say, Member, that the Statements that were made today were of real national interest to most people; the one with Digicel and the one with the farm workers. So, I know that we went a little over, but I felt that they were two matters that needed to be aired.

Mr. HOLNESS: Madam Speaker, just for the record, we spent approximately two hours on Statements. That being the case, Madam Speaker, I will now move for the suspension of Standing Orders to enable us to...

Dr. PHILLIPS: You said you added, in relation to the matter that has been raised by the...

The SPEAKER: Are we going back?

(*Sotto voce* comments)

The SPEAKER: We had passed... Yes, I am sorry.

Dr. PHILLIPS: Okay.

Mr. HOLNESS: Madam Speaker, I now move for the suspension of Standing Orders to enable this House to take questions beyond 3:15.

The SPEAKER: The question before the House is that there is a suspension of the Standing Orders to allow us to take questions past 3:15.

Put to the House and agreed to.

The SPEAKER: Passed.

SUGAR INDUSTRY

Mr. WARMINGTON: Madam Speaker… Madam Speaker, I beg to give notice that at the expiration of 21 days, I will ask the Minister of Agriculture and Fisheries, the following questions:

(1) Will the Minister state the amount of money invested by the Government in the Sugar Industry over the past ten years, through, but not limited to loans, grants, subsidies, lines-of-credit, loan guarantees?

(2) Will the Minister state how much of the above stated funds have been recovered by the Government to date?

(3) If all of the funds have not been recovered, now that the Government owned factories have been divested, will the Minister state how the outstanding balance will be recovered?

(4) Will the Minister state how many tons of sugar has been produced by the government owned sugar factories over the past two seasons?

(5) Will the Minister state how many tons of sugar has been produced by the Government-owned sugar factories over the past two seasons?

(6) Will the Minister state how much of the sugar produced in these factories over the past two seasons have been exported?

(7) Will the Minister state the countries to which sugar was exported?

(8) Will the Minister state at what the cost per ton was sugar sold to these countries?

(9) Will the Minister state how much sugar has been imported for domestic use and the cost per ton, over the past two years?

(10) Now that the Government has divested its sugar holdings to a Chinese company, how much of the sugar produced by this company will now be exported to the countries stated by the Minister in answer to Question 7 above?

LAND TITLES/MANCHESTER

Mr. JACKSON: Madam Speaker, on behalf of the Member from Central Manchester, I beg to Table these questions standing in his name to be answered at the expiration of 21 days.

(1) (a) Is the Minister aware of the extraordinary delays in the issuing of land titles to residents of Manchester who have been relocated by bauxite/alumina companies?

(b) If the answer to Part 1 is in the affirmative, and given the importance of land titles for business, will the Minister please indicate how many individuals in Manchester are still awaiting titles for the lands they were relocated to, by year of purchase/relocation and relevant bauxite/alumina company?

(2) Will the Minister please provide this Honourable House with the rehabilitation status of mined-out lands, by community, year of completion of mining and the number of hectares of land in areas?

Rev. THWAITES: Madam Speaker, at the expiration of 21 days, I wish to ask the Minister of Finance, the following question:

Question: Why not use Jamaica Stock Exchange as a vehicle for divestment of public enterprises?

FISH – LION FISH

Rev. THWAITES: Madam Speaker, at the expiration of 21 days, I wish to ask the Minister of Agriculture and Fisheries, the following questions:

(1) Has the Minister received reports that Lion Fish are being discovered in fish sanctuaries and that human predators are decimating many sanctuaries as well?

(2) What is the volume and dollar cost of fish imported annually?

(3) What is the plan to reduce this level of imports?

Madam Speaker, at the expiration of 21 days, I wish to ask the Minister of Finance, the Minister of Agriculture and Fisheries, and the Minister of Justice, the following question:

Question: Will the Minister of Justice table the opinion of the Solicitor General which he told Parliament provided the basis of his assertion that the Constabulary Force (Interim Provision, Provisions for the Arrest and Detention) Act 2010 and Resolution 2011 are consistent with the Constitution?

Mr. HOLNESS: We have prepared, for answer, question Numbers 10 and 11, asked by the Member from South St. Andrew of the Minister of Finance. Those questions are ready and we now table them.

(*Sotto voce* comments)

Mr. HOLNESS: Question Number 17, Madam Speaker, is also ready. Question Number 17 is from the Member from Portland Eastern, asked of the Minister of Education. I have those answers prepared.

Question 19, standing in the name of the Member from St. Catherine South Eastern, that is ready. The question was originally posed, I gather, to the Prime Minister, but there has been a change in the portfolio Minister, so the question will be answered by the Minister of Housing. And the Member from Central Kingston also posed a question to the Prime Minister. That will be answered by the Minister of Housing as well.

Madam Speaker, questions 10 and 11, the Minister of Finance has indicated that he will table those questions, seeing that the Minister is…

The SPEAKER: The answers.

Mr. HOLNESS: He will table those answers, rather, seeing that the Member is not here. I am prepared to answer question Number 17.

Mr. JACKSON: Madam Speaker, in respect to the tabling of the questions in 10 and 11, standing in the name of the Member for South St. Andrew, given his absence from the sitting and the fact that these questions were long outstanding, is it the understanding that the Member, upon being present, will be able to ask any supplementary questions to

those answers that are being tabled?

Mr. HOLNESS: Madam Speaker, the Minister has indicated that he is open to follow-up questions.

Mr. JACKSON: Thank you.

The SPEAKER: Member, you will answer…

Mr. JACKSON: Madam Speaker, I note that the House Leader indicated a number of the questions outstanding to be answered, and has omitted question 18, standing in my name, which has been outstanding for some time, and to which he has given no indication if it will be answered at all, and if so, what is the rescheduled time. And I say that, Madam Speaker, given the undertaking given by your predecessor that the deadline for answering questions will not be breached in a willy nilly way as it has been in the past. Could the House Leader indicate the status of 18, and also all others that might be overdue?

Mr. HOLNESS: Madam Speaker, I would undertake to ensure that question Number 18 is answered next week.

(*Sotto voce* comment)

The SPEAKER: Next week he said next week. Very well.

(*Sotto voce* comments)

Dr. CHANG: Next week is always next week.

The SPEAKER: Member, you can go ahead then because...

Mr. HOLNESS: Madam Speaker, the Member from Eastern Portland could now ask his question.

The SPEAKER: Yes, go ahead, Member Rhodd.

Dr. RHODD: Madam Speaker, I would like to ask the Minister of Education, questions listed on the Order Paper – on the Question Paper, rather, under my name.

Mr. HOLNESS:

Question 1: Will the Minister state the location of the new school to be constructed in Portland?

Answer: The proposed new school is slated to be constructed at Fellowship in Portland. Initially, the proposal was to upgrade initially, the proposal was to upgrade the Fellowship Primary and Junior High and construct a new primary school. This proved not to be viable as the cost for the infrastructure work...

Miss HANNA: Continue…

(*Sotto voce* by Mr. Vaz)

Mr. HOLNESS: No, well, that's the courtesy.

(Laughter/*Sotto voce* comments)

Answer: This proved not to be viable as the cost for the infrastructure work was prohibitive because of the existing soil conditions, as well as the proximity to a stream which frequently overflows onto the land. Hence, the Ministry moved towards the acquisition of another site which is more suitable for the construction of a school. In this search, the only parcel of land which was found to be available was a parcel which adjoins the

school and belongs to the Anglican Church.

Question 2: Has work commenced on the acquisition of the land for the school and the planning for the project?

Answer: Yes, the work has started on the acquisition of the site and preliminary designs have been done. And we are open to share those designs if the Member wishes to view them.

Question 3: If the answer to question 2 is in the affirmative, what is the projected schedule for the implementation of the project?

Answer: Negotiations were taking place with the Anglican Church for the acquisition of five acres of land adjoining the Fellowship Primary and Junior High. The church did a valuation of the property and the Commissioner of Lands was also requested to do a valuation on the said property. The valuation done by the church was much more than that done by the Commissioner of Lands.

Based on the valuation of the Commissioner of Lands, the Ministry made an offer to the church which they rejected.

Some time has elapsed since the last valuation was done so the Commissioner of Lands was asked to do another valuation on which the Ministry now awaits.

In addition, there were issues with the title. The property consists of three parcels of land for which there are three separate titles. The church had sold a portion of the land and this was not recorded on the title for that parcel of land. This issue is also to be settled by the church. As soon as these issues with the land are settled, the pre contract activities will begin.

Question 4: Will the new school, when constructed, be a traditional or a technical high school?

Answer: The proposal is for the school to be a high school.

Question 5: What will be the enrolment of the new school?

Answer: The enrolment of the school was proposed to be 900. However, with the reduction in class size, the school should accommodate 800 students.

Dr. RHODD: Madam Speaker, may I be allowed to ask some supplementary questions?

The SPEAKER: Certainly, go ahead.

Dr. RHODD: First of all allow me to thank the Minister for his answers and for hearing that a new school will definitely be built in Portland.

The timeline, however, Madam Speaker, in terms of a schedule still remains very vague. And I would ask respectfully that the Minister speaks more, in more detail to this.

And I am pressing this point, Madam Speaker, against the background of children travelling over thirty-five miles in the case of my constituency, and in the case of my colleague from Western Portland to Eastern Portland over forty miles for example from the Rio Grande Valley to Happy Grove High School in the eastern section of the constituency and from sections of West Portland over forty miles to the same Happy Grove or thirty odd miles to Titchfield. So therefore, we have some serious issues of children not attending school for more than two days or three days in every week. And although they are on the PATH Programme they cannot qualify sometimes to get the PATH because they are not at school because a part of the criteria is that you must be in school to access the PATH benefit. So therefore you have a chicken and egg situation of children not attending school so they cannot access PATH because the parents cannot afford to send them every day travelling thirty-five miles to school. And then you have the effect, Minister of children not being able to study, not passing their exams, fatigue and performance. So I am asking you, impressing upon you to address that, that is the first question.

Now the second question has to do with other lands identified at Passley Gardens, which is in your jurisdiction essentially because it is a part of the CASE property under the jurisdiction of the Ministry of Education already. And the question is, are you looking at that and what is the agenda again, the schedule to deal with the proposed school for that property?

And thirdly, you also have a property in Fair Prospect for which a plan was already approved, a contractor approved and construction should have started over two years ago. What is the timetable again for the construction of that school? So we have some serious challenges in relation to three schools needed and we still need some detail based on the serious socio-economic issues I have pointed to which affect the quality of life, the quality of the education for the families in the consistency of Eastern Portland, the parish of Portland on a wider scale.

Mr. HOLNESS: Madam Speaker, the plea of the Member from Eastern Portland is one to which I am very sympathetic. I have studied the numbers for Portland and Portland is sadly lacking in high school places. They have sufficient primary level places. There are many issues with communities that have lost population and others that have grown. So where there are schools in those communities that have lost population, those schools are at the primary level under populated whilst there may be others in other areas that are over populated. But all high schools in Portland are over populated, Madam Speaker. In fact, where the high schools are located, Happy Grove that is in your constituency Member, Titchfield in your constituency, Buff Bay High is in Minister Vaz's constituency, those schools are all overcrowded. And I have made a commitment, Madam Speaker, that we will build a school in Portland. We were pursuing we are pursuing Fellowship as a location.

I am not opposed in principle, Madam Speaker, to the suggestions made regarding the possibility of using lands at CASE as a potential location; and I would say in this House, Madam Speaker, that I would entertain any suggestion from both Members, in

Portland, as to whether or not we should move from Fellowship to CASE if the Ministry would entertain such a proposal.

As it relates to time line, Madam Speaker, I know the Member is anxious and would want to see a school built during his tenure as Member of Parliament, that I could not guarantee, Madam Speaker, but I would say…

(*Sotto voce* comments by Mr. Pickersgill)

Mr. HOLNESS: No, it is not one of the three. But, Madam Speaker, we have a plan which we will lay out for the construction of 15 new high schools, Portland is one of those schools. It depends largely, of course, on our ability to – the budget constraints, Madam Speaker.

I assure you, Madam Speaker, that this Minister of Education will build a high school in Portland.

Madam Speaker, the timeline certainly depends on us getting the fiscal space to do the construction project. And I would say, Madam Speaker, that within two years we should be able to break ground for a school in Portland. It is considered a priority project, Madam Speaker. It is one of the areas in which I pointed out at the JTA conference that we have critical concerns about. So Portland is in line, Madam Speaker, to get a new school. As to the location, I am open for discussions. Both Members have said that lands at CASE would be a better location, I am open to that suggestion.

Dr. RHODD: Madam Speaker, my final intervention on this matter. Just to - permit me to just remind the Minister that we are on record, Minister Vaz the Member from West Portland and myself, of having written to the Minister, so it is on record in terms of the proposal for Passley Gardens both of us have signed that.

And secondly, Madam Speaker, the issue of the technical school, a high profile member of your Ministry, Minister spoke about all parishes having a technical school. We don't have a technical school in Portland and I am also appealing to you to correct that matter in the shortest possible time, because you know the value and all of us here of technical education. We need a technical school in Portland. (Applause)

Mr. HOLNESS: Once again Madam Speaker, technical schools have done very well; when we do our evaluation of the technical schools they have all performed very well. Once again, if the Members are so convinced that the type of school that should be built is a technical school, the ministry is willing to facilitate that as well.

The SPEAKER: Very well, thank you.

Mr. HOLNESS: There are more questions to be answered.

Mr. FAGAN: May the Minister answer questions standing in my name?

The SPEAKER: Very well, Minister Chang.

NSWMA

Dr. CHANG: Answers to questions tabled by Mr. Fagan July 12.

Question 1: Can the Minister state what, if any, is the protocol which governs the determination that the National Solid Waste Management Authority should compensate the families of the staff members who died in an accident while

being transported to a job site in St. Ann to include paying for funeral arrangements?

Answer: Staff Orders, Section 7.17.5 - upon the death of the employees states:

(i) upon the death of an employee while in service, a sum equivalent to the salary, allowances all accumulated vacation leave and recalled leave to which he or she would have been entitled shall have be paid to his/her legal representative.

(ii) Payment shall be made at the rates prevailing at the time of death.

The Government Staff Order as stated above will be complied with after an enquiry into the accident is carried out for the temporary or seasonal workers.

Mr. FAGAN: Madam Speaker, on a point of order. I am not privy to a copy of the answers given by the…

Mr. SHAW: What happen to your hearing capabilities?

Dr. CHANG: Sorry, my apology Member. You are getting the copy now Member from South East.

The Government Staff Order as stated above will be complied with after an enquiry into the accident is carried out for temporary and seasonal workers.

In instances where there is no named beneficiary the Administrator General will be advised to determine who should receive the benefit.

The NSWMA also has a group life insurance policy in place to compensate families of permanent employees.

In the case of death of an officer while in the performance of or the result of circumstances specifically attributed to his/her duties, the NSWMA is guided by the Ministry of Finance and the Public Service Circular No. 22 Ministry of Finance No. 11183 dated September 28, 2009 - revision of funeral grant which dictates the applicable funeral grant amount to be given for stated officers.

The temporary seasonal workers who do not qualify under the circular are provided with assistance through our own source revenue subject to the approval of the Board of Directors.

Question 2: Can the Minister further state, if families are compensated, what is the process used to determine the extent of the compensation?

Answer: Please see answer to Question I.

Question 3: Can the Minister state what are the protocols which governs with respect to

insurance and licensing of vehicles used to transport NSWMA teams and equipment across the island to do various projects?

Answer: The NSWMA-owned vehicle use to transport workers as well as tools and equipment are comprehensively insured and licensed.

Private vehicles hired by the NSWMA to transport workers are required to be licensed and insured as public passenger vehicles.

In the event of an accident the worker can claim against the NSWMA's public liability insurance for employees and also make their own claim to the insurance company of the public passenger vehicle.

Question 4: Can the Minister finally state whether the appropriate insurance and licensing protocols have been adhered to?

Answer: Yes, the NSWMA has submitted a claim to the insurance company.

Mr. FAGAN: Madam Speaker, I want to thank the Minister for the answers but I have a few questions.

Firstly, the matter of those persons who were involved in the accident, were these persons permanently employed? Because you spoke to the fact that the employed persons would be the persons who benefit from the insurance coverage. I want to find out if those persons were permanently employed, and how many of those persons were permanently employed?

Secondly, Minister, the matter of insurance and public passenger vehicle, my understanding is that the this vehicle, the vehicle that was carrying the workers at the time, was a vehicle that had what we call yellow plate, government's licence plate, which would not be a public passenger vehicle. What is the process of compensation? You have not referred to that in your answer, so I would like to understand where you are going as far as the persons who were involved in the accident. Because at that time those persons were travelling in the vehicle, they were travelling in a vehicle that was not a public passenger vehicle.

Dr. CHANG: In the first instance, Member, I will have to get the detailed information from you. As indicated, those four who were not permanent employees would gain benefit in a number of areas. One from own source revenue for funeral expense, after discussion of course with the Ministry of Labour and, they could of course claim on the insurance company, public liability insurance company.

In terms of the vehicle, well if I am to interpret the answer correctly I have here would suggest that they were insured, if they are not, I will certainly check for confirmation that the vehicle was a public vehicle and if it is a public vehicle with a yellow plate as indicated by you, it would mean they would have to be compensated from the Consolidated Fund after claiming through the Solid Waste Authority. But again, I don't have that information and I will check to confirm if that is so.

Mr. JACKSON: Minister, further to Question 3, you indicated in your answer, the written answer that the NSWMA is required to, is required to have the vehicles, transporting vehicles duly insured. One of the very point I would like to have verified, if not now, but in your follow-up answer to the Member is, in the instant case, was that vehicle licensed, private vehicle, licensed and insured to carry passengers? Because in your answer you said, they are required, but we don't know if it actually prevailed in the instant case.

Dr. CHANG: I have to assume that the requirement was met when they were hired. But again, I will check and ensure that that was so and if it was not so I'll inform the House and you can give follow-up questions. But based on the answer I have here, from the information I have is that they were so insured. If they are incorrect, I will certainly check and inform you.

Mr. JACKSON: And those supplementary answers, Minister, will be provided by....

Dr. CHANG: I'll provide them to you by next week.

Mr. JACKSON: By next sitting?

Dr. CHANG: Next sitting.

Mr. JACKSON: Thank you.

Dr. HARRIS: Madam Speaker, a follow-up question to the Minister.

Minister, the NSWMA has a practice of transporting workers over large distances to work.

Dr. CHANG: Long distances.

Dr. HARRIS: Over long distances. I was wondering if this would not increase your exposure to this type of accident in an unnecessary way. And the question is, again, when will this practice stop?

Dr. CHANG: Ahm, you have asked a very relevant question, Member. I am aware of the situation and we are looking at it at this point in time. When I did so, as a Member of Parliament who was affected by the same events, I was told that there is a team of people who travel and workers who are fairly, extensively trained in landscaping and that they are taken across the island and workers locally added to the team who do regular work.

It is of concern and we are discussing the issue and I think, based on a number of other events surrounding - in terms of the financing and so forth, we may have changes, but I will certainly....I have taken note of the issue. It's of some concern to me as much as you, because my constituency is also affected and we will discuss it and so inform you at another time. (Laughter)

Dr. HARRIS: Minister, Minister, I cannot tell you that it is impatient of resolution...

Dr. CHANG: Yes.

Dr. HARRIS: ....because it is a contentious issue, it is a, it is a....

A MEMBER: Topical issue.

Dr. HARRIS: ....topical issue... (Laughter) .... and it is - it has the potential to just explode, Minister. I would wish that a resolution would be in short order coming, sir.

Mr. SPENCER: Next week. Next week.

Dr. CHANG: Thank you, Member.
It is not contentious across the floor. You have uniformed concern and therefore, I will seek to make some adjustments to the matter. All right, sir.

Mr. FAGAN: Madam Speaker, can I have

the last - the final question?

(*Sotto voce* comments by Members)

Mr. FAGAN: Madam Speaker, I was a little surprised to find that the Minister of Water and Housing is answering these questions. What I know is that the Councils, though they may have gotten some verbal communication, nothing formal has gone to the Councils to say that there has been a shift of Ministry from National Solid Waste to the Ministry of Water and Housing.

I trust that the Ministry will move speedily to have that matter corrected and have some consultation with the Councils.

Dr. CHANG: Thank you, Member, from St. Catherine. I will certainly inform the Councils officially and seek to consult with them. It's a very critical issue and the local authority is very important in the question of waste collection. At an official level it was gazetted and I think that's where was. It was formally gazetted and transmitted to the public that Solid Waste Authority is part of the environment portfolio and that's how it is operated.

The SPEAKER: Two final questions on the matter, Member Peart and then....

Mr. M. PEART: I would like to know if the Minister has taken the necessary steps to ensure that transporting people is done in the proper manner, in properly licensed vehicles to do so, not in dump truck backs and pick-up trucks and things like that?

Dr. GUY: Thank you, Madam Speaker. It's not so much a question, Mr. Minister....

The SPEAKER: But it's a question that we are allowing you to.

Dr. GUY: It's just an observation on something that I think that you as the Minister with portfolio responsibility ought to look into. If it's.....

The SPEAKER: Member, I am going to ask you to be very concise.

Dr. GUY: No, no, it is something that is also will be of benefit to you, Madam Speaker.

The SPEAKER: Please!

Dr. GUY: It is the practice of the people who use the whackers on the road with motor vehicles coming on. There needs to be a protocol, because it has been affecting a lot of motor vehicles, especially the windscreen and the glasses in the vehicle, and if a directive could be given to those workers, that they need to ease up off the throttle when motor vehicles are passing, because it has been doing a lot of damage and it is costing the taxpayer a lot of money.

Dr. CHANG: Very important. Madam Speaker, I take not of both comments, and will certainly have discussion with the management to see if we can correct it.

The SPEAKER: Thank you very much, Minister. No other question.

Mr. HOLNESS: One more, Madam Speaker.

The SPEAKER: One more. Who is that?

The Clerk: Reverend Thwaites.

The SPEAKER: Who is that, who is supposed to..... Reverend Thwaites.

(Laughter)

The SPEAKER: Maybe because he stood up so many times today, I didn't realize his question was not answered. I am sorry about that.

Rev. THWAITES: Madam Speaker, would the Honourable Minister who now has responsibility for land be kind enough to

answer Question 20 on the Question Paper?

Dr. CHANG: Madam Speaker, first of all, let me apologize. I am not sure the hard copies are here yet, and if the Member don't mind I will....

Rev. THWAITES: Sure.

Dr. CHANG: .....read from... ...and also send him an email, if he so choose, to give his address. First question

Question 1: Will the Minister say how many registered titles have been issued under the Registration of Titles, Cadastral Mapping and Tenure Clarification (Special Provisions) Act, 2005 since its passage?

Answer: The total number of registered titles issued since the passage of the Act, stands at 3,023 as at August 29, 2011, 3,023.

Question 2: Are the provisions of Section 10 of the aforementioned Act being utilized sufficiently so as to increase the issuance of registered titles to persons who are in **adverse possession?**

Answer: Classic adverse possession by the Registration of the Titles Act, speaks to a claim to land where a Certificate of Title has already been issued.

Section 10 of the Registration of Titles, Cadastral Mapping and Tenure Clarification (Special Provisions) Act, has not only assisted persons claiming titles by way of adverse possession in the classic sense, but also those persons who are claiming title to land by simply being in possession for a period of twelve (12) years. The Act also allows persons who have entered into possession by way of sale gift, under a Will that has not been probated or without a Grant of Administration, to be able to claim title by way of **adverse possession.**

Of the 3,023 registered titles issued as at August 29, 2011, 2,987 are for first title registration. Of this 2,987, approximately 85% is of persons in adverse possession where no title previously existed.

Question 3: Can the Minister indicate the progress towards achievement of Government's stated policy to issue and distribute registered titles to as many owners and occupants of land as are due to them or who can pay for them?

Answer: Steady progress has been made in this area, with various partnerships being forged with a view to achieving Government's stated policy. The LAMP 2 Project, in conjunction with the Korea Cadastral Survey Corporation and Geoland Title Limited in the parishes of St. Elizabeth and

Manchester, is one such initiative. The partnership seeks to bring surveying and titling services to members of the public at a reduced cost. Additionally, other areas of collaboration have been forged with the National Housing Trust (NHT) and other financial institutions, in order to provide financing for the payment of fees for land titling services. LAMP has also signed a Memorandum of Understanding with the Peoples Cooperative Banks, in order to ensure that its reach extends to rural communities in Jamaica. Memoranda of Understanding are also pending, in respect of work to be done with Noranda Bauxite Company in the St. Ann area and Jamalco Bauxite Company.

Some work has also been done with the National Irrigation Commission, to assist farmers in obtaining titles in the IDB project areas of Colbeck in St. Catherine, Yallahs in St. Thomas and New Forest in Manchester. Additionally, the parishes of St. Ann, St. Mary and Portland have been declared LAMP project areas.

Rev. THWAITES: Madam Speaker, will the Minister acknowledge that we are talking about 400,000 or so parcels of land, which require titling in Jamaica, that's one.

Secondly, while the - we are very glad that there is 3,000 that have been issued over six years or five years, to be conservative, for this falls far....

(*Sotto voce* comment by a Member)

Rev. THWAITES: Whatever you wish. ...these fall far short of the necessity to empower people with titles to land, so that they can see to their own development and increase personal and national growth.

And thirdly, would the Minister acknowledge that the provisions of Section 10(1)(B), of the Registration of Titles Cadastral Mapping and Tenure Clarification's (Special Provisions) Act, is being insufficiently recognized by the Referees of Title, and who are insisting on much longer periods of possession than the 12 years stated there, and that the two pieces of legislation need to be brought into congruence to the benefit of those who have been in possession for the period in the more modern and enlightened Act, the Registration of Titles, Cadastral Mapping for short.

And further, will the Minister agree that the provision of possession for 60 years before title runs against - adverse possessions runs against the Crown is unconscionable, having regard to the large deposits of Crown lands and lands owned by public bodies, which are under utilized in Jamaica, and which, in fact, provide a reservoir of potential production for our people, our landless people.

And further, can the, can the - will the Honourable Minister agree that indeed, the process towards land titling could be greatly facilitated by the necessary legislative and

minor legislative and administrative changes, which empowered, which first trained - recruited, trained and empowered survey technicians, Madam Speaker, so that the task of land titling or land surveying in the absence of an island-wide cadaster could be, nonetheless, advanced.

Dr. CHANG: I am beginning by taking the last questions, it's the easier and it comes at the end memory is fresh on that. (Laughter) But we have in fact had discussion with the Government of Korea and those discussions - I have been assured by the Planning Institute - have come to a positive conclusion, which they will be funding LAMP, second Phase of LAMP 2 to provide an island-wide Cadastral Mapping and the issuing of titles for unregistered property.

I am still a little bit being educated on the defense, but I know that part of the problem the Survey of Titles have been giving - the Titles Office has been calling for the slow titling, because we have had very little problems in terms of subdivision titles for say, informal settlements from the Ministry of Housing side, we have been getting titles very easily and moving quite smoothly in that direction. And we have in fact, thousands of titles still, some we are giving out almost freely. But, the Titles Office has some concern because of the assurance for the registered titles as you are aware, and therefore, makes it a little bit more tedious to register unregistered land. It is something I know we are quite familiar with, but there is value to their concern, but I agree that efforts can be made to improve on this.

Certainly, the 60 years for town lands, I have some concern. Twelve years is what we have been using for adverse positions at this point in time. I don't think it's just the law, but I think there are many lawyers who don't wish to use it as extensively as they should. Bear in mind, that that has a relation to it, the Facilities of the Titles Act, which comes out of the Ministry of Agriculture, which we are now seeking to extend. We are in discussion with the Ministry of Agriculture to extend the use of the Facilities of Titles Act, but, from my own understanding, as I said, while it may require further briefing, we also have a reluctance by many lawyers. In fact, there is one particular lawyer who I know uses it extensively. In fact, he is the only lawyer I know in rural Jamaica who uses it extensively and does so quite successfully, although he is.....

(*Sotto voce* comment by a Member)

Dr. CHANG: No, he's not the one. .....and he is concerned that it is not being used more effectively.

So, it is an issue, Facilities of Titles Act, which comes from the Ministry of Agriculture and initially was through PC Banks only, and we are trying to broaden the scope of that. So I think 12 years is a reasonable time for **adverse position**.

I'm not sure the country is ready yet for Crown lands to be reduced to that level because much of the Informal Settlement that takes place in Jamaica takes place on Crown lands, and we have to build the institutional framework and find the resources to do adjustments where required, or we could end up with some very difficult situations. And it's not just a matter of informal housing. There's land - for example, I could refer, but I don't see the Member here - in Clarendon, in the John's Vale, in the upper reaches of the Rio Bueno watershed which starts in

Clarendon, where they have taken out some forestry areas and which was clear cut. We need to re-organize that to ensure the farmers will retain what they should, but if we have to shift boundaries to ensure the watershed is protected, we'll do that. So, I'd be a little bit hesitant right now to give you the commitment about adjusting the sixth year for Crown lands before we have the kind of institutional framework and resources to make adjustments for good order. But certainly the 12 years prescribed for regular purpose I think is here and could be used more extensively. We are seeking to do that as I said earlier from the Government side because it is our intention to get more titles out there. We're working very closely with the Ministry of Agriculture to ensure that the Facilities of Titles along with LAMP, the titles under the Special Provisions Act can be used to get titles to rural Jamaica.

Rev. THWAITES: Madam Speaker, I wonder if the Minister would agree with me that the Facilities of Titles Act, wonderful piece of legislation in its time, initiated by the late RIGHT EXCELLENT NORMAN MANLEY, who we revere particularly, it has seen its day and that in fact what is necessary is a reform of the substantive legislation, the Registration of Titles Act. I commend that to him and seek his response.

Secondly, the reason why would the Minister agree that he is able to get the titles is because of his special powers under the Housing Act which his late predecessor, the lamented Wilton Hill, brought in precisely because of the unnecessary complications and confusion that the Registration of Titles Act brought and the impossibility that lay as a result - for people of limited means to access the provisions under that Act.

Similarly, will the Minister agree with me that one of the reasons that the progress under the Special Provisions Act has been modest is because of the horribly delayed process, difficult and convoluted process of achieving administration of estates and probate. And, Madam Speaker, I crave your own interest in this regard that in fact this ought to be able to be settled in the most simple fashion. I don't want to say summary, but simple fashion, particularly where land masses are involved. And that legislation which the Minister could certainly, I ask him, consider commending to his colleague in Justice, could make for considerably easier passage towards registration of land.

Would the Minister consider answering what is the time-frame for this island-wide cadaster which could make such a difference and which he happily speaks of as being imminent.

Dr. CHANG: We have settled the question of funding and I expect during the course of this Financial Year to begin the process. I would expect this to peak during course of next year. I think it's a three-year programme and...

(Inaudible comments by Mr. Pickersgill)

Dr. CHANG: I said with the development of the cadastral... No, we'll finish it and I'll hand it over in due course.

(Dr. Chang laughs)

But we'll complete it, I can assure you.

Once the cadastral mapping is finished, it will make the titling much easier. The project itself is not designed to title all the lots out there. It will maybe title a thousand or another two thousand within the project itself. But it will make the titling process much more accessible and easier.

In terms of... As a Government, we are committed to getting more titles out there. One, however, will in no way wish to reduce the value of our current registered titles. And we have to do it so in a manner that we don't lead to too many challenges. We have had some problems out there. In fact, only recently we have had to pay someone for land that they had a different title on. So it is of some concern there but we certainly would like to look at easier ways to ensure that Jamaicans can come to get registered titles as ownership of their property. I'll be happy to look at the proposed amendments to the Registration of Titles Act and have them discussed with the public officers to see where it can be done or if necessary to be done. As I said, we already are looking at how we can expand the use of the Facilities of Titles Act. So although it's an old legislation, it hasn't quite run its full course. We are increasing its use and you may find that it will have much more - it will have additional life, similarly, to use the Housing Act which some feared was to do more titling in the urban areas and suburban areas quite extensively.

The question of administration after the passing of someone's family, I can't speak to it. It's something we may have to look at if any special arrangements can be made where land is concerned. But I'll certainly - the Minister of Justice sits behind me and himself a capable lawyer, may seek to advise the Government on such matters, along with the AG. Because normally those are difficult situations where family lands are concerned and...

(Inaudible comments by a Member)

Dr. CHANG: …and it is a route of title, becomes moot and has become a problem. I must tell you only recently we've had to turn down a subdivision of the request of a family because they were going to very unacceptable levels in terms of size. So it can be quite contentious when you have to deal with inheritance where land is concerned.

But let me say I know the Member is involved in this kind of activity and has legal training and we are willing to...If you indicate to me the areas of the Titles Act that you have concerns about, we'll certainly look at them and see if we can make any of the required amendment to make the process easier without damaging the security of the land paper that we so treasure in this country.

Rev. THWAITES: Madam Speaker, thank you if you will allow me one more question. It's a question of philosophy really and policy. What does the Government of Jamaica, whichever Government, hold on to all this huge deposit of Crown lands for? There are certain national purposes. The Minister correctly states that there are watershed considerations and national security considerations I can understand. But when will this Parliament and may I invite...we've questioned this Minister to consider carefully what it is, what is the value of the State. We still call it the Crown. Speaker, do we? Yes. What an anachronism. Elizabeth has no interest in it. But why hold on to this amount of land when in fact the policy, Minister, could well be for the creative and the responsible distribution of that land in order that we would stimulate production in the way in which it probably, the only way that the majority of our people are going to find jobs, jobs, jobs. Why are we holding on to this Crown land? Do we know even what the quantum of Crown lands that we have?

The SPEAKER: Member, we have heard the question and really the Question Time...

Rev. THWAITES: Really? So yuh stopping me?

The SPEAKER: We've heard you but remember now, Question Time, the questions must be directly related to what answer is here.

Rev. THWAITES: Each thing answered has had a question mark. Ah know how to do that.

The SPEAKER: ...So I'm going to ask you, because we are well out of time, please.

Dr. CHANG: I'll answer that.

Rev. THWAITES: Well, out of time, eh? Okay, good. We'll....some of what you do.

(Inaudible)

(Cross talk)

The SPEAKER: We're well out of time.

(Cross talk)

The SPEAKER: Please.

Dr. CHANG: I understand the Member's concern but there are limits out there now. We don't have that amount of Crown lands to be distributed. The Forestry Department manages 200,000 hectares which is genuine forestry land. It needs to be managed better. We are not going to subdivide that. In fact it is largely watershed across the middle of the island which has to be protected and kept and it needs to be expanded in fact in terms of forestation. The Commissioner of Lands has very little suitable land outside of things like sugar lands and UDC. But we have very little Crown lands now of good quality that can be distributed to small farmers or for housing. In fact, after this year I think once we have concluded the construction programme this year, I have a serious problem finding adequate housing land. I'll have to go and acquire probably. So don't be guided by that myth.

(Inaudible comments by Dr. Harris)

MOTIONS RELATING TO SITTING OF THE HOUSE

Rev. THWAITES: Madam Speaker, may I express a concern. Recently I have attempted to secure copies of **Hansard**.

A MEMBER: Use the mike.

Rev. THWAITES: Recently I've had an interest in securing copies of **Hansard.** Would the Speaker be able to tell me up to what date **Hansard** is available and if it is not current and available to Members in the usual form, would you indicate why this is so and when it will be corrected?

The SPEAKER: Member, I will give you an answer. I will discuss this with the Clerk afterwards and let you know.

(Inaudible reply by Mr. Thwaites)

PUBLIC BUSINESS

Mr. HOLNESS: Madam Speaker, at Public Business today, the day is far spent so we will have an abbreviated public business session. (*Sotto voce* comments) You want us to...

Dr. PHILLIPS: We want the Minister to carry on now.

Mr. HOLNESS: That's exactly…. The Minister of Finance will take Items Number 5 and 6 standing in his name.

Madam Speaker, you will recall that I gave notice of a motion earlier regarding the membership of the PAAC Committee.

The SPEAKER: Yes.

Mr. HOLNESS: I would now like to move for suspension of the Standing Orders to enable me to take the motion.

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

Put to the House and agreed.

Mr. SHAW: Madam Speaker, First, let me deal with Items 5 and 6 that are under Government Business on the Order Paper. These have to do with amendments that have been sent back to the House from the Senate. Item 5, An Act to Amend the Financial, Administrative and Audit Act, and it relates to minor amendments in clauses 6 and 9. Three amendments as set out in the Order Paper, Madam Speaker. And in relation to Number 6, it is the Act to Amend the Public Bodies Management and Accountability Act in which there are 8 amendments in clauses 5, 6, 8,14 and 16. I move that they be approved.

The SPEAKER: The question before the House is that the motion as stated by the Minister be so approved.

Put to the House and agreed to.

The SPEAKER: Motion approved.

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

The SPEAKER: The question before the House is that the Standing Orders be suspended to allow us to take the motion, notice of which was given earlier.

Put to the House and agreed to.

The SPEAKER: Minister.

Mr. SHAW: Madam Speaker, Members will recall that I gave notice of the tabling of the First Supplementary Estimates of Expenditure along with the Public Revised Revenue and Expenditure for the year ending March 31, 2012.

Madam Speaker, while the House Leader no doubt will give the arrangements for the review of the amendments of the Supplementary Estimates, I would like to just call attention to one item in the document - in the book - so as not to cause any unnecessary concern. On Page 0700-1 in which there is an indication that the Office of the Children's Advocate is cut by $3,495 Million, I'm to indicate that that is an error, and at the appropriate time, we will move the appropriate amendment. So I'm asking Members to make note of that.

Mr. HOLNESS: Madam Speaker, at Public Business today, the day is far spent so we will have an abbreviated public business session.

Mr. SHAW: In addition, Madam Speaker, it is very important that Members, in reviewing the Supplementary Estimates, take note of the fact that in addition to the adjustments that are largely related to the payment of the 7% wage increase to the public sector, the Supplementary Estimates also reflect the reassignment of subjects as recommended by the Public Sector Transformation Unit and those that are obviously accepted by the Cabinet. The affected activities and projects are shown as increases or decreases under the respective heads. So in reviewing the Budget, I caution Members that where they see a decrease it does not necessarily mean that that is a cut; it might very well relate, as indicated, that it's a transfer from one particular ministry to another. So the corresponding increase will be somewhere else or, correspondingly, an

increase in one area will show a decrease in another area.

And then finally in that respect, I would direct Members to pages 7 and 8 of the Supplementary Estimates, which provide a summary of the activities that have been reassigned and the heads that are affected.

Accordingly, Madam Speaker, I think the House Leader will give the direction as to the way forward in respect of the examination of these Supplementary Estimates.

Mr. HOLNESS: Madam Speaker, just minor house-keeping matters. I now move that the motion be put with regard to the membership of the PAAC. I had asked for the suspension but we need to put it.

The SPEAKER: The question before the House is that the motion for the Members to be appointed to the PAAC be now addressed.

Mr. M. PEART: Madam Speaker, just a question. Unfortunately, Madam Speaker, I was absent from the Chambers.

(*Sotto voce* remarks by Government Member)

Mr. M. PEART: I am just asking the Leader of Government Business if the balance has been maintained.

Mr. HOLNESS: Yes.

The SPEAKER: Yes, you were absent. The question before the House is that the motion as it relates to the approval of the membership of the PAAC, that they be so approved.

Put to the House and agreed to.

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, it is not proposed to do any further business today. But before we adjourn, Madam Speaker, I want to update Members on the proposed plan to deal with the Supplementary Estimates. The PAAC's Chairman is not in the House now - oh, there he is sitting down. The PAAC will meet next week Monday and Tuesday.

Dr. McNEILL: Tuesday, 10.00 o' clock.

Mr. HOLNESS: You will only meet on Tuesday?

Dr. McNEILL: We will meet on Tuesday and hopefully we can finish.

Mr. HOLNESS: Well, Madam Speaker….

(Cross talk)

The SPEAKER: (Gavelled) Members, we have….

Mr. SHAW: You are at the Conference Center now, you know, you must do better.

The SPEAKER: (Gavels) Members, please we have done well so far. Can I just ask us to just let us continue.

Mr. HOLNESS: Madam Speaker, the Government side has set Wednesday as the day for the debate in this House on the Supplementary Estimates. That is the day when we expect it to be passed. The way….

(*Sotto voce* remarks by Mr. M. Peart)

The SPEAKER: Members allow him to finish and then you can, please.

Mr. HOLNESS: Madam Speaker, the date when the PAAC meets is in the hands of the Chairman of the PAAC and its membership. So they have to work back from that date which is on Wednesday. There are other matters that dictate that Wednesday be the day. So whichever day that the PAAC would want to meet I recommend, and I think Thursday would be a good day for them to meet, but that is, of course, within the remits of the Chairman.

Mr. M. PEART: Madam Speaker, I think the Leader of Government Business is not following the proper sequence of events. After the PAAC has done their work and it comes to Parliament, then it has to go to the Standing Finance Committee.

Government MEMBERS: Yes!

Mr. M. PEART: Yes. So I didn't hear you mention anything about Standing Finance.

Mr. HOLNESS: Madam Speaker, Wednesday is the day when we will debate. So Standing Finance Committee and the process that I am hoping to follow is that by Tuesday we will have a Report which would be referred….

Dr. McNEILL: On a point of order please. Madam Speaker, in the Report that was sent on the Second Supplementary, the last Supplementary that was done, we had indicated to the Minister of Finance that the committee, the entire committee, in its deliberations, we had indicated that one of the difficulties we have is that we are in full agreement with the fiscal framework that has been put forward. And one of the things that has to be done is to ensure that this is done not just on paper but that we are allowed to do our work properly. In order to do so when we get this - we have an Advisor on the committee, they go through the document, it is sent back to the Members. And the committee had indicated that we had wanted a week in which to do it and that we would normally meet the following Wednesday as our normal date. When we gave the Report, the last one, we indicated to the Minister of Finance that because the Second Supplemental the changes were minimal and mostly housekeeping, we were willing to do it that time but it was difficult to do it when you had something major like this, the Supplemental Estimates that we have here.

In the discussions that we had before we pointed out that we would be able to do our sitting next week Tuesday, but when we meet on Tuesday the committee will be meeting and we will spend as much time as possible and as soon as we can get the Report back we will get the Report back. We will do everything possible to get it back in a timely manner, but it must be done properly.

Rev. THWAITES: You are missing the main point.

The SPEAKER: He is on his feet. Hold on.

(*Sotto voce* remarks)

The SPEAKER: Go ahead.

Mr. JACKSON: Madam Speaker, I am really a bit concerned and, for someone who takes the committee work seriously, I have always insisted to my various Chairmen, whether it's Public Accounts, PAAC, the responsibility of the Committees is to do a detailed assessment and evaluation as much as possible, one that is not permitted in the regular sitting of the House.

Madam Speaker, I recall very clearly, last time around, when the Supplementary was referred to the committee and we sought diligently to accommodate some rigid time frame that the Government had, the Minister made a solemn undertaking in the House that it will not happen again. In fact, the committee had to impose on the Clerk of the House to accommodate sittings to meet that deadline. He pledged to the Parliament….

Mr. SHAW: Stop the shouting!

Mr. PICKERSGILL: He is following you.

Mr. JACKSON: I am speaking very strongly on a matter that I feel very strongly about as a Member of this House.

(*Sotto voce* remarks by Mr. Shaw)

Mr. JACKSON: One of the protocols, Madam Speaker, with these matters is that there are some consultation between both sides, the leadership of the committee, and you work out a schedule. Quite frankly, Madam Speaker, the manner in which the House Leader indicated, this is when it is going to be done and the committee should fall in line. That is not becoming of the work of the Parliament, Madam Speaker. There is some exigency, of course, but all I ask for is that we have due consultation, a workable timetable be established between the committee and the debating time frame that the House Leader or the Government wish to pursue. The last time around we asked for a week. Is it that we are going to sit next week Tuesday, the House?

Mr. HOLNESS: Madam Speaker, just to - the Member is obviously very emotional. But just to rest his concerns at ease. We had brief discussions, I had discussions with the Leader of Opposition Business and I had brief discussion today with the Chairman of the PAAC. The Chairman of the PAAC expressed his concern of the short time that he would have to review. And therefore Tuesday was the date that was suggested by the PAAC Chairman, which would give him tomorrow and the rest of the week for his consultant to review, for the committee to meet and come up with a Report. The date that was set to debate this was set based on the outside time line of the PAAC Chairman, which was Tuesday. So as soon as Tuesday - a Report is ready, we meet on Wednesday and do the public's business in passing the Supplementary Estimates.

Mr. JACKSON: Please!

The SPEAKER: Defer, the Minister.

Mr. SHAW: Madam Speaker, let me assist the process. In discussions with the Chairman, I had preliminary discussions with him as well and I did suggest that he gives consideration to looking at it this week, perhaps Thursday, and thereafter a final look perhaps by Tuesday. And this would not be inconsistent with what the Leader has said and, indeed, what he has said. And that we would be prepared to then go into the Standing Finance on Wednesday as well as the debate on Wednesday afternoon.

I want to indicate to the Chairman that apart from the fact that the reassignment of the portfolio responsibilities and, of course, the subject and so on, and the allocation of the 7% which is replete throughout the book, that it is really not an exhaustive exercise because the cuts are somewhat targeted and fairly limited in scope. And therefore I am going to be asking the head of the Budget Department, MRS. LORIS JARRETT, who is here, to provide an appropriate summary for the Chairman of the PAAC, so that instead of, you know, too much searching around, that it can be directed to the areas of a specific cut and perhaps that could assist in the process of an expeditious review.

And, Madam Speaker, the purpose for this early sitting of Parliament is to ensure that we carry out the review and pass the Estimates, so that we can fulfill our responsibility within the fiscal responsibility framework and we -1 can sign the appropriate warrant so that we can pay the public sector workers on time and

within the new policy scope that we have agreed in Parliament.

The SPEAKER: Thank you. I am almost sure, if I am wrong the Chairman can tell me, but I see him nodding his head in agreement.

Dr. McNEILL: Madam Speaker, I am nodding my head in agreement that the PAAC will be meeting next week Tuesday at 10:00 a.m.

Mr. GALLIMORE: Madam Speaker.

The SPEAKER: Yes, Minister.

Mr. GALLIMORE: As one of the Members named for the PAAC to review the Supplementary Estimates, I am recommending that since the Government has deadlines and since the Government is indicating that it is important that the Parliament meets on Wednesday to review the issue, that we not squander the time between now and then by waiting 'til Tuesday to have the meeting. I would recommend that we give this the attention that it deserves and that we meet on Thursday morning, which gives us Thursday, Friday, Monday and Tuesday, although the Minister has indicated that it's fairly straightforward and simple. We would not want to short change the people of Jamaica in the work that is to be done on it, but I don't think taking it the day before is the appropriate and wise way to go.

Dr. McNEILL: Madam Speaker, let me read from the Report tabled in the House. The Member has been appointed today and has not sat at any meetings of the Committee. I would like to give a reading from the Report that was approved by the entire Committee unanimously and tabled in this Parliament. It says:

"*In this instance with the Second Supplementary Estimates your Committee accepted the position of the Ministry, that there were not many changes from the First Supplementary Estimates and that those changes primarily represented reorientation of the allocations. Notwithstanding, we have requested that a minimum of two weeks be provided to your Committee, one week for analysis and then discussion at our meeting and another week for preparation of the Report to be tabled in Parliament".*

Mr. PICKERSGILL: Not at all.

Dr. McNEILL: We had a discussion here before - this was tabled in March of this year - we had a discussion here before and the Leader of Government Business asked if we could - if we would be willing to meet. I indicated that we could meet on Tuesday, and I said to the Clerk of the House, if the necessary things were put in place and we could finish our deliberations and get the Committee - the Report in time we would table it on Wednesday.

Madam Speaker, the truth of the matter is that in the...

Mr. GALLIMORE: Have it on Thursday so that it would mean more that you can go on Friday.

Dr. McNEILL: No, the problem is that we are getting it today and Tuesday. The fiscal framework is not just a paper, it actually indicates that we need to do some work at the committee level. And the fact of the matter is that this will go to the advisors for them to prepare a paper to send to the Members, so that the Members can then digest it and we can meet and deliberate on it. To just rush it through and rubberstamp it is not what the

fiscal framework was about. And I'm just saying we've agreed on something and I think we can proceed with it.

(Inaudible comments by Members)

The SPEAKER: I'm coming, but the Chairman is on his feet.

(Inaudible comments by Members)

The SPEAKER: You know, if you'll just be quiet when Members are speaking then we'll know what is happening, the Chairman was on his feet.

Yes, Member Jackson.

Mr. JACKSON: Again, Madam Speaker, I don't want to belabour the point, but I want to underscore again my concern. The Chairman read an agreement that was reached. We can't go about this business and chip and change it when it's convenient. There must be some set procedure and format to dealing with these things. We asked then as we ask now - nothing new now - don't cause us to try to rush through it just to get it done.

MEMBERS: It's not rush.

Mr. JACKSON: Give us time...

Mr. STERN: Wi start early.

Mr. MAIR: Wi start early.

Mr. JACKSON: Madam Speaker, you know, I have never been disruptive to anyone speaking in this House...

(Cross talks)

The SPEAKER: (Gavels) Allow him to speak.

Mr. JACKSON: ...and I will not yield to anyone's shouting.

The SPEAKER: (Gavels) Member, I am speaking. Members, we're trying to sort out this matter and the cross talk is not helping...

MEMBERS: You're right.

The SPEAKER: ...the cross talk is not helping. And if Members get up and make a point, if you've made it there is no need to make it a second time because we hear it and we understand it and we're coming to a thing. It's almost as if we're repeating the same thing over again.

Member Jackson, I hear you, I think all the Members heard you and what we're asking now in the interest of all that is at stake - the nation's business that is at stake - Chairman, I'm going to ask you - Chairman, Member McNeill, is there any possibility - I know you said you will meet on Tuesday - is there any leeway in light of what we face, is there any possibility that your Committee can meet prior to Tuesday?

Mr. JACKSON: But before I take my seat, Madam...

The SPEAKER: Yes.

Mr. JACKSON: ... I think you'll want me to complete.

The SPEAKER: But...

Mr. JACKSON: No I didn't, I didn't, I wasn't.

The SPEAKER: But you know, Member Jackson, I think I...

Mr. JACKSON: No, you interjected, Madam Speaker, but you did not allow me to complete.

I will just want to close by asking a simple question. Is it going to be the case that the PAAC Committee's work, as regards to the Supplementary Budget, will be changed from time to time without no set procedure? Just let me know and then I will decide whether or not I wish to participate in that kind of irregular and disorderly conduct.

(Inaudible comments by Members)

Dr. McNEILL: Madam Speaker...

The SPEAKER: Please, the Chairman of the Committee is on his feet, please allow him.

Dr. McNEILL: ...Madam Speaker, I think we're arguing. The Committee can meet on Tuesday and if all the things are provided, I'm sure we'll meet until we're able to finish and put what is in place.

Mr. GALLIMORE: Why wi can't meet Friday?

A MEMBER: Exactly what we're saying, or we can meet Thursday.

Mr. STERN: Two weeks and dem caan find time fi meet?

(Inaudible comments/cross talks)

Mr. HOLNESS: Madam Speaker, Madam Speaker, I am of the opinion...

Mr. M. PEART: Yuh asking too much questions brethren.

A MEMBER: Yuh playing politics.

Other MEMBER: We are playing politics.

(Inaudible comments by some Members)

Mr. HOLNESS: ... I'm of the opinion that the Committee...

A MEMBER: The Members of the Committee.

Mr. HOLNESS: ...The Members of the Committee...

(Inaudible comments by some Members)

The SPEAKER: (Gavels) No, Members, I cannot hear and we want to hear and resolve the matter. The Leader of Government Business is on his feet, please.

Mr. HOLNESS: I believe the Members of the Committee can determine a date, and they should do that, that's within their purview.

What is important for this matter, is that on Wednesday the House will meet and we have an undertaking from the Chairman of the PAAC, that if the necessary secretarial support is provided, and administrative support is provided, then a Report will be forthcoming, at which point we will meet at 2:00 p.m. on Wednesday here...

A MEMBER: When, tomorrow?

Mr. HOLNESS: We will...

(Inaudible comments by The Speaker)

Mr. HOLNESS: Yes, 2:00 p.m. on Wednesday.

The SPEAKER: Yes.

Mr. HOLNESS: ...we will receive the Report from the PAAC.

(Inaudible comments by a Member)

Dr. PHILLIPS: I believe everybody wants to deal with this matter on that side, on this side, as expeditiously as possible. That is to say I wouldn't want the view to go out that in effect we are...

The SPEAKER: Holding back.

Dr. PHILLIPS: ...trying to be obstructionists.

The SPEAKER: That's right.

Dr. BARTLETT: That's what it is.

Dr. PHILLIPS: Hold on, hold on, hold on.

Mr. PICKERSGILL: Listen man, you are in charge of the Canine Division and that's not being debated now.

Mr. M. PEART: Yuh have a conflict of interest over your side. (Laughter)

Dr. PHILLIPS: The Minister has offered to allow his...

(Cross talks)

The SPEAKER: (Gavels) I really think it is poor...

Mr. PICKERSGILL: Him in charge a di dog dem.

The SPEAKER: ...I really think it is poor that I am going to repeat. I'm going to ask all of you to stop the cross talk and allow the Member to speak.

A MEMBER: Wi nuh have no canine over here soh. (Laughter)

The SPEAKER: No, I'm going to ask you not to continue, please.

Dr. PHILLIPS: The Minister has offered the services of the Ministry's staff to provide some of the information. The truth is though, that apart from what you have cut, if the - both that Committee, and depending on the work done Standing Finance, would have to make sense, not only review the proposals that you have made, but look at possible alternatives if there are issues that arise for their consideration.

So the question is, that - and I don't know how long it will take, because I am not necessarily - the Committee has its right to order itself - the question is, how quickly, if a consultation can be organized with your budget director and maybe some subset of members...

A MEMBER: That can be done tomorrow.

Dr. PHILLIPS: ...in that Committee, then they can look at some of the alternatives with a view to doing. But I want to urge, urgent though it is, I'm sure you will agree, and the Leader of the House, that we are at a critical juncture overall, not only because of the immediate needs here, but your concerns about the medium term, which are our concerns and the country's concerns. And so the fullest...

(Inaudible comments by a Member)

Dr. PHILLIPS: No, there is a view I know, that nothing rises beyond the point of politics for some Members here. But there are, nevertheless, other persons who have a concern also, about the future of the country and how it goes forward. So if that discussion can be had, maybe then a timetable outside of here can be arrived at.

The SPEAKER: Thank you very much.

Mr. HOLNESS: Thank you, Madam Speaker, and thank the Member for that intervention. The concern is that we pass the Supplementary Estimates by Wednesday, it's very important to meet certain obligations that flow from the Supplementary Estimates. I leave it to the...

(Inaudible comments by a Member)

Mr. HOLNESS: Well you can say it as clearly as that.

... so I leave it to the Chairman of the PAAC and the membership, to determine a time.

The SPEAKER: Mr. …

Mr. HOLNESS: Just to clarify, Madam Speaker, Madam Speaker, just to clarify the procedure for Members.

After the PAAC delivers its Report to Parliament, which will be taken at 2:00 p.m. on Wednesday...

A MEMBER: On Tuesday.

Mr. HOLNESS: ...2:00 p.m. on Wednesday, 2:00 p.m. on Wednesday...

Mr. PICKERSGILL: What, the PAC?

Mr. HOLNESS: ...the PAAC Report will be taken and then we will resolve into the Standing Finance Committee. We will do the usual review there and then the Standing Finance Committee will report back to the House...

Mr. PICKERSGILL: It is the... (Inaudible)

The SPEAKER: Member, Member, Member...

Mr. HOLNESS: This is a very small book and it is already reviewed in detail by the PAAC.

So at that point, after which we will have a debate on the Supplementary Estimate. It is a convoluted process. Indeed we will have to look at it in a serious way to have it amended.

(Inaudible comment by Mr. M. Peart)

Mr. HOLNESS: Well I'm not looking forward to that, but I believe we have the capacity to complete this by Wednesday.

The SPEAKER: But you've said what you said and I think it is very important.

Mr. HOLNESS: So Madam, Madam...

A MEMBER: I know where we have the capacity.

Mr. HOLNESS: Madam Speaker, I therefore move that the House...

I should note as well, Madam Speaker, the passing of a former Member of this House. I will...

A MEMBER: Who?

Mr. HOLNESS: Former Minister of Tourism, TONY ABRAHAMS. We won't do the normal recognition here, but we will do it at our next sitting. (Applause)

Mr. PICKERSGILL: All right.

Mr. HOLNESS: We wouldn't be able to do it now.

ADJOURNMENT

Madam Speaker, I therefore move that the House do adjourn until the 7th, Wednesday the 7th of September, when we will resume our business.

The SPEAKER: The question before the House is that we do adjourn until next Wednesday, the 7th of September.

Put to the House and agreed to.

The SPEAKER: This Honourable House is now adjourned.

The adjournment was taken at 6:26 p.m. to Wednesday, 7th September at 2011 at 2:00 p.m.

WEDNESDAY, September 7, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 4.57 p.m.

PRESENT

THE SPEAKER

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

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

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, 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 Industry, Commerce and Investment.

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

CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, Minister of Mining and Energy.

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

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of Agriculture and Fisheries.

MINISTERS OF STATE

THE HONOURABLES:

NEVILLE ANDREW GALLIMORE, (JLP), St. Andrew, West Rural, Minister of State in

the Ministry of Labour and Social Security and Deputy Leader.

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.

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.

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, Minister of State in the Ministry of Education.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, Minister of State in the Ministry of National Security.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, Minister of State in the Ministry of Transport and Works.

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

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

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.

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.

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.

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

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

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

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

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

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

PRAYERS

Prayers were offered by Mr. Daryl Vaz.

The SPEAKER: Members, before I do anything I want to apologize to all parliamentarians, to personnel from the ministries, to our security, to members of the Press and, of course, to our viewers who probably have tuned in from 2:00 o'clock and waiting to see what is taking place in Parliament. We're off to an extremely late start and we apologize to everyone sincerely. I think it is common knowledge that we have the Supplemental Budget which needs to be -

(Inaudible comment by a Member)

The SPEAKER: I said personnel from the ministries. I'm sure I did, because I thought of them first. Thank you very much.

I apologize to you all. It's common knowledge that the Supplemental Budget which needs to be debated and passed this evening. Members of the PAAC Committee met yesterday and deliberated for long hours and a Report has to be prepared and submitted here to us in Parliament and has to be examined. And because of the dislocation, we're not in our usual place of abode, it has made things difficult. So we apologize to everyone, but we're here and the nation's business has to be done. So we're going to proceed.

I want to welcome you all, and our viewers, to this sitting of the House as we proceed to do the nation's business.

ANNOUNCEMENTS

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

- **Green Paper No. 2/11**
  Option for Reform of the Public Sector Pension System
- **Ministry Paper No. 64/11**
  The Financial Services Commission Annual Report and Audited Financial Statements for the Financial Year ended March 31, 2010
- **Ministry Paper No. 65/11**
  Cabinet Agenda Issues - 22nd of August 2011
- Rural Water Supply Limited Annual Report for Financial Year ended 2006/2007
- Central Information Technology Office

Annual Report 2009/10
(Office of the Prime Minister)

- Certified Appropriation Accounts for Ministry/Department
- Head 4000B Ministry of Labour and Social Security Financial Year ended 2006/07
- Head 4220 Registrar General's Department for the Financial Year ended 2004/05

NOTICES OF MOTIONS GIVEN ORALLY

Mr. WARMINGTON: Madam Speaker, I beg to give that at the next sitting of the House I will move:

WHEREAS the First Schedule of the Representation of the People (Interim Electoral Reform) Act Section 1 subsection (1) (a) states,

"Two Members shall be appointed on the advice of the Prime Minister and two Members on the advice of the Leader of the Opposition; and such members are in this Act referred to as "Nominated Members";

AND WHEREAS the intent was for these "Nominated Members" to represent their respective parties and not the Prime Minister or the Leader of the Opposition;

BE IT RESOLVED that the representation of the People (Interim Electoral) Act Section 1 subsection (1) (a) be amended to read,

"*Two members shall be appointed on the recommendation of the governing party through its Leader and two members appointed on the recommendation of the Opposition party through its Leader*".

Dr. PHILLIPS: But you should settle that at Belmont Road.

Mr. WARMINGTON: I didn't ask your opinion.

(Laughter)

The SPEAKER: Members, Members! (Gavels)

Members, may I indicate to all the Members of this House that as the Speaker I have just apologized for the very late start. This is, indeed, the highest Court of the land. There is much work to do and I'm asking every Member of this House to deal with the matters at hand and to do so with the decorum and the respect that is required of the highest Court of the land.

NATIONAL HONOURS AND AWARDS

The PRIME MINISTER: Madam Speaker, I beg to give notice that at the next sitting of the House I will move:

WHEREAS the National Honours and Awards Act requires that an Advisory Committee be established for the purpose of the Order of National Hero to make such investigations as it thinks fit to determine persons, living or dead, upon whom may be conferred the Order of National Hero;

AND WHEREAS the last such Committee was appointed with effect from 17th January 2005 and its terms of office expired on 16th January 2008;

AND WHEREAS the First Schedule to the said Act provides that the Committee shall consist of not less than seven numbers appointed by the Prime Minister so, however, that two (2) members shall be Senators nominated by the Senate and two (2) shall be members

of the House of Representatives nominated by that House:

BE IT RESOLVED that this Honourable House approves the nomination of the HONOURABLE OLIVIA GRANGE and MISS LISA HANNA to be Members of this Committee.

Dr. RHODD: Madam Speaker, I beg to give notice that at the next sitting of the House I will move -

The SPEAKER: It appears as if we're having problems with the mike. So it is even more important that as Members at this sitting we keep absolutely quiet so that we can hear what is being said.

OPPOSITION MEMBER: Madam Speaker, on a Point of Order. My impression, and it stands to be corrected, is that the steno writers are not hearing and cannot record what is presently being said.

The SPEAKER: Thank you.

Dr. RHODD: Madam Speaker, I beg to give notice that at the next sitting of the House I will move:

Whereas employment opportunities in Eastern Jamaica have declined significantly during the past decade due to the contraction of the agricultural sector, particularly banana, coffee, sugar and coconut;

AND WHEREAS this situation has been compounded by the closure of the Boundbrook Wharf and Eastern Banana Estates as well as the contraction of the operations of the Golden Grove Sugar factory and the Port Antonio Factory Complex as well as the significant scaling down of banana growing at the St. Mary Banana Estates;

AND WHEREAS the significant reduction of cruise shipping has contributed to the worsening of the economy of eastern Jamaica, affecting tour operators, transport operators, craft vendors and resort owners and operators;

AND WHEREAS the Government has displayed minimal interest in the tourism industry in eastern Jamaica, which has been manifested by the closure of the Jamaica Tourism Board's office in Port Antonio as well as the closure of several hotels by private operators;

AND WHEREAS the deplorable state of the road from the Norman Manley International Airport through St. Thomas, leading to Portland, has negatively affected investment in the tourism sector as well as the transportation of guests to properties in eastern Jamaica;

AND WHEREAS the road from Golden Spring in St. Andrew to Agualta Vale in St. Mary, popularly referred to as the Junction Road, is also in a deplorable, life threatening state and the Westmoreland bridge, leading to Highgate has been impassable for more than three years;

AND WHEREAS the rural road network in all eastern parishes has progressively deteriorated during the past ten years as a result of repeated floods, hurricanes and other natural disasters;

AND WHEREAS this state of affairs has negatively affected agricultural production;

AND WHEREAS all the eastern parishes have suffered from inadequate potable water supply, notwithstanding that

these parishes receive the highest levels of rainfall in the country;

AND WHEREAS the Port Antonio water, sewage and drainage system has been discontinued;

AND WHEREAS thousands of citizens live in dilapidated houses and tens and thousands are temporary tenants or informal settlers on lands owned by the Government and private individuals;

AND WHEREAS the Government of Jamaica own thousands of acres of land in Portland, St. Mary, and St. Thomas which could be developed to provide shelter solutions for thousands of citizens;

AND WHEREAS the hospital in St. Thomas, Portland and St. Mary are in a serious state of disrepair, are poorly equipped and are understaffed;

AND WHEREAS hundreds of students travel over thirty miles, one way to high schools in Portland, which has resulted in them having a poor attendance and academic performance record;

AND WHEREAS land has been identified to construct four new schools in Portland;

BE IT RESOLVED that the Parliament debate as a matter of urgency the development challenges of the parishes of eastern Jamaica;

AND BE IT FURTHER RESOLVED that the Development Orders for the parishes of St. Thomas, Portland and St. Mary be competed;

AND BE IT FURTHER RESOLVED that the Government of Jamaica urgently convene a summit to discuss a strategic development plan for the parishes of eastern Jamaica.

(Applause by Opposition Members).

MOTIONS RELATING TO SITTINGS OF THE HOUSE

Rev. THWAITES: Madam Speaker, at the last sitting I enquired regarding the availability of **Hansard,** and I recall your promise to give me…

The SPEAKER: Member, I spoke with the Clerk, and we are all very well aware that we are behind. The **Hansard** workers are working tirelessly to get the volumes up to date, in relation to the printing of the **Hansard**.

Rev. THWAITES: Speaker, thank you. But my understanding is that the delay has little to do with the **Hansard** Writers, who you are correct to commend. It has rather to do with the…

The SPEAKER: It has really nothing to do with…

Rev. THWAITES: …printing.

The SPEAKER: Yes, it is the printing of the **Hansard.**

Rev. THWAITES: But we manage to print other things.

The SPEAKER: Well, because that is exactly so. The Printing Office is over – there is a load of work there, they are printing Bills, they are printing all sorts of material, and because of that they have not been able to get to the printing of **Hansard**.

Rev. THWAITES: Madam Speaker…

The SPEAKER: And the Clerk – will you allow me, Member. The Clerk has made attempts to get the **Hansard** writings printed at private printery, and she is looking at the cost so to do. Because as you will appreciate, in this economic recession that's not just facing the Jamaican Government or the

Jamaican Parliament, it is facing everybody. The work is there and it is printed, and she is trying to see how best we can have it up to date at a reasonable cost.

Rev. THWAITES: Madam Speaker, thank you for your long disquisition. But perhaps you would tell me when the 2008 edition of **Hansard**, which is required for reference, will be available to Members? And the 2009, even if we pause there and expect that they would be two years in arrears? May I remind you, it's 2011.

The SPEAKER: Member, I indicated at first that I have had discussions with the Clerk. I cannot give you an indication past what the Clerk says, and she is working tirelessly at it, I am convinced. And therefore, we will have to wait. I cannot tell you tomorrow or next year, or whenever, because I do not know.

Rev. THWAITES: Is it…

The SPEAKER: But I do know that the Clerk to the Houses of Parliament is making every effort to have them printed.

Rev. THWAITES: Is it part of the responsibility of the Speaker, as the presiding officer, to see that the records of the Parliament are in proper order, Madam Speaker?

The SPEAKER: It is. But, Member, I am going to ask you to understand that all is being done to have them – have the records printed, and they are not ready right now. And that is the fact that we have to deal with.

Rev. THWAITES: Will the Speaker make some report after a few months, maybe, to tell us when it will come?

The SPEAKER: I certainly will as time progresses.

Rev. THWAITES: This is not an incidental matter.

The SPEAKER: I certainly will. But you know, Member, I am going to urge yourself this evening and all Members of this House, to understand that we ought not to waste valuable time when there is urgent business at hand. Because I have indicated…

Opposition MEMBERS: No, no, no, no!

The SPEAKER: Members, no. I have indicated – I have indicated…

Opposition MEMBERS: No, no, no, no!

Rev. THWAITES: Speaker, I am glad you made your position so very clear.

The SPEAKER: If you will allow me. If you will allow me. If you will allow me.

(*Sotto voce* comments)

I have indicated that we – I have had discussions with the Clerk, and every effort is being made to have the documents printed. I cannot, as the Speaker, tell you that they are going to be ready next week or next month. And I have given my undertaking that we are going to continue to make every effort to have the **Hansard** documents printed.

Now, the Supplementary Budget is there to be dealt with, it is of great national importance, as we all know, and I ask you to bear with us while we get ahead with urgent business that affects us all as members of this country.

Rev. THWAITES: Thank you for making your position very clear, Ma'am.

Mr. M. PEART: Madam Speaker, I do ask if, in consultations with the Clerk, a schedule could be developed for the publication, so we know what timetable we are working on.

The SPEAKER: I will endeavour to do that, Member. But as you recognize, the Clerk is handicapped because there is no roof on the Parliament, there are lots of things that are out, and as soon as we are able to do so, we will.

Mr. HOLNESS: Madam Speaker, just so that the Member is aware that the actual digital copies, the preparation for **Hansard**, is up to date.

Up until our last break, all the copies are there. Those are sent to the Printing Office. The challenge with the Printing Office is a capacity issue. They have to print all the Bills that come here, some of them are voluminous; they have to print all the documents that are official documents of the Government, and therefore, with a limited capacity, a prioritization order has to be developed. And, unfortunately, the Bills which we deal with on a day-to-day basis, take the priority over the printing of the **Hansard** copies. And we have printed up to 2008.

But I will give an undertaking, Member – but I am advised 2008. What I will give an undertaking to you, Member – well, what I will give an undertaking, Madam Speaker, is to sit with yourself and the Clerk, and see how best we can have a fast tracking of some of the **Hansard** documents.

But the debate you have raised, Member, is one that I would want to join you in saying that the **Hansard** should really be made available online, such that if you want to get the copies – or in the fashion that we have started to produce of our voluminous documents. This would be satisfactory to you as well? In my deliberations I will make the recommendation. Granted, the **Hansard** copies have to be printed, but for early access we could make them available on digital media. All right.

The SPEAKER: Thank you very much. In addition to that, the Editor for the **Hansard** writings is presently on leave. So we will have this discussion as soon as she comes back, because she will be able to give us a better picture of where we are at and how we can get through to it.

Dr. PHILLIPS: Madam Speaker, I am grateful to the Leader of Government Business for his remarks. But I would urge that we – that the group – the meeting, also look at how it is that some long-term solution can be found. It may be by way of the provision online of the documents that are needed. But if the Parliament is to be effective, then we really will have to, despite whatever financial difficulties we might face, we have to find a way to provide the necessary documentation to allow the work of the House to proceed, some solution. It's not acceptable that we be three years behind/four years behind in the provision of the documents. I know that everyone is – all the individuals are working. But I think that the Leader of the House and the Speaker, could report back to the House after they meet, as to what longer-term solutions to these issues are being contemplated.

The SPEAKER: Thank you very much, Member, and we are cognizant of all that is said. But my understanding – I enquired of the Clerk if when requests are made of copies of **Hansard** – if persons – Members need copies of any particular thing, have they ever been in a position where they are not supplied. And I am informed that…

Dr. PHILLIPS: If you might, Madam Speaker.

The SPEAKER: …they are getting them.

Dr. PHILLIPS: It is very true, and I personally am grateful to the Clerk and the staff of the House who provide copies of **Hansard**. But that in and of itself does not relieve us, collectively, of the need to have the relevant documents provided. All I am saying is, let's try and find a solution to that problem. It's not a criticism of anyone in particular.

The SPEAKER: No, no, I don't consider it a criticism. And the point is well taken. But we just want it to be known that when requests are made of any particular hearing, the office of the Clerk has made the material available to the requesting person.

PUBLIC BUSINESS

Mr. HOLNESS: Madam Speaker, it is not proposed to do any lengthy or significant Public Business in this session.

The Minister of Justice has a matter referred from the Senate, which he would like to take. We will take that matter, and then we would give directions as to future business of the House.

The SPEAKER: Minister.

Mr. CHUCK: Thank you.

Madam Speaker, I just would like to bring to the House under Government Business on the Order Paper, Number 8, the matter of the Senate's amendment to the Bill entitled AN ACT to Amend the Interception of Communication Act, that I propose that the House adopts the amendment proposed by the Senate. And if the House adopts the resolution, that the Bill be passed. On the Order Paper, just the amendment, the Interception of Communication Act, Number 8 on your Order Paper. So I move for the resolution to be adopted, that is, to adopt the amendments from the Senate – the proposed amendments from the Senate.

The SPEAKER: Members, the question before the House is that the amendments made to the Bill shortly to be entitled, the Interception of Communications (Amendment) Act, 2011, be adopted.

Put to the House and agreed to.

The SPEAKER: Amendment adopted.

Mr. HOLNESS: Thank you, Madam Speaker.

The Public Appropriations Committee - Administration and Appropriations Committee have not completed their deliberations. And it is proposed, Madam Speaker, that we adjourn today, and the House will sit tomorrow. The PAAC and its Chairman and members will determine when they will meet, either they will meet after this meeting or they will meet first thing in the morning to have a Report ready for us to review.

ADJOURNMENT

Mr. HOLNESS: So, Madam Speaker, I am therefore going to move that the House - seeing that we have no further business today, I therefore move, Madam Speaker, that the House do adjourn until tomorrow, Thursday the 8th of September, at 2:00 p.m.

Mr. M. PEART: Madam Speaker, what the House Leader has said sounds straightforward enough. But I think the House needs to recognize the reality that confronts it with regard to the status of that Committee and the development of a Report that is to be presented to us.

My understanding from the Opposition Members is that the Committee is at a stalemate, and something needs to happen.

(*Sotto voce* comments from Government Members)

Mr. HOLNESS: I am just explaining my understanding. If it is not so then I may be corrected. So I am just bringing that to the attention of the House.

The SPEAKER: Thank you, Member.

Mr. HOLNESS: Madam Speaker, the Leader of Opposition Business has brought the matter, and I won't carry it any further, other than to say that the membership for the Government side is prepared to meet and resolve whatever issues there are. The House has delegated the authority to a Committee, and we will await the ruling of the Committee on those issues that confront them.

So, Madam Speaker, I now move that the House be adjourned.

Mr. FAGAN: Madam Speaker, I just want to find out, is the House Leader saying that the Committee will meet at 2:00, or is it that the Committee will come earlier, to have a…

The SPEAKER: My understanding is that the Committee will meet prior to us meeting at 2.00 o'clock.

Dr. McNEILL: Madam Speaker, it's the intention, as we had indicated to the House Leader after - we had adjourned the meeting before and we will reconvene the meeting after. And the Committee will do everything possible to generate a Report as quickly as possible.

The SPEAKER: Very well. Thank you.

Dr. DUNCAN: Madam Speaker, I am not satisfied with the Chairman's comment. I am a member of the Committee, and the way that the House - Leader of Government Business puts it, it appears as if the Government side is waiting to be cooperative to get this stalemate settled. I understand the opposite. The Opposition side is waiting on the Government side to finish their deliberations.

The SPEAKER: Member…

Dr. DUNCAN: We are ready to complete and make the business happen today.

(*Sotto voce* comments)

The SPEAKER: Member, Member, I have…

(*Sotto voce* comments)

Dr. DUNCAN: I don't want to have it recorded…

The SPEAKER: (Gavelling) Member!

Dr. DUNCAN: I am not having it recorded that we are holding up anything.

The SPEAKER: Member! Member! I have every confidence in the leadership of the Chairman of the PAAC. And he has spoken. He has said the PAAC Committee will meet after and will do all that is necessary to have a Report ready.

Mr. HOLNESS: Madam Speaker, it is not appropriate for the general House to be discussing a Report of a Committee that is not yet before it. Which is why I wanted not to go any further with the discussion, other than to say that the Members on this side, for whom I can speak, are prepared to meet today or tomorrow to have the matters resolved.

So, Madam Speaker, I move again that the House do adjourn its business until the 8th, that is Thursday, tomorrow, at 2:00 p.m.

The SPEAKER: The question before the House is that we do adjourn until Thursday, the 8th of September at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House is now adjourned.

The Honourable House of Representatives was adjourned at 5:31 p.m., to resume on Thursday, September 8, 2011, at 2:00 p.m.

THURSDAY, September 8, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 4.40 p.m.

PRESENT

THE SPEAKER

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

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

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, 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 Industry, Commerce and Investment.

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

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

CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, Minister of Mining and Energy.

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

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of Agriculture and Fisheries.

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.

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.

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, Minister of State in the Ministry of Education.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, Minister of State in the Ministry of National Security.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, Minister of State in the Ministry of Transport and Works.

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

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

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.

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.

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.

MR. JAMES RUDOLPH EDWARD ROBERTSON,

(JLP), St. Thomas, Western

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 4:40 p.m..

The SPEAKER: (Gavels) Please be seated.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, I want, once again, to welcome you all to another sitting of the House of Parliament and to apologize for the late start. We want to thank you, and in particular, all the technical staff of the Ministries for your hard work and your patience in assisting us as parliamentarians to arrive at consensus. And we're late so we'll go right into the business at hand.

ANNOUNCEMENTS

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

- The Report of the Public Administration and Appropriations Committee on the First Supplementary Estimates - on its deliberations of the First Supplementary Estimates of Expenditure - for the Financial Year Ended March 31, 2012.
- The Jamaica Public Bodies Revised Estimates of Revenue and Expenditure For the Financial Year Ended March 31, 2012.

REPORTS FROM COMMITTEES

Mr. McNEILL: Madam Speaker, I beg to lay on the Table of the House a copy of the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2012. And the Jamaica Public Bodies Revised Estimates of Revenue and Expenditure for the Financial Year ending March 31, 2012.

NOTICES OF MOTIONS GIVEN ORALLY

Dr. McNEILL: 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 Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the First Supplementary Estimates of Expenditure for the Financial Year ending

March 31, 2012. And the Jamaica Public Bodies Revised Estimates of Revenue and Expenditure for the Financial Year ending March 31, 2012, which was laid on the Table of the House on the 8th day of September 2012, be approved.

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Madam Speaker, having regard to the time - and I'm aware that there's a Member who would want to table questions today - I therefore move for the suspension of Standing Orders to enable us to take question beyond the specified time.

The SPEAKER: The question before the House is that the Standing Orders be suspended to allow questions to be tabled at this time.

Put to the House and agreed to.

Rev. THWAITES: Madam Speaker, at the expiry of 21 days I seek your leave to - the House's leave - to ask the following questions to the Minister of Health, the Minister of Education and the Prime Minister:

Question 1: Does the Minister acknowledge Registrar General's estimates that there may be as many as 500,000 Jamaicans who have no Birth Certificates?

Question 2: Why does a person need a birth certificate to be issued a Tax Registration Number?

Question 3: Why does a person need a birth certificate to qualify for the PATH programme or the National Health Fund?

Question 4: Is there a recognition of the urgent need for all Jamaicans to be identified by a registration number and if so, should this not be achieved by issuing a birth certificate for all those who presently lack one?

Question 5: What would be that cost of such provision?

To the Minister of Health:

Question 1: What is the basis for cutting the budget of Nutrition Products Ltd.?

Question 2: How far has the plan to divest the Company progressed?

Question 3: What evidence is there that a divested School Feeding programme will provide affordable and nutritious diet using local produce to school children?

Question 4: What is the per capita grant for school-based nutrition for pre-primary, primary and high school students?

To the Prime Minister:

Question 1: What is the nature of proposed amendments to the Urban Development Corporation Act, which were recently attributed to the Prime Minister by the General Manager of the UDC?

Mr. HOLNESS: Madam Speaker, given the business at hand today and in consultation

with the Leader of Opposition Business, whilst we have questions ready for answer, we would not give those answers today.

PUBLIC BUSINESS

Mr. HOLNESS: Thank you, Madam Speaker.

At Public Business today, we will take the Report of the PAAC just to give Members the procedure. We will debate the Report and accept the Report, then we will move for the re-committal of notices at which point the Minister of Finance will refer the Report and the Estimates to the Standing Finance Committee that will review that Report - prepare its own Report - which will then be brought back to the House for its full approval. A convoluted process, Madam Speaker, but one with which we have to fund.

Madam Speaker, I now move for the suspension of Standing Orders to enable the Chairman of the PAAC to take the Report, notices of which he gave earlier.

The SPEAKER: The question is that the Standing Orders be suspended to enable the Member to take the motion, notice of which he gave earlier.

Put to the House and agreed to.

The SPEAKER: Minister.

PAAC REPORT/ESTIMATES OF EXPENDITURE

Dr. McNEILL: Madam Speaker, I'd like to start by acknowledging that this Report is late and has inconvenienced a lot of people. It's a matter of regret, but the Committee has worked hard and has now generated its reports.

The First Supplementary Estimates were examined from Tuesday, of this week and deliberated on yesterday and today. There were differences of opinion within the Committee with regard to the restructuring of the Report and these differences were not resolved. For that reason, Madam Speaker, we have two Reports before us today. I am not going to get into the full presentation of the Reports, as there are two Reports and there will be a debate on that.

I would like to highlight though, Madam Speaker, one point. In discussion with the Financial Secretary during examination on Tuesday, and taking into account the fiscal responsibility framework, the small subcommittee of the Public Administration and Appropriations Committee comprising of Members Gallimore, Jackson, Paulwell and Peralto was established. The mandate of the subcommittee is to meet by September the 30th 2012, with the Financial Secretary and along with him and Members of the Ministry of Finance, to develop strategies that will allow the Committee to be able to receive for review, regular Reports on the performance of the economy in relation to the denominated targets of the standby agreement with the IMF.

Madam Speaker, the only other thing that I would like to mention today is really to give my thanks to the members of staff of the Parliament. The Clerk and her team, the **Hansard** writers and all the others who stayed up with us for two nights in a row till 8:30 and also the advisor to the Committee, MISS MEGAN DEAN, who has worked hard over the last week, both generating the Report and working along with the Committee. I would like to just place on record, on behalf of the Committee, our thanks for the work that they have done that has allowed us to complete our deliberations and put this Report.

With that, Madam Speaker, I hereby table - I hereby put the Report of the Public Administration and Appropriations Committee on the Estimates of Expenditure for Financial Year ending 31st March, 2012.

The SPEAKER: The question before the House is that the motion so moved by the Member be agreed to.

Put to the House and agreed to.

Mr. HOLNESS: Madam Speaker, before I ask for the re-committal of the item Notices of Motions, yesterday the Prime Minister brought a resolution regarding the formation of a committee to look at our National Heroes. The Prime Minister would now want to take that resolution. So, Madam Speaker, I now move for the suspension of...

Mr. JACKSON: Before you do that. Madam Speaker, you will note that the Chairman of the PAAC indicated that on this occasion there are two Reports. One - second of which is that of the minority Members and I wish to use this opportunity to underscore the basis on which the Opposition Members sought to ensure that points raised in the deliberations of the Committee, particularly on Tuesday, of this week, which are of great significance, being considered by this House, insofar as we consider further Supplementary Estimates of Expenditure.

Of importance, Madam Speaker, is the fact that the PAAC has a special remit and that is to…

Mr. HOLNESS: Madam Speaker, just on a point of information, I want to be clear as to what the Member is doing. We have accepted the Report already.

The SPEAKER: Yes.

Mr. HOLNESS: Now I just want to know is the Member asking a question, because having accepted the Report the Member cannot now go and have another debate. On what basis would you be debating?

Mr. JACKSON: No I was - no my having sought to speak, Madam, was before the actual taking of the Report.

Mr. HOLNESS: No.

Mr. JACKSON: As you know when it is tabled - when the Chairman speaks there is some debate.

Mr. HOLNESS: We have passed that.

The SPEAKER: No, we have passed that.

Mr. JACKSON: Madam Speaker, what I will do I will make my observations when we come to the full debate of the questions.

The SPEAKER: The full debate.

MEMBERS: Ah! Very good, very good.

The SPEAKER: Thank you very much.

Mr. CHARLES: A soh yuh bright.

Mr. HOLNESS: Madam Speaker, I now move for the suspension of Standing Orders to enable the Prime Minister to take the motion, notice of which he gave.

The SPEAKER: The question is that the Standing Orders be suspended to allow the Prime Minister to take the motion, notice of which was given yesterday at our sitting.

Put to the House and agreed to.

The SPEAKER: Prime Minister.

NATIONAL HONOURS & AWARDS ACT – NATIONAL HEROES

The PRIME MINISTER: Thank you very much, Madam Speaker and Members of the House.

You will recall yesterday I gave notice of a resolution, seeking to have the House approve the nomination of two Members of this House to sit as Members of the Committee - the Advisory Committee - which

is required by the National Honours and Awards Act, and that Committee deals specifically with the Order of National Hero.

I want to quickly indicate, that this is not an expression of intention for us to establish new National Heroes, although that is something that the Committee would consider and advise before a decision is made, but the law requires that such a committee exist and such a committee existed up to 2008. Because of certain failure of communication, that the Leader of the Opposition and I understand, there was a period during which there was no committee. That is now being corrected. I consulted with the Leader of the Opposition who nominated from the Opposition side, the Member for South East St. Ann, and this side has nominated the Member for Central St. Catherine, to be the two representatives of the House of Representatives.

The Senate will be required to nominate two members from that House and they will form part of a Committee which will involve a number of persons who I will appoint. I have already consulted the Leader of the Opposition on the potential nominees, and I'm in a position to advise that the Chairman of the Committee will be, the Most Honourable PROFESSOR SIR KENNETH HALL. The other members of the Committee confirmed so far are MR. CAREY ROBINSON, MR. HUGH NASH, the Chairman of the National Jamaica Cultural Development Commission; DR. MARIA SMITH.

There is one appointee that the Leader of the Opposition has conferred with, but that appointee advised just yesterday that because of overseas academic commitments, he would not be able to serve, and I indicated to the Leader of the Opposition that I will be consulting her about a replacement.

This Committee is intended to examine the question as to whether or not a new Order should be awarded, and to advise us and give us their recommendations.

As I said it is a requirement, so it's not something that is being done specially but I do feel that as we approach **our fiftieth year of Independence** that it is one issue that ought to be addressed by the Committee. And that has happened in the past, the Committee considered it, and reported and recommended that there be no new appointments. That may very well be the advice of the new Committee; I wouldn't want to preempt what recommendations they may make. So with those few words, Madam Speaker, I beg to move for the approval of the resolution.

The SPEAKER: The question before the House is that the motion as moved by the Prime Minister be so approved.

Put to the House and agreed to.

Mr. HOLNESS: Madam Speaker, I now move for the recommittal of item Notices of Motions, to allow the Minister of Finance to give notice of the referral of the Report.

The SPEAKER: Members, the question is that we recommit the item Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY
(Recommitted)

The SPEAKER: Minister.

Mr. SHAW: Thank you, Madam Speaker.

I beg to give notice that at the next meeting of the House I'll move:

BE IT RESOLVED that the First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2012, and the Jamaica Public Bodies Revised Estimates of Revenues and Expenditures for the Financial Year ending March 31, 2012, which was laid on the Table of the House on the 30th day of August, 2011 be referred to the Standing Finance Committee of the whole House of Representatives consisting of all the Members of the House for consideration and Report;

AND BE IT FURTHER RESOLVED that the Committee during its deliberations take into account the recommendations contained in the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2012, and the Jamaica Public Bodies Revised Estimates of Revenues and Expenditures for the Financial Year ending March 31, 2012, which were laid on the Table of the House on the 8th day of August [September], 2011.

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

The SPEAKER: The question is that the Standing Orders be suspended to enable the Minister to take the motion, notice of which he gave earlier.

Put to the House and agreed to.

PUBLIC BUSINESS

Mr. HOLNESS: Madam Speaker, just to alert Members of where we are now. We're back at Public Business. The Minister of Finance will now actually move the motion.

The SPEAKER: Minister.

Mr. SHAW: Thank you, 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 SPEAKER: The question is that the Standing Orders be suspended to enable the Minister to take the motion, notice of which he gave earlier.

Put to the House and agreed to.

The SPEAKER: Minister.

Mr. SHAW: Madam Speaker, as you are aware, we have tabled the two documents which I've listed in the notice, and, of course, there is also the Report of the Public Administration and Appropriations Committee. I now move that they be referred to the Standing Finance Committee for examination and Report.

The SPEAKER: The question is that both documents be referred to the Standing Finance Committee of the whole House for us to debate and to report back to the House.

Put to the House and agreed to.

Mr. HOLNESS: Madam Speaker, in light of the resolution for the referral and given the particular situation surrounding this - the approval of this Supplementary Estimate, Madam Speaker, I now move that we suspend the sitting of the House to allow the Standing Finance Committee to meet and review the Estimates referred to.

The SPEAKER: The question before the House is that the sitting of House be

suspended to allow us to convene and for the Standing Finance Committee of the whole House to examine the documents.

Put to the House and agreed to.

The House suspended it sitting at 5:03 p.m.

RESUMPTION

The SPEAKER: Members, this Honourable House now resumes its sitting.

Mr. HOLNESS: Madam Speaker, I'd like to move for the recommittal of the Item Announcements.

The SPEAKER: The question before the House is that we recommit the item on the Order Paper, Reports from Committees – Announcements, Reports from Committees, and Notices of Motions Given Orally Made at the Commencement of Public Business Requiring...

(The Mace was belatedly returned to its correct position.)

The SPEAKER: This Honourable House now resumes its sitting.

Mr. HOLNESS: Madam Speaker, I would now like to move for the recommital of the item Announcements.

The SPEAKER: The question before the House is that we recommit the items Announcements, Reports from Committees and Notices of Motions Given Orally.

Put to the House and agreed to.

RECOMMITTAL OF ANNOUNCEMENTS

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

- A copy of the Report of the Standing Finance Committee, consisting of all Members of the House of Representatives, on their deliberations on the First Supplementary Estimates of Expenditure for the Financial Year ending March 31, 2012, and
- The Jamaica Public Bodies Revised Estimate of Revenue and Expenditure, for the Financial Year ending March 31, 2012.

RECOMMITTAL OF REPORTS FROM COMMITTEES

Mr. SHAW: Madam 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 the Members of the House, on its deliberations on the First Supplementary Estimates of Expenditure, for the Financial Year ending March 31, 2012; and the Jamaica Public Bodies Revised Estimates of Revenue and Expenditure for the Financial Year ending March 31, 2012.

RECOMMITAL OF NOTICES OF MOTIONS GIVEN ORALLY

Mr. SHAW: 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 Standing Finance Committee of the whole House of Representatives, consisting of all the Members of the House, on its deliberations on the First Supplementary Estimates of Expenditure, for the Financial Year ending March 31, 2012; and the Jamaica Public Bodies Revised Estimates of Revenue and Expenditure, for the Financial Year ending March 31, 2012, which was laid on the Table of the House on the 8th day of September, 2011, be adopted.

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.

PUBLIC BUSINESS

Mr. SHAW: 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 SPEAKER: The question before the House is that the Standing Orders be suspended to enable the Minister to take the motion, notice of which he gave earlier.

Put to the House and agreed to.

The SPEAKER: Minister.

(Applause)

SUPPLEMENTARY ESTIMATES, ETC.

Mr. SHAW: Madam Speaker, earlier this year – well, in March 2010, Parliament approved a most profound amendment to both the Financial Administration and Audit Act, and the Public Bodies Management and Accountability Act, which is referred to as the Fiscal Responsibility Framework for Jamaica. The Fiscal Responsibility Framework seeks to provide greater prudential management of Jamaica's fiscal affairs, and more broadly, to confirm the commitment of the Government of Jamaica to instituting a culture and process that will promote fiscal discipline.

One of the most powerful amendments to this Act – to the PBMA Act, is the provision that requires the Minister of Finance to seek the approval of both Houses of Parliament, and for the Budget of all public bodies consistent with what obtains for the Central Government. With Parliament now being required to approve the Budgets of public bodies, the concept of off-Budget spending, with respect to activities undertaken by public bodies, is now obsolete.

Dr. DAVIES: JDIP!

Mr. SHAW: JDIP is in the Public Bodies Report.

It is against this background, Madam Speaker, that I now present the Supplementary Estimates for both the Central Government and Public Bodies, in respect of the formal debate.

The primary objective, as I said earlier, of the First Supplementary Estimates coming as early as it does, is to obtain Parliamentary approval for the payment of the 7 per cent public sector wage settlement, specifically for the new rates covering the period April 2011 to March 2012.

The cost of the settlement, based on information received from the various ministries, departments and agencies, is approximately Nine point Two Billion Dollars ($9.2B), Madam Speaker. This has, however, been partially offset by net savings and reductions in the non-debt Recurrent Budget of Six point Seven Billion Dollars ($6.7B), broken out: Contingencies for Salaries, One point Two Eight Billion ($1.28B), Recurrent Programmes, Four Ninety-two Million, ($492M), Capital A, Two point Six Nine Five Billion, ($2.695B), and Capital B, Two point Two-two Five Billion, ($2.225B).

It is important to note, Madam Speaker, that none of the critical social safety-net programmes has been affected…

A Government MEMBER: Hear! Hear!

Mr. SHAW: ...and no cuts have been made in National Security, Justice or Health.

(Government Members applaud)

Members will recall that the 2011/2012 Budget was cast around a targeted Central Government primary surplus of five – primary balance of 5.2 per cent of GDP, or some Sixty-nine point Three Billion Dollars ($69.3B), as agreed under the Standby Agreement with the IMF. This target has since been adjusted to 5 per cent of GDP. And the adjustment from 5.2 to 5 per cent of GDP, alongside a downward revision to the estimated GDP for 2011/2012, now puts the primary surplus target at Sixty-five Billion Dollars ($65B), thereby creating fiscal space of Four Billion Dollars, ($4B). Of this fiscal space, One point Eight Billion Dollars ($1.8B), will be utilized to offset a projected shortfall in revenue and grants, mainly due, Madam Speaker, to lower than originally expected grants from flows from the European Union. The remaining Two point Five Billion Dollars ($2.5B), will allow for more non-debts or primary expenditure than originally approved. With debt-service cost expected to be Four Hundred Million Dollars ($400M), lower than initially planned, the overall Budget will therefore increase by Two point One Billion Dollars ($2.1B). I have given this background explanation simply to explain the context within which the Budget nominally, has been increased by Two point One Billion Dollars ($2.1B).

In terms of the savings from contingencies for salaries, from the Four point Six Billion ($4.6B), which was budgeted to meet back pay for a selected number of public sector groups, only Three point Three-four Billion ($3.34B), has in fact been paid out. The largest amount of Six Hundred Million ($600M), we know came from the teachers' back pay, and this variance was due to the over-estimation of the amount required to pay for Teachers' special allowance.

A provision of Seven Hundred Million ($700M) was made to facilitate payments of arrears to groups with whom negotiations were not settled at the time of the Budget preparation. From this sum, a Hundred and Twenty-four Million ($124M), has been paid to paramedics, and the projected expenditure required for the additional groups through to March 2012, is Four Seventy-five point Nine Million ($475.9M), thereby yielding a further savings of a Hundred Million Dollars ($100M).

A contingency provision of five hundred million ($500M), to assist the Ministry of Health with the recruitment of Cuban health workers, has not been paid out, as indicated before. And other savings realized from the contingency, based on actual payments, amounted to eighty-one million dollars ($81M).

And there are savings to be projected – that were projected from the Recurrent Programmes of compensation, through the non-filling of vacant positions and from delays in the recruitment process, travel expenses through the reduction in both overseas and local travel and subsistence, as well as the rationalization of mileage for travelling officers; public utilities, by in the main controlling the cost of landlines and mobile telephones. And this has become an increasing cost, especially in relation to the cost of the various services and cross-communication between different service providers.

I am also pleased to report that some Executive agencies and the Post and Telecommunications Department, have been able to meet the 7 per cent salary increases,

through revenue generated from their own operations.

A Government MEMBER: Hear! Hear!

Mr. SHAW: And these are reflected as Appropriations-in-Aid in the Supplementary Estimates.

Madam Speaker, on the Capital Expenditure side, most of the reductions apply to projects, which for various reasons have been experiencing implementation delays, some of them protracted. And we have been through that, and I need not belabour this meeting with that any further.

In terms of Debt service, I also need to inform the House that interest costs have been reduced by Two point Nine Billion Dollars ($2.9B). But this reduction was largely due to a lower-than-programmed interest rates, lower- than-programmed exchange rate, and a reclassification of a Budget activity, where an amount of One point Seven Billion Dollars ($1.7B), was transferred from interest payments to amortization. Amortization payments are therefore expected to increase by Two point Six Billion ($2.6B), above the original Budget. And the factors contributing to that are the One point Seven Billion ($1.7B), I just mentioned, and non-cash transfer to the Consolidated Fund of One point Eight Billion ($1.8B), for securities issued to the Bank of Jamaica, for capitalization of interest on former FINSAC bonds, which are held by the Bank. And lower than programmed exchange rate, particularly partly offsetting the reductions that are noted.

We have also taken on – as I indicated in Standing Finance – a few areas of additional expenditure. These include a shortfall of a Hundred Million Dollars ($100M), to the Social Development Commission, a shortfall of One Seventy Four Million Dollars ($174M), for the completion of the Population Census; arrears to the Urban Development Corporation of some Fifty-eight Million Dollars ($58M).

In terms of changes to the Public Bodies Budget, it should be understood that the principal reason for the revision in this Budget is that the anticipated divestment of the Clarendon Alumina Production by the first quarter of this Fiscal Year, has not yet been finalized. Out of an abundance of caution, therefore, the inclusion of CAP in this Supplementary Budget, meant that an additional Five point Three Billion Dollars ($5.3B) had to be found to accommodate the deficit from CAP.

A Government MEMBER: You hear, Mark?

Mr. SHAW: Consequently, the adjustments required from other public bodies totaled Five point One Billion ($5.1B), resulting in an overall balance deficit of Ten point Four Billion Dollars ($10.4B), which is consistent with the target set out in the IMF Standby Agreement.

Please note that Public Bodies have also made provisions for the payment of the seven per cent (7%) salary increase in the revised Budget.

I want to stress here, Madam Speaker, that all Public Bodies must understand that the rule on seven per cent applies to everybody, equally across the board. Regardless of whether they have surplus funds or not, the seven per cent (7%) rule applies to everybody. And then, while I am on that score, the rule applies, as indicated and stressed, and announced by the Honourable Prime Minister several years ago, that the seven per cent (7%)

rule will also apply to us as Members of Parliament in this Chamber.

Let me state that in September, the payment of the seven per cent (7%) increase to the entire Public Sector will therefore commence. And in accordance with the agreement with the unions, one month's, arrears, April, will also be paid in September, in addition to the seven per cent (7%) in September. The remainder of the arrears for this fiscal year, May to August, will be paid in December of this year, 2011. And the remaining arrears covering the period fiscal year '09/'10 and '10/'11 will be paid in five (5) equal tranches in May and November of each year, ending in May of 2014.

IMF

Madam Speaker, let me say a few words about our relationship with the International Monetary Fund and the progress that is being made in regard to dealing with the various issues that we have already made public both in a national broadcast that I have given, and in various dispatches and statements that have been made by myself and the Honourable Prime Minister.

It is important to recognize that the tabling of this Supplementary Budget also fulfills one of the requirements for the commencement of the fourth and fifth reviews. For the benefit of the House, allow me to recap these requirements, which I should also remind is the subject of was the subject of my national broadcast.

Dr. DAVIES: Nobody watched.

Mr. SHAW: In addition to the Supplementary Estimates, there is the question, Madam Speaker, of the negotiation of an understanding with the Public Sector. That is to say, the issue was not just the payment of a seven per cent (7%); the issue is an understanding as to going forward into the medium term, what is it that should guide the timely development of an understanding as to wage settlements.

And, the negotiations of this understanding - I must say to you, the dialogue has begun in earnest because the Honourable Minister without Portfolio organized a two day seminar with the public sector - unions and workers, leaders - Tuesday and Wednesday of this week right here at the Jamaica Conference Centre. It was a very successful seminar. And discussion centred around, among other things, the issue that future settlements will have to be based on Government's ability to pay, which is in accordance with growth in the economy, productivity gains, growth in revenue absolutely critical and centred around a targeted reduction of the wage to GDP ratio of nine per cent down to nine per cent (9%) by March 2016.

It is also centred around, Madam Speaker, the IMF discussions, the successful divestment of the Clarendon Alumina Production. And I can report that the end of that process is within sight as the Government is presently evaluating two firm offers that are on the table for the divestment of CAP. I should indicate that the early divestment of CAP would result in a positive improvement on the public bodies balances, should that be accomplished within this fiscal year.

We are making progress on a comprehensive Tax Reform Programme which is also a part of the matrix of concerns with the IMF. And this includes Parliamentary hearings that that will shortly commence into

the Green Paper that has been Tabled in Parliament. And I want to indicate to Members that now that the Supplementary is about to come out of the way, we will be turning our attention to the Parliamentary hearings, in respect of the Green Paper.

But, I want to indicate that we have not been remaining flat footed, just waiting on the Parliamentary hearings. We have been having a lot of very detailed discussions with critical groups, especially in the product sector of the economy where I, as the Minister, have been meeting with them group by group, and we have been going through in a considerable amount of detail. And this has led to some refinement in proposals that have actually come to us from them, including the Jamaica Manufacturers Association.

We have also made important progress in respect of the issue of the containment of discretional waivers within a monthly cap that we have put in place. And, we have - as part of the financing of the gap that comes about as a result of this Supplementary Estimate, we have set aside some $3 Billion, Madam Speaker, that we expect to reap from a special programme of collecting arrears called the Revenue Enhancement and Arrears Project. And to report to you, in respect of that issue of revenue because that has been an area of concern - because to the end of July, you will recall for those who are discerning of the numbers, that we were behind our revenue by some $3.3 Billion in revenue.

And, I am to indicate, Madam Speaker, that the picture is already turning and looking much more positive in that regard, because in the month of August we actually had a revenue increase above our target of $1.6 Billion, thereby reducing that deficit down to $1.7 Billion. And we are confident that certain initiatives that we have embarked on will continue to reap the increase in revenue. Importantly...

(*Sotto voce* comments by Dr. Davies)

Mr. SHAW: No, these are new information I am giving you.

Importantly, Madam Speaker, to indicate to you that of interest the PAYE is up - this period to the end of July is up 17 per cent over the same period last year 17 per cent.

(Applause)

Mr. SHAW: And that is an indicator it is consistent with the fact that in March the economy grew by 1.4 per cent, and in June, the economy grew again by 1.5 per cent.

(Applause)

And so, where there is growth, we know that there is job enhancement. And indeed, while we have the net new jobs created in December of 15,000 to the December quarter, reported in January, of over 15,000, we have not been able to have timely reports of job creation because STATIN has directed its attention to the Census, and so, we have not had the Labour Market Reports from STATIN. But, just from the figures of the revenue, and from the PAYE, we know that the optic is there and that we are 17 per cent above last year.

MEMBERS: Hear, hear!

(Applause)

Mr. SHAW: And this has also - this has assisted us…

(*Sotto voce* comments by Opposition Members)

Mr. SHAW: This has assisted us, Madam Speaker, in our ability, as I reported earlier, to commence the programme of reducing the arrears on the withholding tax on interest,

critically for the companies including pension the pension sector that has been complaining about this issue for some time now.

We are also making progress, in relation to our arrangements with the IMF on the progress on pension reform. And today, Members will have observed that we have tabled in the Honourable House, the **Green Paper** on pension reform. This has been tabled today and will become the subject of discussions in Parliament. A committee is shortly to be named. It will be under the chairmanship… It will be a Joint Select Committee of Parliament, and will be under the chairmanship of the HONOURABLE ARTHUR WILLIAMS who is the Minister without Portfolio in charge of the Public Service. The House should then have these deliberations with the plan to have a tabling of a White Paper early next year.

In all of this context, Madam Speaker, I am to point out that the Government of Jamaica, having regard to all of the stresses and strains, not just the Public Sector salary settlement, but certainly within the contest of the new emerging clouts on the horizon, both in the United States as well as in the Euro Zone. We are obliged to do a complete re casting of our medium term economic programme, taking into account the emerging economic conditions, as well as the recent wage settlements.

And it is in this context, Madam Speaker, that I spoke pleasingly about the new directions that we are seeing taking place in the revenue, and I can assure you that there are other areas of revenue that we have been taking the appropriate technical advice, and we are confident that there are some very major loopholes in the system that we are going to plug.

Dr. DAVIES: You can take them on?

Mr. SHAW: There are mayor loopholes in the system that we are going to plug. One of them, I will tell you, because I saw - in a newspaper story I think it was earlier this week, where the formal retailers are complaining that their businesses are being marginalized because of illegality and outright corruption. And therefore, special initiatives, Madam Speaker, are going to be taken to ensure that there is a level playing field for all traders of all types.

A MEMBER: Hear!

(Applause)

Mr. SHAW: A level playing field. And therefore, those who persist in seeking to either evade or avoid the GCT system, or to evade or avoid the payment of either corporate income tax or personal income taxes, then they can be assured that the Government is working on a plan to make sure that we catch them at the appropriate place, so that there can be a level playing field for all traders in the country.

(Applause)

And the revenue must come into the coffers of the Government so that we can deal with the many demands that are placed upon the budgetary process.

Madam Speaker, let me remind this House that Jamaica, through the hard work and sacrifice of all of us, has put a significant number of runs on the board, where stabilizing our economy is concerned. This could not have been achieved without the support and assistance of our multilateral development partners: the IMF, the World Bank, the IDB,

the European Union, and the Caribbean Development Bank. And notwithstanding the current deterioration in the global economy, there are many more rivers to cross, and we must remain focused on our goals.

A MEMBER: Hear, hear!

(Applause)

Mr. SHAW: But, this evening, I am very pleased to announce, Madam Speaker, to this Honourable House, that the World Bank at its Board meeting this morning approved a Development Policy Loan for Jamaica of US$100 Million at an interest rate of 1.5 per cent.

A MEMBER: Very good.

(*Sotto voce* comment/Applause)

Mr. SHAW: That loan which was approved this morning...

(*Sotto voce* comments by some Members)

Mr. SHAW: ...that loan...

Mr. CHARLES: Driver...

Mr. SHAW: That loan which was approved this morning by the World Bank is based on our continuing commitment for the management of debt, Public Financial Management, including our plan to introduce a Central Treasury Management System to better manage the cash resources of Government, as well as our commitment to Tax Administration Reform, and to improving the performance of our revenue.

There is a 9½ year moratorium on the payment of principal, and the payment of principal will be over an eighteen year period. And it is basically at today's rate, it is approximately 1.05 per cent above LIBOR. And LIBOR is at a half per cent. Hence the interest rate is just over 1.55 per cent to be exact.

Now, Madam Speaker, please allow me to just make a few points in concluding my presentation. The first is that, in the very worst of times in the global economy, this administration can be justly proud that today all of Jamaican's macroeconomic indicators are headed in the right direction. (Applause)

Proof of this may be seem in a brief comparison of the GDP growth and inflation figures of Jamaica and the United States, an economy many times the size of ours. Jamaica's inflation rate between January and June was 2.5% inflation rates in the United State in the same period was three 3%. The rate of growth, GDP growth, in Jamaica January through June, 1.5%, and the rate of growth in the United States for the same period were 0.7%, twice the rate of growth.

We have mentioned already the issue that jobs are being created and that we are seeing the results of that job creation that is evident in the performance of the PAYE. All of this has occurred against the background of continued challenges globally. The climate in other highly indebted European countries such as Italy, Portugal and Spain, remain fragile as their borrowing cost increase due to downgrades in credit rating. These challenges led the IMF to revise downwards its projections for global growth in 2011, down by a nominal figure. But we cannot be flatfooted, there are economic storm clouds on the horizon with the new developments, as I said in the US and the Euro zone. We therefore have to be vigilant in anticipating and mitigating the effects of these potential negative impacts.

It is therefore, Madam Speaker, of more than a little significance that in the midst of

tremendous global economic upheaval, Jamaica continues to record the following signs of progress all at the same time, they are happening simultaneously, and the realization of one indicator is not achieved at the expense of another. Bank of Jamaica Treasury Bill rates at a record 40-year low of 6.5%. (Applause)

After thirteen (13) consecutive quarters of negative growth, growth in the March and June quarters of this fiscal year. (Applause) Our inflation rate which I have already spoken about, is well within the projection of 6% to 7% for this fiscal year. (Applause) The dollar is holding firm, it is stable. (Applause) And there is record gross foreign exchange reserves and adequate net international reserves that are in the system. (Applause)

Other signs of optic remittances are up 6.5% for the first five months of 2011. (Applause) Bad loans are tapering off, consumer loans are on the increase. New mortgages, in part because this Parliament, at my recommendation earlier this year, we abolished or reduced to a nominal level the stamp duty on the transfer of property. (Applause) And this has lead to a lot of healthy competition, healthy competition among the financial institutions. And when we announced that initiative, average mortgage rates were in the 15 to 16, up to 18% region. Today, there is an average fall in mortgage rates by 5%, 5% (Applause) and one company has already announced a mortgage of single digit, 9.8% mortgage rate. (Applause)

I want to say that we are not yet beginning to see the incremental benefits of the reduction in the stamp duties on estates. But that is about to move because there were some administrative issues that we had to deal with. And thanks to the Honourable Minister of Justice, he has helped us to smooth the way so that the administration can be speeded up and we can see more estates being transferred in that context.

In all of this, I want to point out that notwithstanding the glitches that we had in the delays with the IMF review, I want to make it clear that we have nonetheless, an impressive performance of one hundred performance objectives that we set with the multi-lateral agencies combined. Last check with the PIOJ, we had performed 95 out of 100 of those performance objectives. (Applause)

We are confident…

(*Sotto voce* comments by Members)

Mr. SHAW: I can send it to you. We are confident that the necessary remaining realignment will be done to further preserve and enhance investor confidence in this task of rebuilding the economy. It is important, however, for me to give some indication of how the current global situation is likely to affect Jamaica.

In the domestic environment, external sector developments may influence slower than expected growth in key tradable sectors such as agriculture, mining, manufacturing and tourism as well as slower growth in employment in these sectors. However, the magnitude and extent of these effects on growth are expected to be short lived. The economy is still expected to grow within a range of 1 to 2% as regionally forecasted, however, if the downsize risks materialized then, growth is expected to be at the lower end of the projected range.

Finally, Madam Speaker, I wish to place on record my appreciation to Members of this House who have given their participation in

this relatively new process, especially to the Chairman of the PAAC. Dr. McNeill and the Members of the PAAC; I would say it was a bumpy ride this time…

Dr. DAVIES: Unnecessary.

Mr. SHAW: Bumpy ride though it might have been, it all part of the new paradigm of accountability and transparency which attends the management of the economic affairs of our country of which we should be all proud. (Applause)

This Administration's policy of transparency is underscored by many brand new initiatives. A monthly publication of tax waivers reports, absolutely transparent, prohibition of differed financing, no more hidden spending. It has to be published in Parliament either in the Yellow Book or in the Public Bodies Book in tabling in Parliament of a fiscal policy paper which gives us a five-year expenditure on revenue projection with ceilings on debt and deficit; tabling in Parliament of a tax expenditure statement, parliamentary approval of the total budget now rather than just a half of the budget. And most Parliamentary Standing committees, under this government, are now chaired by the Opposition as a sign of our commitment to transparency. (Applause)

Madam Speaker, I am sure that all will agree that the process and the country is the better off for these initiatives.

I wish also to thank the Financial Secretary and his team of professionals at the ministry for their work and dedication at this critical time in the realignment of the economy and to thank the Governor of the Bank of Jamaica and the head of the Planning Institute of Jamaica, Professor Hutchinson and his team as well as STATIN for their contributions to this exercise and their ongoing commitment.

Thank you very much, Madam Speaker. I open this debate. (Applause)

Dr. PHILLIPS: Madam Speaker, the situation that we face now is rare, if not unique. This is the first occasion I can recall of a Supplementary Budget being brought as early at this and with the extent of the changes, nearly four months after we had passed the original Estimates of Expenditure in our annual Budget exercise in May.

A MEMBER: No.

Dr. PHILLIPS: This is - we have before us adjustments to the budget which are occasioned by salaries, but which see among other things, a significant reduction in the capital budget of almost Five Billion Dollars and of significant - and some reductions in our Recurrent Estimates. I think also the third distinguishing factor in this current Supplementary budget exercise is that, it was heralded first of all with a problem in the agreement between Jamaica and the International Monetary Fund. Three reviews by the Fund have not been completed, resulting from the best we can garner, in some $26 Billion of resources being not available to the country. We have not met the test and for almost one year, one year we have had no formal official statement from the government as to the condition of the current agreement. This leaves me to make a preliminary, but I still believe the essential point about the way in which Parliament operates with respect to financial oversight.

For too many years, not restricted to this administration by any means, Parliament has been a by-stander in effect, that extends from the 50 years of Independence. The result has been persistent fiscal deficits, low growth

extending over close to 40 years, high debt and poverty for too many of our people. The recognition that we could not continue in this way and that we needed better oversight was recognized by the previous Administration, which introduced many Oversight committees, and including the PAAC. But it was also the underlined assumption in the whole fiscal responsibility framework.

The multilateral institutions pushed it, that is to say, pushed for a greater Parliamentary oversight and involvement, the Opposition supports it, and the Government says they supports it. But that support requires a different approach to the operations of Parliament and its committees. (Applause)

We can't simply say that we support the letter of the new fiscal responsibility legislation; we must also get the spirit and operate with a different approach to the deliberations in the committee. (Applause)

Similar disregard I daresay, Madam Speaker, has been paid to the committee on tax measures. It has not met in the period of this administration despite assurances. And indeed, we are told it is to meet to discuss the taxation **Green Paper**. And the Minister by his own announcement here tonight has indicated that there has been very close discussions already and properly so with many stakeholders, mainly from the private sector. But the fact is, that by ignoring the possibility up to now, of having Parliament deliberate on these matters, those people who don't have access to a phone call to the Minister, who don't have big associations that can give them a special seat at the table, are being denied the chance to affect in a very deliberate way and direct way… (Applause) …these taxation matters which are going to affect their lives most intimately.

(Inaudible comments by a Member)

Dr. PHILLIPS: But by whom? One hand caan' clap in this. And the point I'm making is that we have to temper the tendency to view all matters through the prism of partisan specialization and preoccupation.

(Cross talks)

That is what I'm saying about the JDIP. What is potentially a beneficial programme is being spoilt by the excess of partisanship in the allocation of the resources.

(Cross talks)

A MEMBER: Over there, over there!

Dr. PHILLIPS: The question is, the question, Madam Speaker, how did we get to this position of this Supplementary Budget? This Supplementary Budget on one level reflects the simple fact that the Government mismanaged the process that led to the Budget that was presented in April.

The Opposition warned then that the Budget was not viable. (Applause) For one thing, it did not include all the obligations of the Government due to contractors and other providers of goods and services to the Government. Most of all...

(*Sotto voce* comments)

...most of all, and perhaps most amazing and indeed a most shameful aspect of the whole episode, is that it excluded outstanding obligations of the Government to its employees and obligations to which these employees were legally entitled. In fact some of these employee organizations had taken the Government to Court in order to ensure that the sanctity of the contracts entered into by the Government would have been met. That is the

amazing part, that these obligations were excluded. Not saying that the Government couldn't determine that they did not have the resources, but at the very minimum, have some discussions prior to the budget being finalized rather than leaving it until after the event.

Worst, worst...

(*Sotto voce* comments)

...Madam Speaker, the Government indicated to the IMF that there was not an intention to pay, without any discussion with the workers of Jamaica. Quite frankly, we need to applaud the workers... (Applause) ...for having taken the stand that they took and refusing to accept such disdainful treatment. They have sent the signal once again that the Jamaican worker will resist any authoritarianism, incipient or not, because authoritarianism is always the prelude to tyranny.

But the non-provision of workers' wages was not the only area of fantasy in the Budget of April. As is apparent, when we look at the revenue out-turn for the Fiscal Year, almost every category of tax is down. The Minister, a while ago spoke about PAYE being up. Tax revenues went down between April and July of some $3.2 Billion: Income tax down $1.25 Billion; tax on dividends, $102 Million; tax on interest, $1.4 Billion; special Consumption tax, $1.3 Billion. The Government was told in April by the Opposition that its estimates on taxation were unrealistic. Unfortunately, the consequences of this confusion on the part of the Government must be suffered by all of us.

Viewed from the longer term perspective, Madam Speaker. As we had pointed out before, the impression has been advanced in some quarters that the Supplementary Budget is really occasioned by the Public Sector workers insistence that they be paid money for work that they had performed. Generally speaking - and we have heard it here again tonight - the Government gives an explanation for its predicament as being the result of the very difficult global situation.

It is true there is a global crisis. But it is also true that the effects of this crisis were worse on Jamaica than they needed to have been because of the way the response to the crisis was handled by the Government of Jamaica. (Applause) Let us recall, because we are hearing all the numbers given by the Minister. Let us recall what the situation was in 2007. Growth in 2006, the last full year of the previous Administration, was three per cent (3%). Debt stood at approximately $900 Billion, compared to what it is now, One point Five, One point Six Trillion Dollars. Inflation of '06 was 5.7%. The Fiscal deficit, 06/07 was 4.8%. The Jamaican dollar was valued at $72 to the US Dollar. The poverty rate was under 10% of households. We all know where matters stand now. The first problem of the Administration was its failure to anticipate the onset of the crisis. I don't think any of us inside here...

(Cross talks)

I don't think any of us inside here can forget the Minister of Finance telling us the global crisis would be good for Jamaica, a sentiment echoed, I believe, by the Minister of Tourism at the time. To say the least, it was an amazingly misconceived statement, given the realities of Jamaica's economy. Our remittances are dependent in the most part, on inflows from the US. Sixty-five per cent (65%) of our tourists come from the US. Fifty-five per cent (55%) of our exports go to the US. So a crisis centred upon the US was

bound to have a significant effect upon us. But there was no adequate provision for an effective policy response. Having not anticipated the crisis, the policy responses at the time compounded our difficulties.

Government MEMBER: How?

Dr. PHILLIPS: The Bank of Jamaica was forced to intervene to stem the slide of the dollar. The value of the dollar fell by over twenty per cent (20%). Interest rates were raised sharply, moving from 11.85% in '07 to 24% in '09. This pushed interest charges in the Budget from some125 Billion in 2007 to 183.6 Billion in 2009. As the debt grew to the point of unsustainability, the Government, in a poorly negotiated set of wage agreements, added substantially to the public sector wage bill at the same time as revenues were contracting. It is this...

(Inaudible comments by a Government Member)

Dr. PHILLIPS: I know, you won't understand. It is this tragic series of policy errors, borne of ignorance, limited managerial capacity, and I would just say, Madam Speaker, plain hard ears, which put us in these difficulties. State expenditures increased as the global crisis.... (Inaudible) It put pressure on the dollar...

(Applause)

...and now after four years of negative growth, the loss of more than a hundred thousand jobs, increased poverty, which has almost doubled from the figures of 2007, a second phase of the fiscal crisis is being played out and is evident in this Supplementary Budget.

(Cross talks)

We are threatened now with another setback in the quality of life of the Jamaican people. More tragically, we are faced with a setback in our capacity to develop, given the extent of the cuts in the Capital Budget.

If we look behind the figures in the Supplementary Estimates, what is implied is that expenditure outside of wages and principal repayment is projected to contract by more than eight Billion for the rest of the financial year. Housekeeping items like travelling, telephone, stationery, office supplies, training, furniture, fittings, computer hardware, are important parts that are being cut in the Recurrent Budget. But these are critical elements of daily public sector operations. Haphazard or arbitrary cuts will have a disruptive effect on government operations and could very well lead to budgetary overruns in some of the departments. Also, if departments find it impossible to effect these cuts, it would mean on the other hand, a possible further buildup in arrears. For example, energy costs for most operating entities have been escalating, as have been other utility costs. Minister himself spoke to the rising telephone costs. Unplanned reductions or arbitrary cuts are likely to be difficult to sustain and are therefore unrealistic. Simply to go with an across-the-board cut to departments is not the way to approach this.

Another question to be asked is whether the cuts are being carried out with due regard to the strategic objectives of the various entities. Do the cuts affect revenue-generating activities of Government, for example? Will the cut in travel for critical services as distinct from the surgical approach to cutting, what effect will it have? Cuts to the Capital programme where we are already in a weak growth environment and in a high unemployment environment will further

aggravate the economy. The conditions that we see around us every day, poverty, unemployment, housing development is going to be set back and we are seeing in cuts such as those to the Social Investment Funds, a setback in the prospects of development at the community level in many communities across the country.

The deepest cut of all, however, is in the education budget which we discussed at length in the Standing Finance Committee. It will affect not only the growth of the economy in the near term, but it is likely to have a longer term impact on the capacity of the country to develop its human resources.

(Applause)

This is simply mortgaging the future of the country. And when we consider the cutbacks of Eight Hundred Million at the same time as we are spending in excess of a Billion Dollars on half a mile of roads in Christiana, we have to ask whether we are truly setting the correct priorities as we approach these cuts.

(Applause)

We must ask the question whether these cuts, these particular cuts, were the only options available. The matter of choice in making the cuts, however, the Government's difficulty in choosing is compounded because the biggest capital expenditure being undertaken by the Government doesn't appear in the Budget, and that is the JDIP.

It is proposed in the JDIP to spend some $18 Billion over the next four years. There is only provision for some $750 Million in this year's budget. And I am not going to deal here, Madam Speaker, with the lack of independent supervision of the JDIP expenditure nor will I deal with the patent unfairness in the allocations of the Fund between the various constituencies. Rather my question here is, simply whether given the difficulty of efficiently and effectively spending that money over the four (4) years without waste or possibly even theft, wouldn't it have been better to save some of the schools that have been excluded from this Budget and make a compensating reduction in the JDIP? The task would have been to bring it into the Budget in the first instance which would have given greater flexibility to the Government in its overall targets. This might not suit the overall plans of the Government but the problem was faced when they made the decision to take it off budget. The question we have to ask, now that we have made these cuts will we be able to return to growth? Will our public finances return to reasonable health after the sacrifices that are being imposed upon the Jamaican people?

First issue is that the revenue outturn from April to July, as has been said, is some $3 Billion below budget reflecting the contraction in the general economy. Twelve of the 19 taxed items have performed below target. This could translate in a shortfall over the fiscal year if present trends continue of some $6 Billion unless something is done to alter the growth trajectory of the economy. In relation to the international trade taxes, custom duties are down, being the largest component.

In the context of these realities, will the targets agreed between the Government of Jamaica and the IMF to reduce the Public Sector deficit to 1%, is it feasible unless there is significant change in the trajectory for this to be met? Let us remember moreover that come 2013/2014 over $300 Billion of debt will have to be repaid, what was excluded in the JDX Programme. In the same period the

Government is committed to settling arrears on the wage bill of some $20 Billion to be paid out between now and 2014 and we also have the additional build-up of arrears in other departments of Government. These three factors define a fiscally unsustainable situation.

This is further aggravated by the Government's failure to outline a credible investment and growth strategy. The enormity of this situation is that there is need for full disclosure and honest dialogue with the people and consultation with critical stakeholders about the way forward. At the practical level there needs to be tax reform, pension reforms which have been already raised and mentioned here. But the fact is that in both of these matters we are behind the original timetables agreed to between the Government of Jamaica and the IMF. Further dithering on these matters cannot be countenanced if we are to be able to secure the adjustments which will permit us a faster necessary rate of growth.

In this context we need to have some idea as to the situation regarding the fund relationship with the Government of Jamaica. It is not clear whether the current agreement will be replaced. If so, will it be replaced by an Extended Fund Facility? What is the status of the current negotiations and what in addition to this Supplementary Budget will be needed to resolve the current impasse? There is no need for the Government to treat these matters as if it is their private affair. The plan of all the investors, of all the Jamaican people about how to conduct their lives, depends on the answers to these questions and depends on a full disclosure by the Government of Jamaica. (Applause)

It is now one year since the last set of performance targets were successfully achieved and a review completed. This whole episode speaks to what must change even in the short time remaining for the Administration. National interest and public policy cannot continue be subordinated to political interest of the governing party or to the convenience and whim of those who direct policy. We need a new approach to fiscal management based upon the full involvement of Parliament and in its oversight role, respect and consultation with all stakeholders, transparency and the free flow of information and courage to do the necessary (if) difficult task of reform so that in the face of the growing 'storm clouds", I believe the Minister called them on the international horizon, Jamaica's ship of state can continue to have hope in the prospect of a better future. This is the sincerity of purpose that we need now in putting Jamaica and its growth prospects first. It is not too late for this path to be struck by the Government.

Thank you very much, Madam Speaker. (Applause)

(*Sotto voce* remarks by Government Member)

Mr. M. PEART: In the next Supplementary you will hear that.

Mrs. SIMPSON MILLER: Madam Speaker, I rise today September 7, to review the First Supplementary Estimates of this fiscal year. It seems that the Supplementary Budgets are coming earlier and earlier with each passing year. This year must be a record for the earliest ever Supplementary Budget. It makes a mockery of the budgetary process. It is also a clear indicator that the Government

does not know what it is doing. Here we are barely four months after debating and approving the 2011/2012 Budget back again to debate a Supplementary Budget. This of itself is a clear indication, as I said in May, that the original Budget was fantasy, not reality. My words have come to pass. If the original Estimates were pure fantasy and fiction, with these Supplementary Estimates the fantasy has intensified.

For the past four Annual Budgets…

(*Sotto voce* remarks by Dr. Bartlett)

Mrs. SIMPSON MILLER: I would advise you to keep quiet. I think some animals need your attention.

Madam Speaker, for the past four Annual Budget Presentations since 2007 the Government has been in trial and error mode. The missteps and mismanagement of this Government are clear indications of incompetence. What is worse is that this Supplementary Budget does not address the problems that we on this side pointed to the original Estimates. At this rate it begs the questions, will there be another Supplementary Budget in this fiscal year?

Mr. M. PEART: At least one more.

Mr. SHAW: The answer is yes. The answer is yes.

Mr. M. PEART: How many more you plan for?

(Cross talk)

Mr. CHARLES: She wants to speak in silence.

Mrs. SIMPSON MILLER: No. When the Prime Minister is speaking I sit quietly.

The PRIME MINISTER: But you asked a question. You asked a question.

Mrs. SIMPSON MILLER: He answered, but the reason why I am waiting I want to speak in silence. I am not going to speak with everybody. This is not a marketplace. This is Parliament.

(*Sotto voce* remarks by Mr. Shaw)

Mrs. SIMPSON MILLER: And you know you will answer me.

Madam Speaker, the original Budget and these Supplementary Estimates continue to have a direct negative impact on the majority of Jamaicans, in particular, the brunt of the burden will be felt by the poor and the middle classes of this country. These new Estimates will put more pain on the backs of the people and the people of this country will continue to suffer. Too many members of the Jamaican family are losing their homes because they are unable to pay their mortgages. Too many are losing the cars they work so hard to acquire. Too many businesses are closing.

Just last night I was moved by the new story about Lerner Shop closing 11 branches. Their retail outlets being closed as they are unable to sustain their business in the economic climate.

(*Sotto voce* remarks by Government Member)

Mrs. SIMPSON MILLER: In this economic climate. Last week it was Joe Jo's Green Grocers and so many other businesses closed. Jobs lost, trade terminated. Too many young people cannot pay the fees to go to university and too many cannot find guarantors for their loans from the Student Loan Bureau. Too many of our people cannot afford to pay their bills. Too many of our people cannot even afford a decent meal. None of these Jamaicans will find any comfort in this Budget.

The Prime Minister told me, the Honourable Prime Minister told me in 2009

Budget Debate that I did not have a monopoly on compassion and I agree. However, I have waited for four (4) long years to see any compassion coming from this Government and I still continue to wait to see the compassion of the massive of the people reflected in any budget that this Government presents. They claimed to have compassion and yes, they do have some compassion but for a few. What I have seen is the piling on of more pain, suffering, frustration and anxiety.

Madam Speaker, some Members on that side of the House have mocked me several times again and again for my advocacy for the poor. And as you mock me the poverty numbers have soared under your leadership. So you can mock me again and continue to laugh. The fact that the quality of life and living standards of the Jamaican people at all levels are getting worse and worse by the day, and this is not a laughing matter. It is a shame that some might find it amusing.

I remember when the Prime Minister said I have no monopoly on compassion. It's true. I just want to point out that my advocacy for the poor is a part of my upbringing and - but more so, the founder of our noble party, NORMAN WASHINGTON MANLEY, at the launch of the People's National Party, on the 18th of September 1938, he told us - and that this is a major aim of the People's National Party written, so it's not just about us, because of politics talking about the poor, it is something coming down from the founder of our party, NORMAN WASHINGTON MANLEY, to us.

Dr. BARTLETT: You said it's not a political platform?

Mrs. SIMPSON MILLER: Norman Manley told us, and I quote:

"*It is perfectly true that the interest of all classes of people are bound together, but it is equally true, that there is a common mass in this country, whose interest must predominate above and beyond all other classes. Because no man is democratic, no man is a sincere and honest democratic who does not accept the elementary principle that the object of civilization is to raise the standard of living and security of the masses of the people. (Applause) If you do not agree with that principle, then you are playing with the words when you talk about democratic politics."*

A MEMBER: True.

Mrs. SIMPSON MILLER: Rather than the disruption, what the Government need to do is to tell the Jamaican people the truth about poverty. These are the facts. In 2007, when we demitted office, poverty level were at 9.5%, less than one in every ten person...

A MEMBER: According to yuh.

Mrs. SIMPSON MILLER: ...was considered to be poor in this country. In 2008, after they took office, 12.5% or one in every eight person in this country was considered to be poor.

Mr. MAIR: Poor is... (Inaudible)

Mrs. SIMPSON MILLER: The last published data was released in 2009, it showed that one in every six Jamaican is being poor. It is also a great shame that this critical data on poverty is being hidden from the people of Jamaica.

Madam Speaker, this data used to be published every year in the *Survey of Living Conditions*. This document was tabled every year and became information used to support the budget data. *The Survey of Living Conditions* was not published last year and it

was not published this year. This is a direct indictment on the Office of our Prime Minister, not necessarily this time the Minister of Finance. Why? Because the PIOJ and STATIN are sources of this information and the publishers of this survey, both fall within the Prime Minister's portfolio. The only information that has been made available by the PIOJ is information about growth. This document would have shown us what we have already began to see in our daily lives.

Madam Speaker, it would have shown us that the increasing numbers of the poor, now include members of the middle-classes. Many are now unable to attend to their responsibilities in the way that they were able under our Administration, despite the criticisms. A clear example of this is seen in the preparatory schools. Many of the parents of children who attended certain prep schools now have to be cutting back - the parents - because they can no longer afford to make that investment in their children and are now placing their children in public schools.

And I'm really asking the Government - making a plea - that the *Survey of Living Conditions* be resurrected, so that the Jamaican people can have information coming from our Government. They deserve to have the accurate and complete information about the status of their country. Failure to do so, that leaves us wondering whether this is a deliberate policy to keep information from the Jamaican people, or it's just a part of the glaring ineptitude of this Government. (Applause)

Madam Speaker, I now take a closer look at the Supplementary Estimates. In challenging times such as these, anyone managing a budget has to make choices. (Applause)

MEMBERS: Hear, hear, hear, hear!

Mrs. SIMPSON MILLER: It does not matter whether it is a budget for a household, a business or a nation, we know that at all times budget cuts may be necessary. However, in this Supplementary Budget, this Government has chosen to increase the burden on the backs of the poor and the middle-class.

A MEMBER: No, no!

Another MEMBER: Me agree wid yuh.

Mrs. SIMPSON MILLER: From the decisions made in the casting of this Supplementary Budget, it is clear as day, as the *Daily Gleaner* of September 5, says: "The cutting is taking place in all the wrong places." (Applause) The allocation to the Ministry of Education has been slashed by $800 Million. The cuts have affected several areas of the education sector.

(Inaudible comments by Members)

Mrs. SIMPSON MILLER: The Opposition agrees with *the Gleaner* that when one look, for instance, at billions in waivers that are being dished out at the Ministry of Finance, we see where Youth Information centres and schools could have been built, if the Government considered these areas priority. The Opposition, like *the Gleaner*, is not unaware of the financial bind in which the Government finds itself.

A MEMBER: A lie! A lie!

Mrs. SIMPSON MILLER: However, the Opposition also submit, as *the Gleaner* has, and I quote:

> "*That if Minister Shaw was being clinical and more cerebral in his governance of the treasury, youth and education would not have suffered...*

A MEMBER: Cerebral?

Mrs. SIMPSON MILLER: Cerebral. What is it?

Government MEMBER: What it means?

Mrs. SIMPSON MILLER: You don't understand? Check your dictionary.

A MEMBER: Wah di word name?

Mrs. SIMPSON MILLER: "…would not have suffered the deeply disturbing cuts..."

(Inaudible comments by Mr. Charles)

Mrs. SIMPSON MILLER: I thought you were following me.

If, as I have said, the people of Jamaica were excluded from the original budget in these Supplementary Estimates, the people were given no consideration at all. The education cut will also affect the School Feeding programme.

Mr. CHARLES: No.

Mr. MONTAGUE: No, no, that is incorrect. Point of order!

Mrs. SIMPSON MILLER: What about the $15 Million?

Mr. CHARLES: No!

Mrs. SIMPSON MILLER: The $15 Million didn't go?

(Inaudible comments by Members)

Mrs. SIMPSON MILLER: Madam Speaker, I've heard about the divestment, at the same time when we look we saw a cut for 15 - for Nutrition Products. What is that for, that $15 Million? We want to know.

Mr. HOLNESS: For purchasing of equipment.

Mrs. SIMPSON MILLER: For purchasing what?

Mr. HOLNESS: For purchasing of equipment we can't purchase again because we divest it.

(Cross talks)

A MEMBER: Withdraw the statement.

Mrs. SIMPSON MILLER: I am not withdrawing anything because I do not know if I can trust what the Minister said.

MEMBERS: Oh! Oh!

Mr. GALLIMORE: That's unparliamentary.

Mr. CHARLES: Call Oliver, that's not you, that's not you.

Mr. GALLIMORE: Unworthy.

Mrs. SIMPSON MILLER: Madam Speaker, I'd like to ask the Minister, how can you chose to give tax break to the wealthy through the duty reduction on luxury cars, then within four months, tell the university students who cannot find guarantors, that they cannot go to university?

Dr. BARTLETT: What's the connection? What's the connection? Is who write that? (Laughter)

Mrs. SIMPSON MILLER: You see, Madam Speaker, by your deeds you are known. (Laughter)

It seems it was not enough to cut the Education budget, the Government also cut allocations to Youth development projects and programmes, $165 Million slashed.

(Heckling/laughter)

Mrs. SIMPSON MILLER: Ask Audley when she wrote for him, not me. $165 Million cut from a programme designed to give hope to young people.

(Cross talks/heckling)

Mrs. SIMPSON MILLER: Minister, could you not have spared the youth?

(Inaudible comment by a Member)

Mrs. SIMPSON MILLER: I don't mind it, the Jamaican people will see the total disrespect for the Jamaican people. I don't have a problem.

What about the Women Centre Foundation? What kind of government, Madam Speaker, even thinks of slashing a programme that helps young women who are simply trying to rebuild their lives?

Government MEMBER: Yuh want some rest, auntie?

Mrs. SIMPSON MILLER: No, I want you to shut your mouth so that I can speak.

(Laughter/heckling)

Mrs. SIMPSON MILLER: I'm not going to talk until I get some quiet.

A MEMBER: Minutes of cooperation. (Laughter)

Mrs. SIMPSON MILLER: I want to ask the question, Minister, could the young pregnant mothers and their babies not have been spared?

(Inaudible comments by Government Members)

Mrs. SIMPSON MILLER: By your deeds and those of your government, you have opted to remove the smile from the faces of the young men and young women of this country. You are denying them the opportunity to strive and to stay alive.

What kind of message are you sending to the young people of Jamaica? Is this the chance you promised them? There are still those who refuse to give up and there are still those who have decided to try again. Some have chosen to go into agriculture to try to make a living. But, Madam Speaker, once again their hopes have been dashed. The Agriculture Budget has also been cut by One Hundred Million ($100M). How can you cut back on efforts to make farmers competitive, so that more Jamaicans could eat what they grow – real food, not pictures of products on billboards.

Mr. M. PEART: P.R., you call that.

Mrs. SIMPSON MILLER: How can you make the choice and continue the construction of the Palisadoes Road, despite numerous objections from civil society, yet, you are cutting the Budget for this sector.

Madam Speaker, the Jamaica Economic and Housing Project has been cut by Five Hundred Million ($500M). Hopes and dreams of many Jamaican families to own their homes, have been denied. How can you compromise the provision of housing solutions for middle and lower-income households and continue to fund self-serving PR and re-imaging campaign?

(*Sotto voce* comment from a Government Member)

By your deeds we shall know you.

Government MEMBERS: No, no, no!

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: What kind of Government makes these types of choices in these kinds of economic conditions?

Madam Speaker, I said before, and I will say it again. Prime Minister, your Minister of Finance is failing to balance the books, and he is failing woefully to assist to balance people's lives.

Mr. SHAW: What would you suggest?

(*Sotto voce* comment from the Prime Minister)

Mrs. SIMPSON MILLER: Those who talk the talk must walk the walk.

(*Sotto voce* comments from some Government Members)

A Government MEMBER: Do like you and print money?

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: Madam Speaker, this Budget does not even attempt to

balance people's lives. Where the Government sees only figures, we see the impact of these figures on the Jamaican family, and on the country. Where you 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 you see only tax revenues, we see the devastating impact on people's livelihood. This Budget was not just about cutting expenditure, it clearly indicates the priorities and choices of this Government. Your priorities remain facilitating a few friends…

A Government MEMBER: Oh, my Lord!

(*Sotto voce* comments from some Government Members)

Mrs. SIMPSON MILLER: …while the majority of Jamaicans continue to suffer.

Mr. GALLIMORE: The civil servants are…

Mrs. SIMPSON MILLER: And you know, Madam Speaker, some of them should be ashamed to call the words 'civil servants' in their mouths. Because it's not the first time the country had a problem paying public servants, but it was handled differently and properly.

Mr. CHARLES: That's not true! Far from it!

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: Madam Speaker, the original Budget was already having a devastating effect and impact on the Jamaican people. This Supplementary Budget will make it worse. And I am mindful of the effects of the global economic downturn. However, when I read of the rate of recovery in many other countries, including our Caribbean neighbours…

A Government MEMBER: Which one?

Mrs. SIMPSON MILLER: …then I must conclude that our people's suffering is not only because of global financial crisis. It is very clear, as it must be to every sensible Jamaican, that our economy has been badly mismanaged.

(*Sotto voce* comments)

Mr. CHARLES: London is burning. Washington is…

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: Yes, but I am not going to continue and accept the disrespect, because you cannot disrespect us and then expect us to cooperate with you all. Not a ting don' go su! Nothing go like that!

Dr. BARTLETT: Nobody said they…

(*Sotto voce* comments)

The PRIME MINISTER: Portia, you need to go to the Commons to see what goes on there.

Mrs. SIMPSON MILLER: No, I am not in the Commons, I am in Jamaica. And we are Jamaicans so we must set our own standards, we must not be copying other people's standards. And respect is due. If the Prime Minister is speaking there should be silence from every Member. We should show respect to each other in this House!

The PRIME MINISTER: Yes, but Parliament is not a mortuary, you know. (Laughter)

Mr. SHAW: …whether we dress in black, or not.

Mrs. SIMPSON MILLER: All right. When you stand up to speak I will deal with you. (Laughter/Heckling)

Thank you, P.M.! Thank you, my brother and my friend! I will return the compliment.

Madam Speaker, it's a disgrace that this is your first Budget, Supplementary, as Speaker – and I apologize on their behalf.

Madam Speaker, the pain being suffered by the people has everything to do with the bad choices that have been made by this Government. The anguish being felt by the people has everything to do with the faulty policies of this Government. The anxiety being experienced has everything to do with the mismanagement of this Government. The stress has everything to do with the callous disregard of this Government for the people of Jamaica.

A Government MEMBER: Oh, my God!

Mrs. SIMPSON MILLER: And the people have nobody but this Government to blame for the present state of affairs. And as I said before, people do not elect governments to find faults and make excuses. They elect governments to take responsibility and lead the country to growth and prosperity.

For too long this Government has lived in a state of denial and self-importance. This Government has perfected the blame game. For you it has never been your fault. Four years of your term. It is time for you to take responsibility for your own failings.

(Opposition Members applaud)

You have made too many wrong moves. You have drawn too many bad cards, and the people have suffered too much for too long because of this.

Madam Speaker, this Supplementary Budget tells us that the Government is planning to spend Two Billion Dollars ($2B), more. In the current economic circumstances, is this credible?

What are the facts? In the first four months of this Budget Year, between April and July, the Government collected almost Four Billion ($4B), less than projected. In the first four months of this Budget Year, sixteen of the twenty-four areas from which the Government collects revenues, have under-performed. That is 67 per cent of Government's revenue streams which have under-performed. I won't bother to go through the list.

Mr. SHAW: I agree with you.

Mrs. SIMPSON MILLER: In those same four months the Government spent Ten point Two Billion Dollars ($10.2B), less than they projected, because money was not available. In those same four (4) months you have had to borrow Two point Six Billion ($2.6B), more than you budgeted.

Madam Speaker, is this credible? Is this feasible? Is this responsible? How does the Government expect to make up the deficit in the next eight (8) months? How will you cover the additional expenditure presented in the Supplementary Estimates? Is the Supplementary Budget just giving the people of Jamaica something to hold on to, or as we say, 'suppen to hold'? Or is it just 'hollo' Budget?

A Government MEMBER: What Budget?

Mr. M. PEART: Hollo. Yu nuh know hollo?

(Laughter/*Sotto voce* comments)

Mrs. SIMPSON MILLER: Is this just a 'hollo' Budget?

A Government MEMBER: Hollo or bollo? (Laughter)

Mr. M. PEART: Hollo!

Mr. GALLIMORE: You nuh get the presentation already?

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: Are these Supplementary Estimates another three-card trick?

Madam Speaker, this issue of the Government's credibility brings us to the issue of their relationship with the IMF. The country's dilemma is now compounded by the fact that we do not know the true status of the IMF's relationship with the Government, and the Government's relationship with the IMF. Finally, it has been admitted that the IMF Agreement could be in trouble.

Well, Prime Minister, Minister, your responsibility is to tell the country in the Supplementary Budget Debate exactly what is the situation with the Standby Agreement. Tell us how deep, how chronic, how wide spread are the problems. Tell us just how devastating is the trouble we are in with the IMF.

You see, Madam Speaker, this is not the private business of anyone. I don't interfere with people's private business. This is the nation's business.

If the Government is at a point with the IMF where it is delicately poised and they cannot speak publicly about it, then say so to us. But, Minister, the silence is deafening. (Whispering)

Mr. SHAW: You never hear me a while ago? (Laughter)

Mrs. SIMPSON MILLER: You said nothing. Better you never even call the word IMF. I have to wonder how it is that a government that spends so much on public relations, finds it so difficult to provide comprehensive information to the country on the status of the IMF programme in Jamaica. How come?

The Minister of Finance, and I'm going to use a word that he loves to use, has the propensity to boast at the slightest hint of good news real, imagined or manufactured. Why the silence, Minister? (Whispering)

Mr. SHAW: Speak up, mi caan hear yuh. (Laughter)

Mrs. SIMPSON MILLER: Minister, what happened with the IMF Performance Review of December 2010? What happened with the March 2011 test? When will we know what happened with the June 2011 test?

Mr. M. PEART: Him skull the class. You skull the class?

(Inaudible comments by Mr. Gallimore)

Mrs. SIMPSON MILLER: And you know, I want to know why the silence? (Whispering) Minister, I want to know why the silence? Minister, is it that you cannot cross it?

(Laughter)

Mr. D. PEART: Cannot cross it.

Dr. PHILLIPS: Cannot pass it.

Mrs. SIMPSON MILLER: You know the Minister was very clear, and it is difficult for you now to accept when the Minister says anything about the IMF Programme and the Minister made it quite clear and I quote - I quote what the Minister said to us. He said,

> "*I'd like to make it abundantly clear that the economic programme is owned by the Government of Jamaica. It is our programme. The IMF is simply providing financial and technical support as we implement the needed reforms to put the economy on a sustainable growth path".*

Mr. M. PEART: Sound good.

Mrs. SIMPSON MILLER: The Minister continued, "The success of the programme -

The SPEAKER: The Speaker's time has expired.

Mr. HOLNESS: Madam Speaker, I beg to move for the suspension of Standing Orders to enable the Leader of the Opposition to complete her presentation.

The SPEAKER: The question before the House is that the Standing Orders be suspended to allow the Leader of the Opposition time to complete her presentation.

Put to the House and agreed to.

Mrs. SIMPSON MILLER: Thank you, Madam Speaker.

The Minister continued,

"*The success of the programme is dependent on the extent to which we as a people and as a government own and implement the programmes*".

But now that there are problems everyone but the Minister is being blamed for this challenge.

Madam Speaker, I ask these questions not only because of the direct impact on the Budget figures, but also because of the likely implications for the country's medium term economic programme. I also ask these questions because in recent times the Managing Director of the International Monetary Fund has made some very interesting statements. She has said that, and I quote,

"*Policymakers must strike the right balance between reducing public debt and sustaining recovery, especially by making a serious dent in long-term unemployment.*

She went to say that:

Developing countries need to focus on protecting themselves from future storms including rebuilding the policy buffers and investing in social safety nets".

I have always believed that this approach, Madam Speaker, is critical for national growth and development. It speaks to what I have termed, on many occasions, balancing the books while balancing people's lives.

(Applause by Opposition Members)

Madam Speaker, in my 2010/11 Budget presentation, I made the plea for the Government to develop a national growth and development platform. The Prime Minister rejected these proposals. He said we cannot look to the Budget to finance investment and growth. Madam Speaker, the current IMF views appear to be in direct contradiction with the path being taken by this Administration.

There are solutions. Madam Speaker, solving the nation's problems will mean taking some hard decisions. It will require making some important sacrifices. It will call for every one of us in Jamaica to make those sacrifices to bring our nation back to where it was.

(Inaudible comments by Government Members)

Mr. D. PEART: We don't reach there yet.

Mrs. SIMPSON MILLER: …at least to where it was in 2007.

(Cross talk)

It will take careful and deliberate management to take the nation out of the recession we now face.

(Inaudible comments by Dr. Phillips)

Mrs. SIMPSON MILLER: I said in May, and I will say it again that what this

Budget is lacking is stimulus for the engine of real growth. There are things that must be done immediately. Prime Minister, the immediate action to be taken is for us to seize the opportunity. I think we should renegotiate a new and more sustainable agreement with the IMF - and the fact that the new Director made some statements and statements to developing countries, I think is a golden opportunity for us to hold the IMF to some of their own thinking at this time. Place the issues, Prime Minister, of economic growth before the Parliament for regular focused discussions and decisions. I want to repeat again for the establishment of the National Council on Energy. Reduction in energy cost is critical, not only for economic growth, but for overall reduction of the Budget.

Mr. D. PEART: Hear, hear!

(Applause by Opposition Member)

Mrs. SIMPSON MILLER: One place that closed said they couldn't pay their electricity bill. One business person complained to me he got a bill for One Million Dollars, went to the company and then was told it would be reduced. He should pay, I think - it was reduced by Four Hundred Thousand Dollars. And so something is wrong somewhere and we need to take some serious action, take some strong position. We're talking about the development of the future of this country. We need to restore the trust with the Trade Unions and other stakeholders so that the transformation of the public sector can take place through a process of social dialogue. Ensure that the necessary tax reforms - and the Minister, I think spoke to it sometime. We're asking that the Minister ensures the necessary tax reform system is equitable, and ensure that these reforms do not destroy the productive sector. Focus on facilitating the survival and growth of the micro, small, and medium-sized business sector.

(Applause by Opposition Members)

Madam Speaker, these are not new ideas, but in the spirit of cooperation to build our blessed nation we, on this side, have made these and many other suggestions to the Government before. I remember the Member from South St. Andrew making some suggestions. We made many of them in good faith because our country deserves no less.

The Prime Minister keeps calling the Opposition back to partnership talks. This Honourable House is where the people elected us to serve, to serve them and to serve them well. Let that partnership begin in this House.

We have given our honest opinions and our suggestions and our recommendations for the past four (4) years. If any positive change is to come to improve the lives of our people we need to work together and the Government need to accept these proposals and ensure that they be implemented.

I say to the Government, demonstrate the honesty and goodwill that is required in any partnership. There can be no partnership without goodwill, and respect.

We had a little challenge earlier today, the Prime Minister and myself had some discussions and it was dealt with. That's what partnership is about, but there must be respect because there can be no partnership without respect. I agree we have a mutual respect - the respect must be mutual, not one sided and that's what I'm talking about and asking for. When you are ready - when you demonstrate that you are indeed ready for genuine partnership, the Opposition stands ready.

Whenever you open the door we will restore the hope.

Thank you, Madam Speaker.

(Applause by the Opposition Members)

The PRIME MINISTER: Madam Speaker, I think it is important to ensure that the record of this debate in Parliament properly reflects the framework and the context in which the Supplementary Estimates were presented. The Minister of Finance outlined briefly those circumstances. I would not want that important backdrop to be obscured by some of the concerns which are understandable but which do not adequately, in my view, acknowledge, recognize, and appreciate the circumstances in which these estimates were brought to us. I want to restate them.

The immediate issue that informed the Supplementary Estimates was the need to make provisions for payment to Public Sector workers of seven per cent (7%) increase on their wages, which was not contemplated when the Estimates were presented. It is events that occurred subsequent to May that made those adjustments necessary, and I think all of us here are familiar with the history of the matter. We entered in agreement with the workers for a two-stage increase of fifteen per cent (15%) in Year One and a seven per cent (7%) in Year Two. Subsequent to that agreement being put in place, we faced and continue to face the worst economic crisis that the world has ever seen.

(Applause by Government Members)

At one stage, we were saying the worst since the Great Depression; economists have now said we have surpassed that. And therefore, we were in a position where we could not in the forecast that we were doing, we could not accommodate that payment. Much can be said about the dialogue, or lack of dialogue, the truth lies somewhere between the statements and the claims that had been made. But, because of that, it was not provided for in the Budget.

Subsequent to that, further discussion led us to a point where an undertaking was given to make the seven per cent (7%) available. And, let me just say just point out two factors that influenced that. Firstly, so long as the matter remains in dispute, it was regarded, in square brackets, as part of the arrears of Government. Secondly, the courts ruled – the courts ruled that it was a debt. It was a contractual obligation. And, while the Court didn't specify when the payment was to be made, the Court ruled on the matter. The Government took the decision not to challenge that Court ruling.

MEMBERS: Very well.

The PRIME MINISTER: And therefore, this was something that would have had to be contended with.

But thirdly, thirdly, this agreement related to the period 2008 to 2010. And therefore, an issue of concern had to be, what is likely to happen when the workers decide that that cycle even if that is a battle still to be fought, what about the new cycle that had to be dealt with. There had to be some understanding on our part, and an appeal for understanding on the part of the workers.

I don't think that any of the Trade Union leaders who represent Public Sector workers is unmindful of the severity of the economic climate that we are operating in. I think we had reached agreement that we would pay it over a period of time - not in one lump sum, but over a period of time. That was the subject

of intense discussion and negotiation; we reached an agreement. Having done so, we had to come back to the House to say, now, we have to make changes in the Budget, right.

For the life of me, I am not quite... I have heard the Member for South St. Andrew…

Government MEMBER: Political gimmick.

The PRIME MINISTER: …raising questions all the while - what is taking the Government so long to bring the Supplementary Estimates. Because there has been material changes in the economic parameters, and therefore, don't hold back, don't wait, come to the House with it.

(*Sotto voce* comment by Members)

The PRIME MINISTER: In this case, there have been material fundamental changes to the parameters of the Budget. And it is brought here in the Supplementary Estimates to seek Parliament's approval.

Now, as a result of that amounting, I believe, to… Is it $10 Billion?

Mr. SHAW: Nine point two.

The PRIME MINISTER: Nine point Two Billion. To put $9.2 Million - Billion Dollars of unplanned expenditure into the Budget, you have to cut. Well, no, let - I don't do the cut yet. You can do a number of things.

(*Sotto voce* comments by some Members)

The PRIME MINISTER: You can either go to the market, and you float some instruments, and you rake in $9 billion, and your deficit goes to hell, and your interest rates follows not far behind, and the entire economic programme begins to unravel. That's an option we said we were not going to countenance.

There is another option that we didn't even we wouldn't even allow to be contemplated. And that is to say, well, you need $9.2 Billion more of revenue, so let us see now where else can we put on some new taxes to raise that $9.2. We rejected that option.

(*Sotto voce* comments by some Members)

The PRIME MINISTER: Now, if you are not going to finance it through deficit, and you are not going to impose new taxes on the people, there is no other alternative but to reduce expenditure to make space for this $9.2 Billion. And that is exactly what we have done. That is essentially what this Budget is about.

Now, there will be arguments as to where to cut.

A MEMBER: Elementary.

The PRIME MINISTER: In other words, yes. So, you have to find space for $9.2 Billion. But we don't agree with where you have taken it. And that's an argument that, perhaps, will never end. We can disagree agree to disagree, and we can perhaps, meet together on some points. But, in cutting, as the Member for South and I keep referring to him strictly because he was there and he knows - in cutting the Budget, there are spiked limits to what you can cut.

You can't look at pensions and say, well, let us cut $2 Billion off pensions. We have $21 Billion in the Budget for pensions, so, let us shave off two off that. You can't do that. People have to get their pensions. You can't look at your salaries and say, well, all right, we have $127 Billion in there for salaries, let's take $7 Billion out of that. So, what happens when you get to February and you can't pay your policemen, and you can't pay your teachers. There are things that can't be cut. So,

you are now confined to those things that can be cut, even if it is not pleasant to cut them; even if you don't want to cut them. But you have to look where the cuts can be made. And it is not because of any careless thinking. The fact is that the Capital side of the Budget is infinitely easier to cut than your Recurrent side. You don't just go to your Capital, you go to your Recurrent to say, now, where is there expenditure that we would love to do it but we don't have to do it.

(*Sotto voce* comment by Mr. Charles)

The PRIME MINISTER: But the fact of the matter is that those elements in the recurrent have progressively been compressed over many, many years, not just beginning in 2007, and what you are left with are essentials.

One of the problems that this Government one of the challenges – let me not call it problems – challenges that this Government has had to contend with, is that we have had to be prioritizing among priorities. That is what we are doing.

(*Sotto voce* comment by Mr. Gallimore)

The PRIME MINISTER: And in seeking to cut in cutting to make space, we have to look at capital projects that were either not at a stage where there were really ready to demand the resources, or look at projects which, even if they would come on stream in the back end of the financial year - we were told that some projects, based on approvals that they are still waiting on in one case I remember they still had land issues that have not yet been resolved, but they hope to resolve it within the next three months. That would allow the project to start up, maybe in February. We said, well, if a project will start in February, let's cut back because you can put that back into next year and hope that next year you will be able to find the resources to do it.

There is a second context, Madam Speaker, in which the Estimates are presented. And that is in the context of the agreement we have with the IMF. There are reviews outstanding; that is common knowledge. But, I think it needs to be put again in its proper perspective.

In the IMF Agreement, there are nine (9) quantitative targets. We have met all, with the exception of the primary balance. In fact, some of the targets we have outperformed. We have exceeded the targets. In relation to the primary balance - the Leader of the Opposition spoke to some figures indicating the under performance of the revenues must not be over stated, but it did under perform. The Minister of Finance would perhaps, have more current figures than I do, but the last time I looked at it, it was somewhere around three per cent (3%) under-performance. We have had to counter that by containing expenditure. But even then, and particularly with the seven per cent (7%) that we now have to include in the Budget for payment to Public Sector workers, our primary balance target is not meetable.

(*Sotto voce* comment by some Members)

The PRIME MINISTER: Pardon me.

(*Sotto voce* comment by some Members)

The PRIME MINISTER: Well, we certainly met it up to September last year. Up to March, we were off on the primary balance by $3.5 Billion. The Minister could have more current figures than I can recall from the top of my head.

And therefore, we had to approach the IMF to say, we need an adjustment in the target, particularly the primary balance,

because particularly with the seven per cent (7%) that we now have to pay the Public Sector workers, we cannot achieve that target. We need some space. We need a little elasticity. And we need an adjustment in the programme. The IMF is not unwilling to work with us on the adjustment.

But, the IMF has raised a concern which we have to address. What the IMF has said is that, look, if you have a disturbance in the target at this stage, you have to indicate how you are going to make that backup in the medium term. And particularly because the seven per cent that we have had to make provision for in this year's Budget is not a one off expenditure. That $9.2 Billion is going to be there next year and the year after that. And therefore, what the IMF is saying: fine, you are making adjustments to your Budget now to accommodate it, but how is that to be sustained over the medium term.

And, it is our job now to reconfigure our programmes to be able to present to them as they now look. We are seeking an adjustment in this target, for the current stage of the programme, but this is what we will do to get back in line through the medium term, and this is how we are going to sustain this additional expenditure recurrent expenditure that was not contemplated when the programme was negotiated. It is either a misunderstanding, or... well, let me stop there.

But to say that, you know, we are in some crisis and the programme is in trouble and so on... There are adjustments that have to be made. They are the subject of negotiation. And one of the things I think the Financial Secretary said this when he appeared before the PAAC - some of the projections that were built into the programme were based on assumptions that the global economy would, by now, be further out of the doldrums.

And we know the worrying signals that are being sent. There is now talk and fear that something that was speculated but hoped would not have emerged, the possibility of double dip recession. What is happening in the United States in particular, because of its significant impact on us, is something that is worrying us. And therefore, we have to be reconfiguring the programme, but we are doing so in an environment of so much uncertainty because we don't know what the global economy is going to do...

Two years ago, I would have said that by this time, the US should be well on its way out of it. We would not have been at that stage because we always have a lag effect, but we would be lining up ourselves as well, to get out of this crisis. And because of those worrying signs, the restructuring of the programme is something that we are working on…

One MEMBER: Over what period?

The PRIME MINISTER: Over the same medium term the same medium term up to now up to now. And all of that is the subject of discussion.

So, the reviews have not taken place because the circumstances have not put us in a position where we are able to go and present, and say now, here is the re work programme; we have confidence that we will be able to achieve the timelines that we have set.

Now, I had some one and one discussions with the Leader of the Opposition before the House met, and I shared with her some information.

That approval by the World Bank to which the Minister spoke earlier today, is significant. Normally you are in a Standby Agreement virtually all the multilateral close ranks and nobody will budge until the IMF put up a green flag. The World Bank had discussions with the IMF, obtain from the IMF an understanding of where we are, the difficulties that we are facing, what we are doing to try to overcome those difficulties. And the World Bank decided that on the strength of that without the completion of the review, it was prepared to go its Board to secure approval for the $100 Million… (Applause) And I have reason to believe that the World Bank is not the only multilateral institution that is of that kind of disposition. So, we have work to do, no question at all about it. But one of the things that we Jamaicans – and I don't make this a political point, because I believe that all of us indulge in it at some point and at some stage. We have this rare ability to talk ourselves into failure. And I think this time the stakes are too high and the dangers are too intense that we must - we need to pull up.

There is a third, Madam Speaker, there is a third context in which the Supplementary Estimates are presented and that is - relates to something I just mentioned and that is the external environment but more particularly the way forward. I spoke about the situation in American - and you can always know which direction the American economy is going in by just look at some critical benchmarks, like employment figures, housing starts, automobile sales and those are things that will tell you whether the economy is clipping, whether it is sputtering or whether it is reversing.

President Obama was to have gone to Capitol Hill this evening to outline his jobs programme. I have not had the chance to hear what he had said, I have not had the chance to see what the reaction is of critical players in the United States, we have to wait to see what affect that is going to have. I have reason to believe that - let me not say that. As to whether or not it will get the concurrence of Congress that it will need in order to proceed, is something that we have to see.

But in terms of the way forward, we have to recalibrate the programme where the programme has not achieved the targets that we have said; and finally as I have said, specifically in the case of the primary balance. But I want to assert, Madam Speaker, that the elements of the programme are sound. It is not a programme to be abandoned. (Applause)

As the Minister pointed out, we achieved 1.4% growth in the first quarter of this year, 1.5% in the second quarter. The third quarter is not yet over, we are hopeful that we will see a continuation and, in fact, even more robust growth.

The Leader of the Opposition quoted me and I am glad she did because I had made a note to restate it here. Let none of us delude ourselves into thinking that this budget, or even the bigger one can fuel or fire growth in Jamaica. It can't be. A country that has run 14th, now going into its 15th year of fiscal deficit cannot fiscally support growth, it is not possible. Because to do that, you have to go and borrow and borrow, you have to run deficit. The world is now on the war path, the

markets of the world are now on the war path against deficit countries. And when you look and see what is happening to Greece, poor little Jamaica. Growth has to come from private investment and what the… (Applause) …what the budget has to do and the policies that frame the budget, they must create the environment for investment to take place. (Applause)

There are signs, there are signs, there are signs of what is taking place but it is slow. It is much slower than what I would like to see. It is slow because the environment in which we are operating is still uncertain. We have - to borrow a term that the finance Minister uses - we have lined up the ducks. I remember I used to speak of something called - I used to speak of something called macro-economic harmony, and the Member for South St. Andrew said he didn't understand what I was talking about. And what I was talking about was the fact that, in the past, whenever we managed to get interest rates going down something else jumped out of line, the exchange rate and then whenever we get the exchange rate back in line interest rate jumped out. This country has not, not since I was – well must have been when I just came into Parliament in 1972. Not since then have you had a situation where you have existing at the same time and within a comfort level with each other low inflation, low interest rates, and stable exchange rates, (Applause) strong International Reserves, right; so that those conditions - and those are the conditions that are conducive to investment. Were it not for the uncertainty that exists, because I have spoken with investors who have said, we are happy with what we see happening here, we are pleased with how you guys getting the things together, but too much uncertainty out there, we are just not sure where the economic environment is going. And therefore, we have to be sort of swimming against the tide and trying to push and trying to say well, now can we get that one going, and trying to facilitate as much as possible.

The Minister of Industry and Investment - who had to leave because he is having a function with some investors who are here - is working on a number of projects and I leave him to present his own thunder at the appropriate time. Next week - well let me put it in context. We have been having discussions with the Chinese, myself, the Minister of Finance. We have said to them, we are grateful for the loans you know the loans for the roads and so on. We are grateful for the loans that build the Conference Centre in Montego Bay and the loan that built the Trelawny Stadium but we can't borrow any more money. What we want now are investments… (Applause) …we want China to come here and invest in Jamaica. And that is - it is that dialogue that led to COMPLANT expressing an interest and now taking over the sugar industry. (Applause)

Next week, the president, the Chairman and President he hold both positions of China EX-IM Bank, MR. LI RUOGU, I am not familiar with the Chinese dialect, will be in Jamaica in relation to some investment activity. I am not going to say much more about his visit except to say that, except to say that others from the EX-IM Bank have been here, and the visit of the Chairman and President himself is not without significance. But we have to push wherever we can find –

this morning I had a meeting at my office, the Minister of Water Environment and Housing was there, the Minister of Energy and Mining was there with another group of investors. You guys saw how excited I was when I left that meeting. Right? But it is investments, Madam Speaker, and particularly job creating investments that are going to move this economy not the numbers in a budget. What you have to do is to make sure that the numbers in the budget do not discourage the investment. And we know we need to spend more here, we need to spend more there, we need to spend more everywhere. The budget has over a period of time because of the heavy debt burden that we carry, that budget has in real terms, in terms of real expenditure has really shrunk and it is likely to be so in the immediate future until we can get the economy on a growth path that will create the revenue space to ease some of those pressure.

Now, Madam Speaker, it doesn't take - let me, before I say that. The Leader of the Opposition says.

The SPEAKER: (gavels) the Prime Minister's time for speaking has expired.

Mr. HOLNESS: Madam Speaker, I move for the suspension of the Standing Orders to enable the Prime Minister sufficient time to complete his presentation.

The SPEAKER: The question is that the Standing Orders be suspended to allow the Prime Minister sufficient time to complete his presentation.

Motion put to the House and agreed to.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Thank you, Madam Speaker.

Now the Leader of the Opposition said that we musn't - we spend too much time casting blame and so on. And we must moderate it. I mean there is a lot of blame to cast but we must moderate it. But there are some things that must be stated.

When Cabinet next meets, it will consider a proposal from the Minister of Energy and Mining, for a fiscal regime that would enable Kirkvine to reopen. (Applause) The former Minister had announced that it would reopen in July and we had expected that it would have. It did not because of some complexities that had to be resolved. Some of it had - fiscal regime was one, but it wasn't the only thing. There were some issues having to do with mining rights because one of the things that we have to be careful about is that we don't allow any one plant to monopolize the choice bauxite. We have to make sure that we sustain all of the activities. But one of the significant things that took us so long, is the money that we owe WINDALCO, UC-RUSAL. Under an agreement that the - I used to talk about JAMALCO it is not JAMALCO I am talking about now I am talking about Kirkvine. And under an agreement that the Minister - the Member for South St. Andrew is not unfamiliar with we are obliged to supply bauxite/alumina from Kirkvine to Glencore but every ton of alumina that we took out of Kirkvine to meet that obligation to Glencore, was costing us US$126 a ton more to produce it. So every time we delivered a ton of alumina in repayment of this arrangement for every ton of alumina we delivered to pay back the money we had to find another US$126 to make it up. And we couldn't find it and because we could not find it that was accumulated arrears now of US$17 Million.

And in the negotiations in the negotiations we had to deal with another problem. We own 7% of WINDALCO, and so whatever the losses are, we bear 7% of that.

During the period of closure, the plant had to be kept in some shape. They had to take security. There's maintenance that had to be done. We had to bear seven per cent (7%) of that. And all of that accumulates. And therefore, part of the negotiations had to be, how do we treat with that. How do we treat with seven per cent (7%) shares. How do we treat with the US$17 Million that we owe. And this has taken some time, but we are there.

We now have a proposal which will go to Cabinet at its next meeting. But there's one encouraging aspect about it that during the period of closure the company took the opportunity to undertake maintenance work that would not have been possible while the plant was operating, and as a result of that, some changes that had been made. Plus, in addition to that, perhaps fortunately, when they were re-opening Ewarton, they went and took out, I can use a harsh word, 'cannibalize' Kirkvine, took out some critical parts out of Kirkvine to go and get Ewarton in operation. And what that has led to now is that those parts have had to be replaced at Kirkvine with essentially brand new parts. So you're looking at a Kirkvine plant now that would be in much better shape than the Kirkvine plant that was closed. And I'm hoping that, depending on Cabinet consideration of the matter, I'm hoping that we'll be able…. Minister, you gave me an assurance that you are on top of it. So, once Cabinet gives you the green light, run with that. (Laughter)

Madam Speaker, Madam Speaker, let me say this.

(*Sotto voce* comments)

I'm going to speak to that. It doesn't require much effort, Madam Speaker, it doesn't require…

(Inaudible comments)

Yes, man, intellectual or otherwise, to criticize. There's so much that can be criticize. We've been through some tough times. We are going through some tough times. The level of poverty in Jamaica is up. No question at all about that. But the level of poverty in the United States is up, too. And the level of poverty in England is up, too.

(Inaudible comments by Mr. M. Peart)

The PRIME MINISTER: And therefore…

(Inaudible comments)

The PRIME MINISTER: ...therefore, therefore...

(Inaudible comments by Mr. M. Peart)

The PRIME MINISTER: …and therefore, I know that we can beat the rest. I know that they can't come near us when it comes to the sprint. But I don't know that we can reasonably expect of ourselves that when some of the richest countries in the world are not able to stave off a growth - an increase in poverty because of the crisis that somehow we are expected to do it.

Mr. WITTER: It is a global village, man.

The PRIME MINISTER: Well, it don't tek much to criticize. Right?

(Inaudible comments)

In so far as the numbers are concerned, *the Survey of Living Conditions for 2010*, I said before, I said before, the matter was affected

by the preoccupation of STATIN with the Census. They are the ones who collect the data. They are the ones who massage the data, collate the data. But the SLC for 2010 will be published next month. The field work for 2011 has not yet been done. But I was assured a half-an-hour ago that they expect to be in the field during the period October to December to collect that data. And hopefully, by early next year they will have had the Census, the pressure much abated so that they will be able to proceed as quickly as possible on that.

But the difficulties that we are going through are no different from what other countries are going through. Ask BARRACK OBAMA. When I listened to the Leader of the Opposition, the speech she made here, if she were the Minority Leader of the Senate in the United States, she could have made the exact statement. The same speech. Countries are going through a difficult time. Ask PRIME MINISTER DAVID CAMERON in England. Ask PRESIDENT JACOB ZUMA in South Africa against whose government there have been demonstrations over the last three weeks. Ask President Raul Castro who has had to take some tough decisions, including laying off public sector workers. Going through difficult times. And you know it is so easy...

(Inaudible comments by Mr. M. Peart)

The PRIME MINISTER: ...it is so easy, it is so easy to run with the hare and hunt with the hounds. Because when, for example, the teachers...

Mr. SHAW: Playing to the gallery.

The PRIME MINISTER: When, for example...

(Inaudible comments)...

The PRIME MINISTER: When the teachers were making this young Minister's life... (Referring to Mr. Holness)...miserable, the call from the Opposition was, pay the teachers now.

One Government MEMBER: Yes, yes!

Other Government MEMBER: Pay the civil servants. Pay them!

The PRIME MINISTER: And when the civil servants... ...when the civil servants...

(Cross talks)

A MEMBER: Pot hole, pot hole!

The PRIME MINISTER: When the civil servants were getting aggressive, the Opposition seh we mus' pay the civil servants. Right? Nothing is wrong with that if that is the position that you take. But what is wrong with that position...

(Cross talks) (Inaudible comments)

Dr. DAVIES: You are in arrears now...

The PRIME MINISTER: What authority - what basis you have to come here and criticize cuts in the budget? What you goin'....?

(Cross talks) (Inaudible comments)

The Member for East Kingston...

(Cross talks)....

The PRIME MINISTER: The Member for East Kingston, the Member for East Kingston the Member for East Kingston says, we must remove the tax from electricity. Eh? So, we must find Nine Billion Dollars to pay the teachers, pay the civil servants, but in finding the Nine Billion Dollars, remove the tax on electricity, cut back this other tax. Right? I heard the Member for Central Kingston...

(Inaudible comments by Mr. Gallimore)

The PRIME MINISTER: The Member from Central Kingston, the Member from Central Kingston...

(Interruptions)

You don't hear the Leader seh that when I'm speaking you must' keep quiet?

(Laughter)

The Member from Central Kingston yesterday delivered himself this profundity. He said that the PATH programme should pay the auxiliary fees for all students whose parents can't afford it. The PATH programme. So I asked the Minister today...

(Laughter)

The PRIME MINISTER: I asked the Minister responsible for the PATH programme. I asked him today, ah seh tell me something...

A MEMBER: Pearnel never hear.

(Interruptions) (Inaudible)

The PRIME MINISTER: No, I invited the Minister... I asked the Minister to invite the Deacon to sit with him to identify how many old ladies that are on the programme now he's going to take off in order to be able to pay these auxiliary fees. And that's when the Minister is telling me that already 60% of the PATH payment goes to children and much of it goes to supporting their attendance in schools. And I just wondered... The Leader of the Opposition criticized the Minister...

A MEMBER: A wish.

(Interruptions)

The PRIME MINISTER: The Leader of the Opposition has criticized the Minister for the granting of waivers. It's a real problem. It's a problem that we are now bringing into some control and management. As a matter of fact, since April waivers are limited to quota, a ceiling that must not be exceeded, and that ceiling has in fact been tightened.

But you know, part of the difficulty, Madam Speaker, through you to the Leader of the Opposition, you know part of the difficulty we have had in compressing the waivers, the people are saying that when you were in power they never had no problem in getting it, so they don't know what we are arguing about. Under the previous Administration all these things were granted.

Mr. SHAW: Because they were just not published.

The PRIME MINISTER: Eh?

Mr. SHAW: They weren't published.

Mrs. SIMPSON MILLER: Don't go there. Don't let me talk.

The PRIME MINISTER: And what we have had to be doing, what we have had to be doing is a complete review, a complete revamp. It's part of what is included in the tax reform discussions that are taking place.

A MEMBER: You going down the wrong path.

The PRIME MINISTER: But it is true.

Mr. GALLIMORE: Always, always!

Mrs. SIMPSON MILLER: You are going down the wrong path. So be careful I don't get up and talk.

(Inaudible) (Inaudible comments)

The PRIME MINISTER: About waivers? About waivers?

(Inaudible comments by Mrs. Simpson Miller)

The PRIME MINISTER: No, don't go there. Don't go there.

Madam Speaker, I think part of the difficulty we have with debates like this, and this one in particular, is that we don't have a framework for a proper debate. We have discussions, but we don't have a debate. Because in order to have a debate, you have to have a programme, a set of policies, and you

have to have a separate programme, a set of alternatives. We haven't seen them yet. Nobody has said, don't go there. What we've been told is, don't cut this and you don't care for the poor because that is how you do that and so on.

We are in a tempest. We are in a storm. And we must remain focused. Because despite the achievements that we have made - and those achievements are not insignificant - there's so much more that we have to do. Navigating this storm has tested the capacity, not just of this Government, but of the people of Jamaica. And we can give thanks because we have fared better than some countries.

(Applause)

You look at what is happening in Greece. Look at what is happening in Ireland. Look at what is happening in Spain. Look at what is happening in Portugal, the crises that they are facing, and understand that we have had our crises, too.

Madam Speaker, it is still not, it is still not an easy road. It is still not an easy road ahead. It is still, it is still going to be a hard road to travel. But I speak for every Member on this side. We are not looking back and we are not turning back. (Applause)

Government MEMBERS: No turning back.

Mr. SHAW: Madam Speaker, in rising to close this Debate, I want to say that I will not detain the House for any extended period...

MEMBERS: Ah-ah-ah.

(Cross talks/Laughter)

Mr. SHAW: ...because, indeed, a lot of the points that I would have made, have been adequately addressed by the Prime Minister. Madam Speaker, there are a few points I want to make and I do want to be heard in silence.

Madam Speaker, first of all, I have to clear up some things that... It is felt that sometimes if you keep repeating something, if you keep repeating something that is factually incorrect, maybe it is deliberately being repeated so that the people might believe that in fact that that is so.

Mr. GALLIMORE: That is exactly what they are trying to do.

Mr. SHAW: And I'm asking... I have to start by asking the Members of the Opposition that if you know something to be untrue, please, do not repeat it, especially in the House of Parliament.

A Government MEMBER: Hear, hear! True!

(Applause)

Mr. SHAW: I started out, Madam Speaker, in the Standing Finance Committee by reminding the Honourable Members, and indeed in my opening presentation, that we have embarked on a whole new paradigm of fiscal responsibility. We have put it into law. A fiscal responsibility framework has been put into law. We have agreed to it by legislation. The Minister of Finance now tables a Fiscal Responsibility Paper which obliges the Minister to operate the creature of the Constitution of that portfolio. In fact, it obliges the Minister to honour that requirement of the Constitution to protect the revenue and to be transparent. It requires it to the letter. (Applause)

And, Madam Speaker, we have said that we no longer can spend before we come back to Parliament to seek its approval. It used to happen in the past and I will come back to that. But we have said we have one budget

now, Madam Speaker, we don't have a budget that involves what you call 'off-budget expenditure'. We now have one total budget. It is the Central Government Budget and it is the Budget of the Public Bodies.

Mr. MONTAGUE: Good governance.

Mr. SHAW: And so if the Budget is not in the Yellow Book of Central Government, the Budget is in the book of Public Body.

The PRIME MINISTER: You need to give that book a colour. You have to give that book a colour.

Mr. SHAW: Yes. And so for Members of the Opposition to continually refer and suggest that the Jamaica Development Infrastructure Programme is not on the Budget, it is incorrect. It is false and they must stop saying that because it is in the Budget of the Public Body.

Mr. GALLIMORE: Yes, Peter, you must know better! You must know better!

Government MEMBER: Peter just get the job.

Mr. BUNTING: Don't mislead the people.

Mr. SHAW: Madam Speaker, we well understand….

Dr. BARTLETT: Madam Leader, you know better than that.

Mr. SHAW: ….that there appears to be a difficulty on the part of the Opposition to understand this new framework that we are trying to operate within.

Dr. BARTLETT: Can't understand, head tough.

Mr. GALLIMORE: Solid as a rock.

Mr. SHAW: As a matter of fact, I must say that on several occasions in Parliament now I have said to the Opposition you have failed to engage us in a very careful analysis and discussion of the whole new paradigm of fiscal responsibility that we are embarked upon. And when we are attacked for bringing early Supplementary Estimates - why have we done so? We have done so because we have made the decision to pay the Public Sector workers. By whatever means that we arrived at that conclusion we arrived at the conclusion. And once we made the decision and we went to Jamaica House, under the direction of the Prime Minister and we signed the agreement that we would pay the workers in September, gentlemen, we made a decision then and there that in order to accommodate that payment for round about the 23rd or 24th of September, we recognize that we would have to come to Parliament for approval. That is the new paradigm of fiscal responsibility. (Applause)

Madam Speaker, I am sorry that the former Minister of Finance left the room.

Mr. GALLIMORE: He knows why! He knows why!

Mr. SHAW: Because some of the habits of the past we have to discard them because it is a part of the past and they must remain there.

I remember well when I was shadow Minister and in this Honourable House, Madam Speaker, in 2002, Madam Speaker, the year 2002 is a year I will never forget. It was a year in which there was an election in October, on the 30th, and in December the First Supplementary Estimates came to Parliament. And in those Supplementary Estimates, Madam Speaker, was a whopping increase to the Public Sector workers of $7 Billion. The only difference being the $7

Billion was paid in August, two months before the election.

Mr. MONTAGUE: Yes! Yes! Yes!

Mr. SHAW: And when the payment was made there was not a whisper. There was not a whisper to anybody that this payment was being made. It was being done without Parliamentary approval, then came an election and then came the Supplementary Estimates in which we were finally told about the increase.

Mr. MONTAGUE: Fiscal irresponsibility!

Mr. SHAW: Madam Speaker, under the new fiscal responsibility framework to which this Government is committed that kind of three-card trick will never happen again. (Applause)

Mr. BUNTING: You need to ask him to be heard in silence.

Mr. MONTAGUE: Fiscal irresponsibility.

Mr. SHAW: Madam Speaker, the Prime Minister has said it and I agree, the payment of this increase is very, very difficult for us, but the Opposition has to decide what it wants. We have the spokesman, who is not here now from St. Catherine, who in the Budget Debate spoke of over $30 Billion that should be paid up front. She wanted it all paid in this fiscal year. In fact, when I finished topping up our bill it had already exceeded - I stop counting at $60 Billion, the extra bill she wanted to put on the budget. And then we have had other expressions of the need to pay this 7%. And then we have the new shadow Minister of Finance who is questioning whether we should have paid such encouraging and generous increases in the first place. I am just wondering what the position of the Opposition is.

Mr. BUNTING: It depends on who you talk to.

Mr. SHAW: But what I do know, Madam Speaker, and I hope that we can understand that we have to operate in an environment in which one day we must understand that if we are more productive people, if we create more wealth, then with time we are going to be able to pay our Public Sector workers that much more money. They deserve to be paid much more money but we have to earn, we have to earn it first and we have to set the basis on which we can pay that. (Applause)

(*Sotto voce* remarks by Dr. Phillips)

Mr. SHAW: But what I can say to you, Madam Speaker, is that with this increase of 7% that will be paid this month, we can proudly stand here and state that the Public Sector workers would have gotten accumulative increase. Since 2008 the teachers would have gotten an increase of over 65% average. The police would have gotten an increase of over 42% average and every other Public Sector worker, certainly in the Central Government, would have gotten an increase when you take into account the 15%, the 7%, an annual increment, they would have gotten an increase of over 32%. (Applause)

It is not something we are bragging about. But equally it is not something that should be obscured and ignored. The truth is that this is a significant undertaking that this Government has embarked upon. (Applause) I want to say - we are not bragging. We are thanking the Public Sector unions and the leadership for the posture that they have taken, the conciliatory posture that they have taken, sitting down with us for two days this week in which….

Dr. PHILLIPS: But that wasn't your posture.

Mr. SHAW: You need to learn, you know. You have a short learning curve and you need to sit back, listen and learn.

Dr. PHILLIPS: Was that your posture?

Mr. SHAW: Well that last speech you just gave a while ago told me that you need to learn. You have plenty learning to do. (Laughter/Applause)

Mr. GALLIMORE: You mek Omar look bright!

Mr. SHAW: Anyhow, Madam Speaker, since I am speaking to you let's continue with what I just said.

Dr. PHILLIPS: You start trace now.

Mr. SHAW: Madam Speaker....

Mr. CHUCK: Hold on. Let him be heard in silence.

Mr. SHAW: Let me say now, Madam Speaker, that a number of other points were made and I am not going to go over all of them. But, you know, we must acknowledge what we are going through. Because I said at a function this morning that it is ironic that when the world economy was bubbling, when the global economy was bubbling at 5% per year for the previous 15 years prior to 2008, it occurred to me that while the wold economy was bubbling we were going through a financial sector collapse, our productive sector collapsed. And some prominent person on that side even said that their Government ran the economy into the ground. (Applause)

Madam Speaker, if I might be a bit colloquial I would say "A nuh me seh so". (Applause)

I would say is somebody else say so.

Mr. GALLIMORE: Peter, how you keep a straight face.

Mr. SHAW: And look at the irony that now that we are in the worst of times the Prime Minister has confirmed, is not the worst in 18 years, it is the worst of all times. And in the worst of times the Jamaica Labour Party Government has not stabilized the economy but we have begun the rebuilding process of this economy. (Applause)

Mr. CHARLES: Can't believe you poor and don't believe statistics.

Mr. SHAW: The growth that has taken place…..

Mr. HOLNESS: Against all odds.

Mr. SHAW: I have heard cold water being put on to it.

Mr. GALLIMORE: Is bad mind!

Mr. SHAW: Madam Speaker, we must not do that. Because it is manifestly clear even from the up-tick in the revenue that the growth is taking place. And what we have achieved together, what we have achieved, Madam Speaker, with the Debt Exchange, we had to have that Debt Exchange, you know. Now that the dust has settled we can talk the whole truth on this Debt Exchange issue. It was an issue that faced us in relation to our capacity to service the debt where, Madam Speaker, we determined, we found that 70% of the debt, of the domestic debt would become due within a two-year period. And within the context of the crisis that we faced that inheritance of such a portfolio that was so skewed around short-term instruments would have plunged the country into a very, very serious crisis of not being able to service.

Mr. GALLIMORE: Now you know why Omar left.

Mr. SHAW: And those who created the crisis then called it a default, then called it a default.

Mr. MONTAGUE: We would be worst than Haiti.

Mr. SHAW: It was an irresponsible statement. So in the worst of times we have stabilized and we are beginning the rebuilding of the economy. (Applause)

Madam Speaker, I am not going to go the route of the usual attacks on projects, including projects in my constituency. I find that unfortunate.

Mr. GALLIMORE: Unworthy!

Mr. SHAW: The gentleman who was a former Minister of Local Government and subsequently Transport and Works, the Member from Central Westmoreland, well remembers in 1993 when I asked him to help me with a road in my constituency, couldn't get it. I promptly placed a question in the Houses of Parliament asking how much money was being spent in the then Minister of State constituency in North West Manchester and, indeed, in the other constituencies held by PNP representatives in Manchester. And when the then Minister got the answer he could not table it in the House, Madam Speaker.

Mr. R. CLARKE: I wasn't Minister in 1993.

Mr. SHAW: Is alright. Whenever you was Minister it's when it happened. (Laughter)

Dr. BARTLETT: Is you?

Mr. SHAW: Is you same one! Is you same one!

Mr. SHAW: And, Madam Speaker, the Minister could not table it in the House because it was an embarrassment to see the level of victimization that I was subjected to in North East Manchester. And I want to say, I want to say the Minister - the former Minister decides to pick out the usual thing of Christiana. The Christiana Development Road was a road that was promised when the highway was built from Shooters Hill - Pick-a-Pepper Factory - all the way to Dump in the 1970s, during the PNP Administration. And for over 40 years they promised that development road, Madam Speaker.

A MEMBER: Man a yawd arrive.

Mr. SHAW: And I can tell you that, that development road has been built there now, is not for North East Manchester alone, it's a major artery into Northern Jamaica as well and it serves high, the sections of St. Ann, upper sections of St. Ann, upper sections of Clarendon, upper sections of Trelawny and North Manchester. It is the trading and capital and commerce centre for those upper regions in those four parishes. And the Minister of State was there last week and he can tell you, whichever project you're looking at, there is value for money on the ground on that road that is being built in Christiana. (Applause)

The Member has not mentioned other roads and a major bridge that is being constructed, which joins East and West Portland - the Rio Grande Bridge - which is much more expensive than that project that is being done. But the point is - I think the point that I wish to make about the JDIP Programme since the Minister has not spoken in this debate - is that the quality of the work that is being done is extraordinary. (Applause)

No longer, Madam Speaker, no longer, Madam Speaker, do we have the prospect of Deferred Financing Schemes, where contractors were allowed - go to the bank, arrange their 24% money loan fixed around, and two or three years later it would come to the budget. Several of those roads were

negotiated by you, when you were Minister of Transport and Works.

MEMBERS: Uh huh, yeah!

Mr. SHAW: The former Minister - the present spokesman on Finance. And so I can well understand...

A MEMBER: Only one contract.

Mr. SHAW: That one contract, two things, when we had the Deferred Financing Programme, not only was it deferring the financing, but in many cases the quality of the work that was done was questionable as well and that was adding insult to injury.

A MEMBER: The Black brothers.

Mr. SHAW: But we don't have to go back there anymore.

Mr. GALLIMORE: Very, very questionable.

A MEMBER: Who wrote that?

Mr. SHAW: And then, since the Member is being so talkative...

A MEMBER: Yes, yes.

Another MEMBER: Out of order.

Mr. SHAW: ...when we look at the rush to approve the Mount Rosser by-pass...

Mr. GALLIMORE: Yes, yes.

Mr. SHAW: ...a few months before the last election, when they rushed to approve Mount Rosser By-pass - and we have seen it now in the files - that there was technical advice that was proffered...

Mr. GALLIMORE: Abortion in them.

Mr. SHAW: ...that this project, the very section that has not yet been fixed, that there was a technical geological problem there that would undermine the work.

MEMBERS: Yes.

Mr. SHAW: And the answer to them was, 'don't stop the progress, full speed ahead.'

Mr. GALLIMORE: Full speed ahead! Full speed ahead!

Mr. SHAW: Madam Speaker, the original projected cost of that project was somewhere in the region of US$55 Million. The new projected - we have already spent US$120 Million.

Mr. GALLIMORE: My God.

A MEMBER: Passed the Leader.

Mr. SHAW: ...and the new projected cost for completion of that road that should've started - should've been done for $55 Million, will be US$160 Million.

MEMBERS: Wow!

Mr. SHAW: That is the Mount Rosser by-pass, despite the technical advice that is there in the records plain to see.

(Inaudible comments by Members)

Mr. SHAW: So, Madam Speaker, let me just say in this presentation, we've not heard from the Opposition, any credible alternative put on the table in this debate.

Mr. GALLIMORE: Nothing, nothing, nothing!

Mr. SHAW: We are faced with the prospect of the Leader of the Opposition saying, yes, pay the salaries, and oh my God, $2 Billion increase in the budget, and no suggestion as to where the cuts should've been made either to accommodate - not just the extra $2 Billion - but to accommodate the entire $9.2 Billion in wages. I put it to you, Honourable Leader of the Opposition - Most Honourable Leader of the Opposition...

MEMBERS: Yes.

Mr. SHAW: ...it is a most irresponsible posture that you have taken. (Laughter) And I want to say, I'm asking you, Leader of the Opposition, please, Leader of the Opposition,

do not refer to what we're doing over here as a three-card trick, please don't do it.

MEMBERS: Yes.

Mr. SHAW: Because I can think of many three-card tricks over the years by different labels: Better Must Come...

MEMBERS: Yes.

Mr. SHAW: ...We Put People First...

Mr. CHUCK: And the Unprogressive Agenda.

Mr. SHAW: ...The Empowerment of the People, Don't Stop the Progress and the latest three-card trick, is the Progressive Agenda, hiding from the poor. (Laughter/applause)

Madam Speaker, I end by saying, that this was not an easy exercise, anywhere you cut it, it's a difficult exercise.

Mr. GALLIMORE: Yes.

Mr. SHAW: We have preserved the Critical Social Programme. Under the Ministry of Social Security, our PATH Programme has expanded under this Government.

Dr. BARTLETT: Yes.

Mr. SHAW: We have moved beneficiaries from 235,000 people, approaching now over 360,000 people. The school feeding programme, Madam Speaker, has been significantly expanded since this Government has come into power, and any suggestion that there has been a cut in the School Feeding programme is downright and absolutely incorrect.

Mr. HOLNESS: Incorrect.

Mr. SHAW: We've honoured our position in relation to Cost Sharing in education and User Fees in the Healthcare area.

(Applause)

And each Member of Parliament is expending more funds now under the Constituency Development Fund. (Applause)

Government MEMBERS: Yes.

Mr. SHAW: Madam Speaker, I end by simply saying, we have to give thanks.

Government MEMBERS: Oh yes, oh yes!

Mr. SHAW: We have to give thanks that in this global - hostile global - climate that we're in now, we have to give thanks that the economy is stable. (Applause)

Mr. GALLIMORE: Yes.

Mr. SHAW: We have to give thanks that the dollar - the exchange rate - is stable. (Applause) We have to give thanks that we have growth - adequate growth - and net international quality in the world. (Applause) We have to give thanks that the economy is growing once again. (Applause) We have to give thanks that we have jobs being created once again. (Applause) We have to give thanks that one bauxite company reopen and another one is about to be reopened. (Applause) And we're looking to reopen the other one by next year. (Applause) We have to give thanks. And, Madam Speaker, most of all, we have got to give thanks for our Government, that has been courageous enough in the midst of all the trials and tribulations, to impose upon ourselves the discipline of putting in place a fiscal responsibility framework to which we are abiding by. (Applause)

Thank you very much, thank you, Madam Speaker. (Applause)

Mr. GALLIMORE: Excellent.

Mr. SHAW: I now move that the motions be agreed to.

The SPEAKER: The question is that the motions be agreed to.

Put to the House and agreed to.

Mr. GALLIMORE: Excellent, man.

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, it is certainly not proposed to do any more business tonight, I therefore move that the House do adjourn for a date to be fixed.

The SPEAKER: The motion before us is that the House be adjourned for a date to be fixed.

Put to the House and agreed to.

The adjournment was taken at approximately 11:15 p.m.

SESSION 2011 – 2012

TUESDAY, September 20, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 2.42 p.m.

PRESENT

THE SPEAKER

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

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

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

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

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

DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, Minister of Justice.

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

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of Agriculture and Fisheries.

MINISTERS OF STATE

THE HONOURABLES:

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

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.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, Minister of State in the Ministry of National Security.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, Minister of State in the Ministry of Transport and Works.

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.

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. 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.

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

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

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.

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The SPEAKER: This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, I once again want to welcome you all to another sitting of the Houses of Parliament. Trust we'll have a successful and productive evening.

ANNOUNCEMENTS

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

- **Errata to Green Paper No. 2 /11**
  Option for Reform of the Public Sector Pension System
- **Ministry Paper No. 66**
  International Financial Institutions: Increase in Authorized Capital
- **Ministry Paper No. 67**
  Students Loan Bureau
  Annual Reports for the years ending March 31, 2009 and March 31, 2010
- **Ministry Paper No. 68**
  Betting, Gaming and Lotteries Commission
  Annual Report for the year ended March 31, 2010
- **Ministry Paper No. 69**
  Betting, Gaming and Lotteries

Commission
Annual Reports for the years ended March 31, 2007, 2008, and 2009

- The Inter-American Development Bank (Amendment of the Appendix to the First Schedule) Order, 2011
- The Financial Administration and Audit (Fiscal Responsibility Framework) Regulations, 2011 under The Financial Administration and Audit Act
- National Housing Trust
  Annual Report for the financial year 2009/2010
  (Available on CD)

Dr. PHILLIPS: Madam Speaker, I would ask the Clerk through you, what does the Errata for the Pension, Green Paper No. 2, has it been laid with every Member?

(*Sotto voce* comments by some Members)

Dr. PHILLIPS: No, I haven't seen a copy of that here. If you could help me with one, please. Thanks.

(Other Members indicate having not received copies)

Dr. PHILLIPS: I think a number of persons haven't got it, Madam Speaker.

The SPEAKER: I am informed by the Clerk that the copies are being made and will be circulated to you.

(Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern, entered and took his seat.)

Rev. THWAITES: Madam Speaker, reference was to the compact disc for the Housing Trust Report, that's very important. Will these be made available, or are they otherwise to be seen?

The SPEAKER: Member Thwaites, they ought also to have been circulated. The Clerk is going to have them done.

Rev. THWAITES: Thank you very much.

Madam Speaker, if you will permit me. I meant to rise earlier. But I am concerned about the time when Parliament starts, I know you are too. The time is at 2.00 o'clock, we are starting at Quarter to Three. Is there a good reason? Because very often we start very late.

The SPEAKER: I have been here and we have been waiting. You notice although we are starting at Quarter to Three our numbers are still few. We have been waiting; and I think some of it has to do with our dislocation and getting things ready. But we are going to make every effort to be at 2.00 o'clock start.

Mr. HOLNESS: Madam Speaker, before we proceed further with the Agenda, there are two matters which I would want to bring to the attention of the House. Members may choose to speak on those matters.

Approximately three weeks ago/four weeks ago a former Member of this House passed, ERIC ANTHONY ABRAHAMS, former Minister of Tourism, former Director of Tourism, Member of Parliament and, of course, renowned Talk Show Host. Probably – and I am sure this is beyond debate he is probably the most known Talk Show Host in Jamaica, starting the Breakfast Club.

Madam Speaker, I had the opportunity of working with Tony Abrahams, as he was affectionately called in his latter days as a journalist and Talk Show Host. I co-hosted with him on the Breakfast Club. It was a very rewarding experience…

(*Sotto voce* remarks by some Members)

Mr. HOLNESS: During my time listenership went up.

Dr. PHILLIPS: And it went down after you left.

Mr. HOLNESS: Unfortunately.

Dr. DAVIES: I remember hearing...

Mr. HOLNESS: I interviewed you several times. (Laughter)

One MEMBER: Don't remember.

Another MEMBER: Can't recall.

Mr. HOLNESS: Madam Speaker, during that brief time that I worked with him I found him to be very knowledgeable about Jamaica, Jamaican politics, Jamaican history. I think, Madam Speaker, that he has made an invaluable contribution to Jamaica both as a Minister but certainly in the public service in journalism.

With those words, Madam Speaker, I would invite other Members to comment on the life and work of the former Parliamentarian and Government Minister.

(*Sotto voce* comments by some Members)

Mr. HOLNESS: Well, I leave that to you. You could mention that.

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

Mr. BARTLETT: Madam Speaker, I rise to support the Leader of the House in extending a fulsome recognition of the work and value of a former Member of this Chamber, indeed a Minister of Government, a scholar and a very powerful advocate of equal rights and justice for the people of Jamaica.

ERIC ANTHONY ABRAHAMS was certainly one of a kind, in terms of the way in which he approached the business of delivering ideas to the wider world. Indeed, as a student activist at Oxford he became legendary in terms of his passionate advocacy of the rights of everyone, particularly those who were locked, as he aptly put it, in the culture of silence. He sought to give a voice to those who were under the yoke of apartheid in South Africa; and all those in fact, who were on the margins of the global political reality.

He came to his native land and made his contribution in a very powerful way, first as the youngest Director of Tourism that Jamaica has ever had, and secondly, as the first Minister of a full-fledged portfolio called tourism in 1980. He also served effectively and well as a Member of Parliament for Eastern Portland. And there are several landmarks which bear the imprint of his creative input in that particular part of Jamaica.

But perhaps Anthony Abrahams' strongest contribution to the economy of Jamaica has been during his years as Minister of Tourism. He took the Ministry at a difficult time, immediately after the industry had gone into a tailspin during the 70's…

Dr. DAVIES: Stick to the issue.

Mr. BARTLETT: …and built back the industry in the strongest way that we have seen in recent times. In fact, he has the record of growing the industry an average of 12% per annum during that period. And I say it with great envy, because I have only been able to grow it under recessionary situations over the period of time.

(*Sotto voce* comments by Opposition Members)

Mr. BARTLETT: But the fact is that he created, he created, he created… and you know sometimes the truth has to be said and even painful as it may sound to some, it has to be said. And I want to pay tribute to a man who really restored this industry, because I recall very well that when he took it there were only three hundred thousand visitors who were coming to Jamaica and when he passed on the baton to HUGH HART we had nearly one million visitors coming to Jamaica annually. And that was significant.

MEMBERS: Hear, hear!

Mr. BARTLETT: He also built the Jamaica Tourist Board and modernized it and created the Intelligence Unit, which today is the centerpiece of much of the most important data which we have to guide us in planning, and to guide us in marketing, and to guide us in the various other key areas that are so important for us to build the industry.

I think that Anthony Abrahams as a journalist and as a purveyor of public thought, was one of the few truly independent minds that fearlessly carried a mission that he believed in, that he was committed to.

And I want to pay tribute to him also as a great father, because I had the good fortunes of being around his children for some time; and I think that Anthony was a father that every child would really want to have. A complete man, a scholar, a public servant, a humanitarian, a Parliamentarian, a man of letters and a philanthropist. A true son of Jamaica. And so we want to pay tribute to him today in this vein and to say to his family, his children, his sisters and brothers, thank God that he lived and his legacy will long remain in this Parliament, as indeed in this land of ours. (Applause)

Mr. CHARLES: Madam Speaker...

The SPEAKER: Go ahead, Member.

A MEMBER: Come, Pearnel, you don't hear much.

Mr. PICKERSGILL: Pearnel, somebody on the floor.

Mr. CHARLES: I am about to speak of a great man.

Madam Speaker, I want to remember Tony Abrahams in a very solemn, but pleasant mood because he was a teacher to me, an associate, a revolutionary person, a radical in everything. Tony Abrahams led all the revolutionary movements wherever he was, whether at UWI, at Oxford, or in politics, or anywhere; a student, a journalist, probably not much a public politician call it that, to give you the impression of what I am trying to say. I started the Breakfast Club with him.

MEMBERS: What! You!

Mr. CHARLES: In fact, we did the first off air programme.

MEMBERS: Off air?

(Laughter/*Sotto voce* comments)

Mr. CHARLES: You probably laugh because you don't understand.

Mr. PICKERSGILL: Great, you are right, we don't understand.

Mr. CHARLES: You would call it another word.

MEMBERS: What is it?

Mr. CHARLES: We went there, and we performed the whole programme all morning, although we were not broadcasting - off air.

Dr. DAVIES: Okay.

Mr. CHARLES: Understand now?

(*Sotto voce* comments/Laughter)

Dr. BARTLETT: Forgive your friends.

Mr. CHARLES: So, Madam Speaker…

Dr. PHILLIPS: So, you didn't continue after that?

Mr. CHARLES: …Tony Abrahams was a teacher. He likes to tell you; he likes to teach you some things.

He did something for me I won't forget. In the late 1960s, I was in a hotel in Montego Bay, I was having a ginger beer, and the gentleman who I was with, was having scotch, I can recall. At about six o'clock I felt a tapping in my back. I looked around, a tall white man said to me, "it's time to go."

A MEMBER: Go where?

Mr. CHARLES: So, I said I didn't come with this gentleman, where he wanted us to go. My friend said to me, in this hotel, at 6:00 natives are required to leave.

Mr. PICKERSGILL: What year was that?

Mr. CHARLES: 1969.

A MEMBER: PNP time.

Dr. DAVIES: Who was in power?

Mr. CHARLES: I could not believe.

A MEMBER: Why?

Mr. CHARLES: Well, I didn't know that racism was still here at that level. I got up, and there were about forty and fifty American tourists. I addressed them. I said, I am an American graduate.

A MEMBER: What!

Mr. CHARLES: I am a student from your country. In fact, I went to a university where you paid one third of my scholarship…

Dr. DAVIES: And they say they wanted it back?

Mr. CHARLES: I want you to see what has just happened, what we just stopped marching against in Harlem. I am inviting you to follow me. And probably 45 50 per cent walked out with me. I jumped in my car and I came to Kingston.

Mr. PICKERSGILL: You never had car dem days there.

Mr. CHARLES: I said to Busta, what happened. Busta said, "how much do I owe son?" I said, "Busta, it was just a ginger beer." He said, "you didn't mash up the place?" He said, "Lightbourne, dispatch Abrahams to Montego Bay immediately. I want a report in 24 hours."

Madam Speaker, within twenty four hours I was called to the Tourist Board, somewhere down here, and this tall, strong, brilliant looking man was on his knees…

Mr. PICKERSGILL: Brilliant-looking.

Mr. CHARLES: …on his knees…

(*Sotto voce* comments by Members)

Mr. CHARLES: …on his knees apologizing. I got sorry for the gentleman. I got sorry for him because Tony Abrahams was saying to him, "you don't have a hotel; you can no longer although you are Jamaican, you can no longer operate a hotel in this country."

(Laughter)

I had to turn around and say, "Tony, take it easy." But, the rest of it is he is a Jamaican, in Montego Bay, in 1969, not very long ago.

Dr. PHILLIPS: What was Tony at the time?

Mr. CHARLES: Tony was working in the Tourist Board with Robert Lightbourne, somewhere down on Harbour Street here. I

think he may have been the Director of Tourism. I'll never forget that.

Madam Speaker, Tony Abrahams rebelled almost, you know, at any place he is at, anything that is wrong that cuts across the rights of Jamaicans, anywhere. And he would tell you, he is a defender of human rights, right across the world. And I will not forget that he did so with the kind of character which means, if he had to leave the job, he will leave it, but he is going to defend until he dies, if he has to do so.

I visited him on many occasions when he was ill and mourn with the family at his passing. I will not forget him because he has done a lot for this country, not with a lot of presentation to the public as to what he has done, as do many of us.

May his soul rest in peace. May his family follow in his footsteps in defending people and in working hard. Again, I say, we have missed one of our good Jamaicans and some of us look at his work and follow in his footsteps.

May his soul, again, rest in peace.

(*Sotto voce* comments/Applause)

Mr. D. SMITH: Madam Speaker...

The SPEAKER: Yes...

Mr. D. SMITH: I would like to pay some tributes to ANTHONY ABRAHAMS (TONY) in more recent times than my colleague spoke about earlier.

I first met Anthony in the run up to the 1980 General Elections. And I was a very I was quite a young man at the time. I was particularly impressed with Tony's intellect, a very bright individual and he had an easy grasp for very complex situations. But, it was after the 1983 General Elections that I had reasons...

Dr. DAVIES: When you won the Central Kingston.

(*Sotto voce* comments)

Mr. D. SMITH: I had reason, Madam Speaker, to work a lot closer with Anthony. I, being the Member of Parliament for West Central Kingston, and Anthony, the Member of Parliament for East Kingston and Port Royal. And we, as a team, along with the late RYAN PERALTO who was then Member of Parliament for East Central Kingston, did a lot of political work in Kingston generally, and particularly, in East Kingston and Port Royal, where we had some very difficult times with the elements in the hills.

Subsequent to that, Madam Speaker, I moved on to Norbrook Road in 1984 and realized that Tony was just a few chains down the road from me, and that is where the relationship improved, particularly on a social basis when we talked, and talked, and talked, and had a lot of discussions on national and international issues.

But, if there is one thing that I will remember about Anthony, Tony, is how he always stood up and pushed his neck out for justice for individuals. He disliked injustice at any level. And that is one of the things that will always remain in my mind about the contribution that Tony Abrahams made while he was here. He came and he made a tremendous contribution, not only to his country but within the region, and the tourism industry. And I do hope that his soul rest in peace, Madam Speaker.

Thank you.

(Applause)

The SPEAKER: Member...

Dr. DUNCAN: Thank you, Madam Speaker.

I think it was a - in one of Shakespeare's plays where it was said that '*the evil that men do live after them*'. You remember that, Madam Speaker?

The SPEAKER: The good, is often interred with their bones.

Dr. DUNCAN: The good is often interred with their bones.

(*Sotto voce* comments/Laughter)

Dr. DUNCAN: The life of Anthony Abrahams was a colourful one. His life and mine intersected, Madam Speaker, on several occasions, and at several times, in very interesting ways which tells a small part of the story of the Jamaican social milieu.

ERIC ANTHONY ABRAHAMS, as I wrote in a tribute which I sent to his children at the time of his death, represented part of the dialectics of the Jamaican politics. We… as I said, events intersected our lives at different times. He came out of DeCarteret College in the early days when DeCarteret College was DeCarteret College.

Mr. M. PEART: Pardon me?

(Laughter)

Dr. DUNCAN: The traditional DeCarteret College. His ascendancy was logical. It led him to the only college in Jamaica, Jamaica College. (Applause)

There, we were able to cross swords and also unite on certain issues.

A MEMBER: On the cricket field.

Dr. DUNCAN: So, I would call what I have to say today briefly, Madam Speaker, a reflection on the dialectics.

Tony Abrahams was destined to become a Rhodes Scholar. I understood this a few years after Jamaica College won the Sunlight Cricket Cup, that is the Cup, Madam Speaker for cricket supremacy among high schools…

Mrs. HAY WEBSTER: Some of us have. A lot of us do.

MEMBERS: Yes.

Dr. DUNCAN: …in 1958, for cricket supremacy.

The team that he captained had brought glory to Jamaica College after more than two decades in the cricketing wilderness. We knew each other from a distance, as boarders at the college. We shared cricketing careers from the Under-Thirteens to the Under-Fifteens and finally, the first eleven to which I referred, the Sunlight Team.

We both debated at Jamaica College - Madam Speaker, I am weaving the tale about the destiny of Tony Abrahams, and a primary part of that destiny was to become a Rhodes Scholar. And that preparation I will demonstrate. I can recall he was the better debater, actually winning a trophy in this endeavour an excellent debater, as a matter of fact.

Tony Abrahams came fourth at Champs, that's at Sabina Park in those days, in the 440 yards after a trail blazing lead in that 400, MP from South. For 335 yards, he led and came fourth. Jamaica College got one point, the only point in that Champs. The person who won that Champs that 440 meters was Lloyd Goodleigh, former SENATOR LLOYD GOODLEIGH.

Dr. DAVIES: Yes, he won the double.

Dr. DUNCAN: That's right. Lloyd, from Calabar.

A MEMBER: Naturally.

Dr. DUNCAN: Lloyd became a Breakfast Club Member 35 years later. Tony actually also won the 100 yard dash at Jamaica College. As a result of that, the legendary HERB MCKENLEY spent a day at the home of the Dark Blues, trying to convince him to take up a scholarship in the United States a track scholarship. He declined. He had a very strong mother, Miss Lucille. She contributed greatly, along with her father, quietly in the background her husband, quietly in the background, to Jamaica College.

Dr. DUNCAN: Tony declined that Track Scholarship. He was to become a leader; he was to become a Rhodes Scholar.

The decision to make Abraham, at Jamaica College at that time, the captain of the Sunlight Cup Cricket Team with myself as the vice-captain was inextricably tied up with this relentless pursuit to be the Rhodes Scholar. In those days, some of us did not know that that was part of the - at the end of the rainbow that others had that privilege, so we could not prepare. Tony's destiny was to become a Rhodes Scholar, his mother was an inspiration in this quest.

Thanks to teammates some of these names MP/Members of Parliament might know Franz Botek, Martin Burke, Tony Burrowes, Noel Sproul, Tony Lindo Harold Phillips his father is Sydney Phillips from St Mary, Raymond Lloyd, the son of the - Dr Ivan Lloyd, William Foster, the famous Cardiac Surgeon, Ronnie Barrakat and young Neil George; and a leg spin bowler who turned the ball five degrees at most, but he was the consistent match winner for Jamaica College. We never lost a match.

(*Sotto voce* comments by Dr Davies)

Dr. DUNCAN: Charlton Barrett. Two of the eight games that we played that year were drawn because of rain saved schools that some of these - my colleagues there went. I dwell on this point because it is important to know that, in that what I call the social milieu, we were very close on the cricket field but after that there was no contact, the nature of the times.

I opened the batting with young Botek and the bowling with a fellow called Sproul. Tony was the wicket keeper, not an accomplished one, but a very a lot of effort was put into this position. He made runs from time to time. The others, myself and Flackers bowled out the opposition. Tony, however, was a tactician, which is something that a lot of us came to know later on, some of which we will not speak this afternoon because they would need more context or they would be misunderstood. But using the cricket as the case study - I don't know if you know, Madam Speaker, if you are familiar with the cricket. We had two fast bowlers who opened the bowling, traditionally that is how you would do it, and then you would bring on the spinner but neither of the two of us were very good, we could bowl, but not very good but we needed the spinner on. So what Tony did, in those early days, was to get as we started bowling he got all the fielders to get the new ball and throw it on the ground to get rid of the shine so that the spin bowler could come on after four overs, and then bowl out the opposing team. He used that experience as a tactician for a lot of purposes later, especially with political life.

The tactical genius also was to express itself in many spheres from the early days in

track, debating, cricket and academia. It could be argued, Madam Speaker, that his legendary negotiating skills later in life, especially with radio stations and television stations won expression of these earlier years and his training.

A Chancellor of UWI where he went to after leaving Jamaica College, Abrahams constantly called on his colleagues and a particular colleague by the name of who was also a cricket scorer by somebody named George Neita, to confirm his prowess at Jamaica College to his Caribbean colleagues. Remember I said, he was destined to become a Rhodes Scholar. He knew which button to push at what time, having been trained for that destiny.

He had two friends at Jamaica College, Michael Thelwell and Roger Walters, they became known as the Three Musketeers. They made no impact at the college, but they made an impact outside. Therein started Tony's reputation as the - a very attractive young man to certain members of the species, of the opposite species. Eric…

A MEMBER: Opposite sex.

Dr. DUNCAN: Opposite sex. The main species, the female species. (Laughter) He was eventually in 1963, Madam Speaker, he was eventually awarded the Rhodes Scholar. In those days participation at leadership levels in extracurricular activities especially sports was a prerequisite.

Fourteen years after the Sunlight Cup triumph, that is in 1972, young Abrahams at 32 years was retained by Prime Minister Michael Manley as Director of Tourism, raising eyebrows in some party circles. We were both the same age when the same Michael Manley invited me to join the leadership of the PNP. Within four years of that, our paths crossed again. Tony became the Executive Director….

(*Sotto voce* comments by Members)

Dr. DUNCAN: Wait until my tribute to you.

Within four years - within three years after he resigned as director he became the first Executive Director of the Private Sector Organization of Jamaica. And those who remember the history know it was born in conflict and conceived in a spirit of anxiety. Tony became its first Executive Director at about age 35 and put his stamp on that organization and it has followed through to this day.

He crossed swords in those early days with leaders of the Women's Movement in our party, because they then saw that PSOJ, not necessarily this one, as an off-shoot of what they termed at the time the opposition forces.

His destiny as a Rhodes Scholar lead him to contest the 1976 General Election for the Jamaica Labour Party, by then I was General Secretary of the PNP, Madam Speaker, and a parliamentary candidate myself. He did not win on that occasion. Fifteen years later, we were a part of what was called then the New Beginning Movement, and it is that embryonic political movement to which the Member for North Central Clarendon referred, which then lead to the ideas around the Breakfast Club which had various kinds of permutations and complications. But I think it would be safe to say that the outstanding duo on the Breakfast Club which left its marks on Jamaica Broadcasting history, was Anthony Abrahams and Beverley Anderson Manley. All others

contributed, like our good friend from West Central, and contributed well, but I think the history would be it would be the correct history to say that, that was the case.

In that time, Madam Speaker - remember I told you that he was in the - he ran as a candidate for Jamaica Labour Party, and I ran as a candidate for the People's National Party, in those eddy days of the 70s, so we would have opposing views.

A high watermark of our lives intersecting was in this famous Gleaner libel case which took place in the 80s. And in that case, I was asked by Eric Abrahams to give evidence on behalf, which I gladly did, because you will imagine, Madam Speaker, coming out of a very untidy relationship with the Gleaner Company in the 70s, it was not, I did not resile from the opportunity to speak the truth at that trial.

Tony's early training and preparation for the Rhodes Scholarship was on full display in the Breakfast Club years. We discovered at that time that we were really friends as well as early cricket partners. His strategic vision as a non-tribal for a non-tribal politics was constant. The tactics varied. Tony, Beverley and I travelled across the island during those eddy days, years of the Breakfast Club. Intellectual pursuit was the order of the day; practical application of the politics was a goal. His daughter Tara produced the programme for a while. His son Jason was an eminent consultant on economics and on the economy. I offered from time to time some political analyses. Tony loved the life at the Club. The sharp wit, the ascorbic tongue was used to trap, mesmerize, coerce, persuade and inform. His host, Beverley, was equal to the task.

He was sympathetic to and supportive of the bid by the present Leader of the People's National Party for the presidency on two occasions. The gender and social class barriers had to be challenged was his mantra at the time. The race and colour barriers had already been under siege from his days at Oxford University, when he, in those early days in the 60s when he brought Malcolm X to speak at the Oxford Union. You must remember, and to put it in context, Malcolm X's his works was banned in Jamaica at that time while Tony was inviting him to speak at Oxford Union. He put his academic career at risk when he challenged a racist South African official while he was at Oxford University.

(*Sotto voce* comments by the Prime Minister)

Dr. DUNCAN: To the end, not surprisingly, we saw some things through different lens.

In 1953 when we both entered JC, he was in a particular house I was in another, our paths crossed. I came from an elementary school he came from de´Carteret, he went to a senior boarding house, I went to another. We hardly saw each other. We strategized, we planned several tactical moves, we never disagreed. He represented the JLP in the 70s and 80s, thesis and antithesis, we disagreed. Both of us resigned as Cabinet Ministers from different governments at different times for different reasons. Our synthesis began in the 1990s, it was never complete; it was as close as history would allow it. This was as good as it gets.

Madam Speaker, what I have tried to do with as much balance as possible, is to present a tribute which I said I had presented to his

children who felt that it was in order. And it is fear to say that in the midst of all of that he overcame many other personal challenges and triumphed over them, in the end on balance.

His good shall not be interred with his bones. May his soul rest in peace. (Applause)

Mr. HOLNESS: Madam Speaker, the other matter, which I mentioned earlier, is the passing of the mother of the Prime Minister, MRS. ENID GOLDING, at 91 years. Madam Speaker, I would want the House to note and Madam Speaker, to make the necessary arrangements, Madam Speaker, in terms of the cards and letters that are normally sent. We should also note, Madam Speaker, that Mrs. Golding is the wife of a former Speaker of the House.

The SPEAKER: I will ask the Clerk to do all that is necessary and have the card sent across to the family.

The floor is open, any Member would like.

Mrs. HENRY-WILSON: Madam Speaker, I would like to pay a personal tribute to the mother of the Prime Minister.

As my mentor in many respects she was my Form Mistress for many years at my high school, and she was my History teacher, for many years. In fact, she employed Ronnie Thwaites, the Member from Central Kingston to teach at St. Andrew High School… (Laughter) …an episode in his life which he will never forget.

As a teacher of history, Mrs. Golding….

(*Sotto voce* comments by a Member)

Mrs. HENRY-WILSON: No, no, we are not going to discuss that.

As a teacher of history Mrs. Golding gave me an enduring love for the subject and I ended up doing history a history major at the University of the West Indies. And as I studied I kept hearing her voice about making history live and making sure that we ourselves are not just beneficiaries of the history but that we are actors in history. Of course, many of our history classes were interposed with stories about her three sons, about whom she was very proud and we were not sure sometimes about the link, but we listened nonetheless.

She contributed very significantly to building the characters of many of those whom she mentored. She constantly told us that we needed to be young ladies. She herself was always immaculately attired, not a hair out of place, but she was not a pushover, and she kept telling us that as young ladies, we should lead and not be led.

She encouraged us to express our viewpoints, and I remember there was one election when we almost went overboard in expressing our viewpoints about who should win. And so rather than scolding us, what she did was give us a debate - made us do a debate. And in that debate we were asked to put forward different views about what the various parties were offering. I think that really honed our ability to be able to think on all sides and to be able to really be reflective about what we did and what we said. Quite recently, about three years ago, I visited Mrs. Golding where she was, and what she brought home to me was that there is a thing called a legacy, but there's also ode to humanity and that we have to be careful how we contribute in life. I think she made a contribution, not only in terms of the formal education, but also in terms of how she gave us a perspective, that she gave us on life. And I'd like to thank her

and I would like to, in doing so, express my deepest sympathy to her family, knowing fully well, that she has left a good legacy behind in some of the girls that she taught. (Applause)

Mrs. SIMPSON MILLER: Madam Speaker, I would like to express condolences to the Prime Minister and members of the Golding family.

Mrs. Enid Golding, wife, mother and educator **par excellence**, from Primary to Secondary schools and touched the lives of many Jamaicans and made their lives much better today, assisted with their upward mobility. She was very strong in the JTA Housing Cooperative. As a matter of fact, I'm told that she put a lot of her personal savings into the Housing - the JTA Housing Cooperative. She was a loving and dutiful wife and mother. I'm sure it could never have been easy for her to be an educator and at the same time, mother and wife of a politician, who was at one time, Speaker of the House, and had to travel every morning from Old Harbour to Kingston, to Jamaica College to take the then young Bruce to school. And everyone would know that anyone associated with a politician must be very difficult for them, husbands or wives. I'm sure it could not have been easy for her, but she managed her different responsibilities, her different roles very seriously and well.

And I believe that this evening we all can pay tribute to a lady that gave to Jamaica two sons that entered politics and one becoming Prime Minister of Jamaica. (Applause) And I'm sure part of it, while the Honourable Tacius Golding would have played his role, that the politics would have consumed a lot of his time and I am sure that Miss Enid, at that time, played that role and ensured that the children's education was paramount.

And so in paying tribute to her, I'd like to, this evening on behalf of the Opposition, say good run. She lived a very good life, a productive life. She made her contribution while not in politics, but a very valuable contribution to the development of this country. I salute the memory of this great Jamaican woman, educator **par excellence**. (Applause)

The PRIME MINISTER: Madam Speaker, on behalf of the family...

Mrs. NEITA-HEADLEY: Prime Minister no, no!

The PRIME MINISTER: ...I would like to extend my appreciation to you and the Members of this House.

The SPEAKER: Members, may we just rise for a minute's silence in memory of both persons? (A minute's silence observed) May their souls rest in peace and light perpetual ever shine upon them.

PETITIONS

Petition for Private Bill

To: The Honourable House of Representatives

Dated the 25th of August, 2011

THE HUMBLE PETITION of Gary L. Anderson, D.D., President, William H. Smallman, Vice President and John W. Boyes, Jr., Secretary/Treasurer, all of the Baptist Mid-Missions in Jamaica, SHOWETH:

1) THAT your Petitioner desires to present this Honourable House a Private Bill entitled "AN ACT to Amend the Baptist Mid-Missions in

Jamaica (Incorporated) Act, 1964 by causing the name of the Act to be changed to The Fairview Baptist Ministries of Jamaica (Incorporated) Act and to transfer ownership and control of real and personal property from Baptist Mid-Missions, incorporated by virtue of the said Baptist Mid-Missions, in Jamaica...

The SPEAKER: (Gavels) Members, Members, please Members, I can't hear the Clerk, please.

….(Incorporated) Act to Fairview Baptist Ministries in Jamaica and the vesting of certain Property in the Body so Incorporated".

2) THAT the object of this Bill is to incorporate the Fairview Baptist Ministries and to constitute the holders of certain properties in the Fairview Baptist Ministries in Jamaica with perpetual succession and with power to hold and deal with property, and to sue and be sued in its corporate name.
3) THAT a copy of the proposed Bill has been deposited in the Office of the Clerk to the Houses of Parliament with the original of this Petition.
4) THAT the Notice of this Bill has been given three (3) successive publications thereof in its entirety in the *Jamaica Gazette* dated the 30th day of June, 2011, the 7th day of July, 2011 and the 14th day of July, 2011 copies of which said *Gazettes* have been affixed to the original of this Petition deposited in the Office of the Clerk to the Houses of Parliament.
5) That your Petitioner has also published a Notice containing a statement of the objects and reasons for the Bill in "*The Daily Gleaner*" newspaper of the 29th day of June, 2011, which has also been affixed to the original Petition deposited in the Office of the Clerk of this Parliament.
6) THAT your Petitioner to the best of its knowledge, information and belief has complied with the Parliamentary requirements as set out in the Standing Order of this Honourable House of Representatives (Standing Order No. 85 Private Bills).

WHEREFORE in the premises YOUR PETITIONER DOES HEREBY PRAY for leave to introduce into this Honourable House the Bill mentioned and referred to on paragraph 1 above, namely a Bill entitled "AN ACT to Amend the Baptist Mid-Missions in Jamaica (Incorporated) Act, 1964 by causing the name of the Act to be changed to "The Fairview Baptist Ministries of Jamaica (Incorporated) Act" and that leave be given to them to proceed thereon.

Signed: Gary L. Anderson, D.D.
President
William H. Smallman
Vice President
John W. Boyes, Jr.
Secretary/Treasurer.

The SPEAKER: Members, the Clerk has read the Bill concerning - the Petition concerning the Private Members Bill. Is it the wish of the Members of this House that he proceeds with the Bill?

Put to the House and agreed to.

The SPEAKER: The Petition therefore may proceed.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. WARMINGTON: Madam Speaker, I beg to give notice that at the next sitting of the House I'll move:

WHEREAS section 14 subsection (1) of the Governor General (Expenditure, Personal Staff, Tax Exemptions and Pension) Act...

The SPEAKER: (Gavels) Members you need to listen, I can't hear, please.

Mr. WARMINGTON: ...stipulates the pension payable to a retired Governor-General and the First, Second and Third Schedules make provision for additional emoluments and allowances for retired Governors-General and their widows;

AND WHEREAS the Second Schedule of the Pensions (Prime Minister) Act stipulates the allowances payable to a retired Prime Minister and the Second and Third Schedules make provision for additional emoluments and allowances for retired Prime Ministers and their surviving spouses;

AND WHEREAS section 7 subsection (1) sub-subsection (a) of the Retiring Allowances (Legislative Service) Act stipulates the pension payable to retired Legislators;

BE IT RESOLVED that the Governor-General (Expenditure, Personal Staff, Tax Exemptions and Pension) Act and the Pensions (Prime Minister) Act be amended to bring their provisions with respect to pensions and allowances in line with the provisions of the Retiring Allowances (Legislative Service) Act; or, in the alternative the Retiring Allowances (Legislative Service) Act be amended to reflect similar allowances and/or benefits as provided for under the Governor-General (Expenditure, Personal Staff, Tax Exemptions and Pension) Act and the Pensions (Prime Minister) Act, as the latter stood before the 2008 amendment.

Mr. PERALTO: Madam Speaker, I beg to give notice that at the next meeting of the House I'll move:

BE IT RESOLVED that the Inter-American Development Bank (Amendment of the Appendix to the First Schedule) Order, 2011, under the Inter-American Development Bank Act, which was laid on the Table of the House on the 20th day of September, be referred to the Regulations Committee of the House of Representatives to be considered and Reported.

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.

The SPEAKER: The Member from South St. Andrew, I've been looking at you all afternoon, please.

Mr. HOLNESS: Madam Speaker, on behalf of the Minister of Finance, I beg to give notice that at the next sitting of the House I will move:

WHEREAS by virtue of Section 50(1) of the Financial Administration and Audit Act (hereinafter referred to as "the Act"), the Minister may make regulations for the purpose of giving effect to the provisions of this Act;

AND WHEREAS on the 19th day of September 2011, the Minister made the Financial Administration Audit (Fiscal Responsibility Framework) Regulations, 2011;

AND WHEREAS it is provided by Subsection 5 of Section 50 of the Act that Regulations made under subsection (1) shall be subject to affirmative resolution;

AND WHEREAS it is desirable that the Financial Administration and Audit (Fiscal Responsibility Framework) Regulations 2011 be affirmed:

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:

1. This Order may be cited as the Financial Administration and Audit (Fiscal Responsibility Framework) Regulations, Resolution 2011;
2. The Financial Administration and Audit (Fiscal Responsibility Framework) Regulations, which were laid on the Table of the House on the 20th day of September, 2011 are hereby affirmed.

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

WHEREAS on the 5th day of April 2011, this Honourable House of Representatives gave approval for its Sessional Select and Joint Select Committees to continue in this session 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:

1. That the Regulations Committee that the name, Madam Speaker, Marisa Dalrymple Philibert, be deleted and the name Tarn Peralto be substituted therefor;
2. That the Public Accounts Committee that the names Marisa Dalrymple Philibert and Robert Montague be deleted and the names Karl Samuda and Othneil Lawrence be substituted therefore.
3. The Internal and External Affairs Committee that the name Marisa Dalrymple-Philibert be deleted and the name Derrick Smith be substituted therefor.
4. The Private Bills Committee that the name Marisa Dalrymple-Philibert be deleted and the name Tarn Peralto be substituted therefor.
5. The Joint Select Committee on the final Report of the Ministry of Health Jamaica Abortion Policy Review Advisory Group that the name Marisa Dalrymple-Philibert be deleted and the name Desmond Gregory Mair be substituted therefor.
6. The Joint Select Committee set up to consider and report to Parliament on Reports of the Contractor General, the Public Defender, the Political Ombudsman, the Corruption Prevention Commission, the Integrity Commission, the Director of Public Prosecutions, and the Office of the Children's Advocate that the name Marisa Dalrymple-Philibert be removed as member and Chairman, and Mr. Derrick Smith substituted

therefore as member and Mr. Tarn Peralto be appointed Chairman:

BE IT FURTHER RESOLVED that the Honourable Delroy Chuck be removed from the position of Chairman of the Standing Orders and Privileges Committee, and the Honourable Marisa Dalrymple Philibert be appointed Chairman of the respective Committees and that Mr. Tarn Peralto be appointed Chairman of the Private Bills Committee and the Regulations Committee.

Madam Speaker,

BE IT RESOLVED that the House appoints a Committee comprising the following Members:

The Honourable Dr. St Aubyn Bartlett,
The Honourable Shahine Robinson,
The Honourable Desmond Mair,
Mr. Derrick Smith,
Mr. Franklyn Witter,
Dr. Peter Phillips,
Dr. Omar Davis,
Mr. Fitz Jackson

to sit jointly with a similar committee to be appointed by the Senate to consider and Report on **Green Paper No. 2/11** entitled "*Option for Reform of the Public Sector Pension System*", which was laid on the Table of the House on the 7th day of September 2011,

Madam Speaker,

BE IT FURTHER RESOLVED that the appointments of Ministers of State be made notwithstanding Standing Orders 68 (3).

RE: JEEP'S PROPOSAL

Mr. E. SMITH: Madam Speaker, at the next sitting of the House I wish to move the following motion:

WHEREAS the problem of unemployment has been greatly exacerbated by the global economic recession which has been ravaging economies around the world;

AND WHEREAS the Government of Jamaica has been doing everything possible not only to create employment, but to mitigate the loss of jobs during this financial crisis;

AND WHEREAS the Government of Jamaica is constrained by the financial resources at its disposal but is keenly aware of tremendous hardship facing many of our citizens as a result of the need for more jobs in the society;

AND WHEREAS the Leader of the Opposition has publicly proposed that she and the Opposition has the solution to the problems of unemployment facing the country:

(Laughter)

BE IT RESOLVED that this Honourable House examines the proposals announced by the Leader of the Opposition for the creation of jobs stated as the Jamaica Emergency Employment Programme (JEEP) to determine its feasibility and practicality as a measure of addressing Jamaica's social and economic challenges.

Opposition MEMBERS: Hear, hear!

(Applause)

Another Opposition MEMBER: Bring it on!

(Cross talk)

Mr. M. PEART: Madam Speaker, I would venture to ask…

(Cross talk)

The SPEAKER: No! (Gavelling)

Mr. M. PEART: ….where in the Standing Orders can such a motion be brought?

(Cross talk)

Mr. HOLNESS: Madam Speaker, the Standing Orders only refer to the asking of questions as it relates to matters that were dealt with in the Press and that is forbidden by our Standing Orders, but certainly I have not seen anywhere in the Standing Orders where it prohibits a Private Member's Motion to deal with any matter.

Dr. PHILLIPS: The issue here is that the business of the House is to examine…

(The Speaker gavels)

…the conduct of Government that arises - government documents and so. That matter is not before this House as any document. The Member can consider anything he wants but I don't know he can bring it properly before the House.

(Cross talk)

Mr. HOLNESS: There is a - my misunderstanding through you, Madam Speaker, is that the way in which questions are structured -

The SPEAKER: (Gavels) Members. I think it is important, please.

The PRIME MINISTER: I thought you would have welcomed the resolution.

(Cross talk)

Government MEMBER: I thought it was an emergency. I thought it was an emergency.

Dr. PHILLIPS: If the Member wants to have a discussion outside of the House then (Inaudible comment follows) way then…

(Cross talk)

Dr. PHILLIPS: …(Inaudible comment follows) consider a matter of Parliament…..

In a few months, Madam Speaker, whenever the Prime Minister chooses to name the date…

Opposition MEMBER: Hear, hear!

Dr. PHILLIPS: …then we can properly consider these matters.

Opposition MEMBER: Now, now!

(Cross talk)

The SPEAKER: (Gavels) Members, Members!

Mr. HOLNESS: Madam Speaker -

The PRIME MINISTER: That resolution is going to be debated.

Mr. HOLNESS: Madam Speaker, we agree, on this side -

(Cross talk)

The PRIME MINISTER: The rigorous analysis will begin.

Mr. HOLNESS: Yes, we agree, Madam Speaker.

(Cross talk)

A MEMBER: Categorically.

(Cross talk)

The SPEAKER: (Gavels) Members.

(Cross talk)

Mr. HOLNESS: Madam Speaker

The SPEAKER: (Gavelling) Member, Members.

(Cross talk)

The SPEAKER: Members, no. All

Members (Gavelling).

(Cross talk)

The SPEAKER: Member, please have a seat. Take your seat, please.

Members, there is going to be order in this House and, you know, there is a little Jamaican saying the Member from South St. Andrew just said, when I looked at him I wondered because he was behaving most uncharacteristically this evening, he said things are dull, not interesting. It is getting interesting, but with all the interest that there is there has to be order and decorum. Continue.

Mr. HOLNESS: Madam Speaker, the concern raised by the Member as to whether or not the motion falls within the Standing Order in the ambit of this House, we have reviewed the Standing Orders, we find no Standing Order which would prevent a motion of that nature being debated. In fact, Madam Speaker, we consider it to be an urgent matter. And, therefore, Madam Speaker, it's a matter of national importance and it is in this House that such a plan should be scrutinized.

(Cross talk)

Mr. HOLNESS: Madam Speaker, that resolution is of national importance and it is in this House that matters of national importance will be debated.

(Cross talk)

Mr. M. PEART: Madam Speaker - (The Speaker gavels) Madam Speaker -

The SPEAKER: The Leader of Opposition Business is on his feet, Members, will you allow him.

Mr. M. PEART: Madam Speaker, it was two weeks ago -

The SPEAKER: Yes.

Mr. M. PEART: It was two weeks ago that an attempt was made -

The SPEAKER: Members, please, allow the Member to speak. I cannot hear.

Mr. M. PEART: It was just two weeks ago that an attempt was made by Government Members in a Committee to prevent a Minority Report coming to this Parliament.

Mr. E. SMITH: That was corrected.

(Cross talk)

Mr. M. PEART: I'm just mentioning, Madam Speaker, that we seem to be treading on dangerous ground.

The SPEAKER: Members, now -

Mr. M. PEART: Now, the Government side has the numbers to proceed but if they had given it sufficient thought…

Opposition MEMBER: Yes.

Mr. M. PEART: They would recognize the folly of what they were trying to do.

(Cross talk)

Mr. PICKERSGILL: The national emergency is the government.

(The Speaker gavels)

Mr. M. PEART: Because, Madam Speaker, the mover of the motion -

The SPEAKER: (Gavels) Have a seat…

(Inaudible comment follows).

(Cross talk)

The SPEAKER: Members, Members of this House.

(Inaudible comment by Mr. Gallimore)

The SPEAKER: Member Gallimore, please. I'm going to ask all the Members of this House, on both sides of the House, to remember regardless of how interesting this Parliament gets I am telling you I am asking all of us - I think it was Member - Mrs. Wilson who spoke this evening of being taught about

order and decorum, holding your views and standing your ground, but to do so as ladies. I'm asking all of us to behave as ladies and gentlemen, and to behave with the decorum that this Court deserves. It is the highest Court of the land. And this Speaker says that I will be guided by the Standing Orders. And indeed, if indeed, there is a Standing Order that would preclude us from doing that I'm open to the Leader of the Opposition Business bringing it to my desk. That is allowed here. What is not allowed is bad behaviour and disorder in here because the nation is watching us and as we all clamour for elections they're watching to see how we behave and who should really lead. So I ask us to remember that.

Dr. PHILLIPS: The Standing Orders of this House preclude documents not government documents, without special leave of the House being circulated. No such document has been circulated. It focuses on national issues, and, Madam Speaker, it is quite apart – it is a dangerous - dangerous to the order, decorum of the House, that a political debate outside of the business of the Government…

Mr. HOLNESS: What! I don't understand!

(Heckling)

Dr. PHILLIPS: …be outside of the business of Government – outside of the business of Government…

(Heckling)

Mr. HOLNESS: Madam Speaker! Madam Speaker!

Dr. PHILLIPS: I am on my feet!

(Cross talk)

Dr. PHILLIPS: We are running very close to the edge here.

The SPEAKER: (Gavelling) Member Buchanan, just a minute! Member, can you hold a minute.

The PRIME MINISTER: …and you will have the opportunity to articulate. I don't understand. You are running away! (Laughter)

(*Sotto voce* comments)

The SPEAKER: Leader! (Gavelling) But I don't understand, it looks like there is no control.

(Cross talk)

Mr. HOLNESS: Madam Speaker, I am amazed at the comments of the Member. Employment, Madam Speaker, is said to be a political issue discussed in the political arena.

(Cross talk)

Mr. HOLNESS: Madam Speaker, this side is serious about employment.

(Government Members applaud)

(Heckling)

Mr. HOLNESS: Madam Speaker, for us there is no other serious issue than employment now.

Mr. GALLIMORE: Thank you! Thank you!

Mr. HOLNESS: And if we are serious about employment, then this is the place, Madam Speaker…

Government MEMBERS: Yes! Yes!

Mr. HOLNESS: …that employment must be discussed.

It is a sign, Madam Speaker, that what is said on the political platform is merely an empty promise that cannot stand the scrutiny of Parliament.

(Heckling)

Mr. PICKERSGILL: …you chatting nonsense!

(Cross talk)

Mr. GALLIMORE: It is an emergency! Emergency!

(Cross talk)

Mr. M. PEART: Madam Speaker, the House Leader…

(Cross talk)

The SPEAKER: I can't hear you, you know, I can't hear you.

(Cross talk)

The SPEAKER: Hold on. Don't speak until I can hear you. I can't hear you.

(Cross talk)

Mr. HOLNESS: It doesn't apply to questions.

(Cross talk)

Dr. DAVIES: Well, you can put the question and you can debate it yourself.

An Opposition MEMBER: You alone going tango inside here.

(Cross talk)

Mr. M. PEART: Madam Speaker…

Dr. PHILLIPS: Look on the Order Paper and the things that you don't want to deal with!

(Heckling)

The SPEAKER: (Gavelling) No, no, no! Member Bunting! No, no. Member! Member, I am not going to allow you to stand up and speak while another Member is on his feet. I am not going to have it. I am going to look at the Standing Orders and I will use the powers that are given to me.

(*Sotto voce* comments)

Mr. M. PEART: Madam Speaker, I just want to make the point.

The Leader of Government Business just mentioned…

The SPEAKER: I am just going to ask you – the Member has been on his feet and he is trying to – go ahead.

Mr. M. PEART: The Leader of Government Business just spoke about the most important thing on the agenda right now is employment. And I would agree with him. If the Government recognizes that employment…

A Government MEMBER: Yes! Yes!

Mr. M. PEART: …is the most important matter to be dealt with by this Parliament, then we have a Minister with responsibility for employment, who comes and makes a presentation, and the Opposition will participate in a debate like that.

(Cross talk)

Mr. M. PEART: But for a Member – the framing of this motion brought by the Member from South West St. Ann, has no precedent in the Westminster model of Parliament, you know, no precedent. Never had any, whether you want to turn to Erskine Mays, whether you want to go into Standing Orders. This is rubbish! (Heckling)

Mr. D. SMITH: Madam Speaker, Madam Speaker…

The SPEAKER: Members! Questions and Answers to Questions.

(Cross talk)

Mr. D. SMITH: Madam Speaker…

Mr. BUCHANAN: Madam Speaker, I have a resolution.

The SPEAKER: Go ahead, Member Smith.

Mr. D. SMITH: I just want to make a response, Madam Speaker, if you will allow me.

The SPEAKER: Yes, you are on your feet.

Mr. D. SMITH: The Member from East Central St. Andrew spoke strongly against allowing a debate on what he termed a political issue.

Madam Speaker, I took time out on Sunday afternoon to listen to the presentation by the Leader of the Opposition, because I thought it was important.

(*Sotto voce* comments)

The SPEAKER: Allow him to speak, Member.

Mr. D. SMITH: It was very tiresome… (Laughter) …when I listened to the two-hour presentation…

(Laughter)

…endured it.

(*Sotto voce* comments)

Mr. PICKERSGILL: Yu betta si dung! Si dung back! 'bout tiresome!

The SPEAKER: Member!

Mr. D. SMITH: So, Madam Speaker, when she…

The SPEAKER: Member! Member!

Mr. D. SMITH: …to the issue of JEEP, it really caught my imagination. Because I am out there in the field daily, and I recognize unemployment is a major issue out there, particularly amongst young people.

(Cross talk)

So I would like to commend the Member from St. Ann for bringing the motion to create the opportunity to examine what JEEP is all about. (Applause) For it seems to me nobody is in a position to explain what it is all about…

(*Sotto voce* comments)

…what it looks like. So my point is…

(*Sotto voce* comments)

The SPEAKER: Member Pickersgill!

Mr. D. SMITH: …it is not a political issue, I see it as a national issue of immense interest to the nation. And I would support a debate on it and I commend you for bringing this motion to the House. (Applause)

(*Sotto voce* comments)

The SPEAKER: Yes, Member Clarke.

Mr. CLARKE: Madam Speaker, in 2007 something that was very topical and really attracted the imagination of the Jamaican people was this promise of jobs, jobs, jobs.

Mr. E. SMITH: You nuh hear it in America, too? You nuh hear it in England? You hear it everywhere. It's an economic recession!

Mr. CLARKE: Madam Speaker, the crisis with job creation continues. And I believe there can be a debate. But I would ask, Madam Speaker, that even at this late stage the Government brings something to the Table to indicate what they can do about creating these jobs. And, Madam Speaker, within that context, the Opposition can put its position on the Table.

MEMBERS: No, no, no, no!

(Cross talk)

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HAYLES: Madam Speaker, at the end of twenty-one days I would like the – at the expiration of twenty-one days I would like the Minister of Water and Housing to answer the following questions in my name:

1. Can the Minister say what is the total amount of funds that have been spent in Western Hanover since January of this year by the National Solid Waste

Management Authority for "bushing and drain cleaning"?

2. Can the Minister provide a list of all such projects and locations and the amount spent for each?
3. Can the Minister state what, if any measures were taken for consultations regarding the selection of projects?
4. Can the Minister further state whose responsibility it is to check the quality of work done by the NSWMA when its teams are transported into Western Hanover to work on various projects with or without prior consultation with the Parish Council, National Works Agency or the Member of Parliament?

Rev. THWAITES: Madam Speaker, at the expiry of twenty-one days I beg to ask the Minister of Health the questions in my name:

1. Is the fact that the Government of Jamaica owes Carreras a sum of $2.7 Billion Dollars or more a restraining factor in the progress of the Tobacco Control Bill?
2. What is the present status of the promised Tobacco Control Bill?

Rev. THWAITES: Madam Speaker, at the expiry of twenty-one days I beg to ask the Minister of Water, Housing, Environment and Land, the questions in my name:

1. Will Government agree to the amendment of the Registration of Titles Act to be consistent with the provisions of section 10 of the Registration of Titles, Cadastral Mapping and Tenure Clarification (Special Provisions) Act?

Mr. BUCHANAN: Madam Speaker, I have been trying to – like I am doing now, Madam Speaker, I have been trying to get your attention.

The SPEAKER: Go ahead.

Mr. BUCHANAN: Madam Speaker, I wanted to move this motion.

Mr. HOLNESS: Madam Speaker, I believe that we may have jumped the agenda. Madam Speaker, I believe we should still be on Notices of Motions, seeing that the Member from Westmoreland still has a motion to be given.

The SPEAKER: I am sorry about that. Go ahead.

Mr. BUCHANAN: Thank you, House Leader.

Mr. HOLNESS: Madam Speaker, are you aware of this?

The SPEAKER: Of this motion? No, I am not aware at all. I am not aware of his motion. Sorry.

Mr. GALLIMORE: Bring it next week.

Mr. HOLNESS: Madam Speaker…

A MEMBER: He is withdrawing it, ma'am.

Mr. GALLIMORE: Bring it next week.

Mr. HOLNESS: Madam Speaker, we are now at Question Time.

Madam Speaker, before we proceed any further, the time – based on the Standing Orders – for asking questions has expired. I therefore move for the suspension of Standing Orders to allow us to take questions beyond 3:15.

The SPEAKER: The question before the House is that the Standing Orders be suspended to allow us to take questions.

Put to the House and agreed to.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. CLARKE: Madam Speaker, at the expiration of twenty-one days I would like to ask the Honourable Minister of Agriculture the following questions.

1. Can the Minister of Agriculture given an update on the divestment of the Government-owned sugar estates to indicate the following:
   a) How much has the Government received for each entity divested?
   b) What has been the cost incurred to complete the divestment process?
   c) Who or what companies have been involved in the process and what has been the level of compensation to each of those involved?
   d) Since the assumption of the management of the estates by the Jamaica Sugar Holdings, what has been the financial situation of the company?
   e) If there are any losses incurred in the operations, will the Government of Jamaica assume those liabilities, and if not, how will they be liquidated?

I would also like to ask again of the Minister, when will we be able to have answers to some questions which have been posed for probably over two months?

Mr. M. PEART: Dem a wait pon Portia. Dem a wait pon yu.

The SPEAKER: Member.

Mr. HOLNESS: Madam Speaker, prepared for answer today would be Question Number 6, standing in the name of the Member from Central Kingston, asked of the Prime Minister. The Prime Minister is prepared to answer those questions.

We have answers for Questions 21 and 23, but the Minister of Finance is not here today. We have answers for Question 24, standing in the name of the Member from Central Kingston, asked of the Minister of Justice, and we are prepared to have those questions answered.

Madam Speaker, there are questions that are due for answers, overdue now primarily because of the delay for the break that we took, and the passing of the Supplementary Estimates. Those questions will be answered in relatively short order. And I am asking…

Dr. DAVIES: Turn on the mike, I can't hear what you are saying.

Mr. HOLNESS: (Turns on his microphones) I am asking, Madam Speaker, that the persons – the Members who asked questions, that an extension be granted for those questions that we are not answering today.

Mr. JACKSON: Madam Speaker, the Leader of Government Business in his comments made reference to one question standing in my name, at Number 18. I was previously advised that the answers were ready two or three weeks ago. I do take it that the proceedings relating to the Supplementary Budget would have prevented them from being taken then. But I would have – I expect that now that we resume, that they would be ready, and if not, to provide a definitive time.

(The Speaker left the Chair at 4:15 p.m. The Deputy Speaker presides.)

Mr. MULLINGS: Might it please you, Mr. Speaker. In relation to the questions posed

by the Member, listed at 18 and in his name, his questions will be answered next week. I had briefly spoken in the Parliament. A number of these questions, I suspect, crossed in time. Suffice it to say that these questions will be dealt with - seriatim - next week Tuesday.

The DEPUTY SPEAKER: Okay. Any other questions to be answered?

Mr. HOLNESS: Mr. Speaker, two questions are ready for answer standing in the name of the Member from Central Kingston. The Prime Minister is ready to answer.

The DEPUTY SPEAKER: Member from Central Kingston.

Rev. THWAITES: Mr. Speaker, will the Prime Minister answer the question listed in my name as Number 6 on the Order Paper, please.

The PRIME MINISTER: Mr. Speaker, the answer to question 6.

Question 1: Will the Prime Minister state which Public Bodies' Annual Reports are outstanding beyond four months of the end of their financial year?

Answer: The information sought is contained in Ministry Paper 49/2011 which was tabled in the House on July 12, 2011.

Question 2: What is the sanction for Boards of Directors, Chief Executive Officers and Financial Officers who are responsible for timely reporting?

Answer: While the submission of annual reports is a statutory requirement of the Public Bodies Management and Accountability Act, there are currently no sanctions in law - or, there have been no sanctions in law - for failure to, comply. Public officers and Executive officers of Statutory agencies are subject to disciplinary action, including dismissal by the Public Service Commission or the relevant Boards of Directors. The members of such Boards can be removed by the responsible Minister.

The House recently approved amendments to the Public Bodies Management and Accountability Act, *inter alia,* to include the failure by those statutorily responsible to submit annual reports and for such reports to be tabled in Parliament to be included among the contraventions for which, on application by the Attorney General, the Court can issue an order for compliance by such persons or order them to pay a pecuniary penalty not exceeding One Million Dollars. The Senate passed the Bill on June 24, 2011, with seven (7) amendments. The answers actually said that these amendments are now before the House for its concurrence.

The answers were in fact prepared in July. Since that time, the House has approved the Bill with the amendments proposed by the Senate and therefore - well, I ask

that note be taken of that.

The enabling regulations are in an advanced state of preparation and should be completed shortly.

I believe that they are in fact ready. I wasn't able to confirm this before leaving my office today.

Question 3: On which basis will any further public resources be made available to any public body which is in breach of the Public Bodies Management and Accountability Act?

Answer: There are various factors that may contribute to the delay in submitting annual reports that may be beyond the control of the Boards of Directors.

These include, for example, the late completion and delivery of audited financial statements by the auditors of the respective bodies.

And I think note should be taken that many of the reporting bodies are audited by the Auditor-General's Department, whose ability to complete these audits on a timely basis is often challenged because of resource constraints and because of intervening events such as investigative audits that they have to carry out which may not have been scheduled.

However, where these difficulties do not arise, full compliance with the statutory requirements must be enforced. The withholding of resources, as the Member's question seem to suggest, cannot be the appropriate remedy.^ This would impair and possibly paralyze the operations of the respective entities and it is the public of Jamaica that they are established to serve - not the Boards of Directors - that would bear the punishment.

The DEPUTY SPEAKER: Thank you, Prime Minister. Member from Central Kingston.

Rev. THWAITES: Mr. Speaker, will the' Prime Minister agree that the state of arrears as set out in the Ministry Paper of July to which he refers in answer to Question 1 is fully unacceptable, and, will he state what are the measures that the Government is taking in order to regularize that situation before the end of this calendar year?

The PRIME MINISTER: Mr. Speaker, I agree with the postulation by the Member that it is unacceptable. And I have been driving through the Cabinet Office, driving all the ministries and the Government agencies to try to bring themselves up to date as much as possible.

Cabinet Members were confirmed that we spend a considerable amount of time at Cabinet. Normally it's the first items on the agenda dealing with reports that sometimes go back to the early 2000, and I believe in some cases even to the 1990s.

Just this week, and last week, the Ministry

of Health brought several reports to Cabinet covering periods going back as far as ten and more years. So we are doing everything possible. At least the records will show - and I'm going to have them properly checked myself - the records will show that over the last 18 months we have perhaps brought more reports to Parliament than have been brought in any 18-month period before. So we are working hard...

(Applause) (Inaudible comments by a Member)

The PRIME MINISTER: ...to catch up with the backlog but it takes time.

There are some reports, I should point out, particularly in relation to the Ministry of Health that are qualified, highly qualified, because the reporting period is so far back that the documents that the auditors need to be able to give a proper and true account of the affairs can't be found. And therefore there are several reports that will come to Parliament with those qualifications.

I agree with the suggestion of the Member that we have to do better than that. We have to get it up to date and we are doing everything possible to achieve that.

The DEPUTY SPEAKER: Thank you.

Rev. THWAITES: Mr. Speaker, will the Prime Minister comment on the assertion that has been this Member by some of the public bodies that they in fact submit their reports in reasonable time but that there is an interminable wait after so doing for the processing to take place, whether it be Cabinet Office or wherever and before the submission to parliament. Could that be a reason, will the Prime Minister say, for these unacceptable circumstances?

The PRIME MINISTER: Mr. Speaker, I have detected some such instances, but they are not in the majority and they are not of significance in terms of numbers.

We have found cases, for example, where some ministries and agencies have sent the reports to Parliament without coming to Cabinet, which is irregular, and there have been some instances where the reports have been submitted to the ministries but the ministries have brought them neither to Cabinet nor to Parliament. And we have sought to identify those that fall in those categories, to try to get them through as quickly as possible.

All the agencies are aware because they have been communicated with by the Cabinet Secretary and by me. And where our records show that they were out for several years when they had in fact submitted reports, they have brought that to attention and we have ensured that those inadvertencies, if that is what it was, have been corrected.

Rev. THWAITES: Having regard to the Prime Minister's answer to Question 3, would he agree with the proposal that immediately after the presentation of the Estimates of Expenditure, the beginning of a new financial year, Ministers should be required to provide to this Honourable House a report on any of the public bodies falling under their jurisdiction which are, for circumstances set out here, likely to be late so that there could be a tracking by the House of these institutions which play such a great part in the array of government and in fact have a call on public expenditure? We need some scheduling where there will be a reporting. Would the Prime Minister agree?

The PRIME MINISTER: Mr. Speaker, due consideration will be given to that. But if the House will allow me to use that question just to go a little beyond that. It's one thing to complete the statutory requirement and that is to have the reports brought to Parliament. What happens to that after that is something that I don't think any of us can still be satisfied about because that is where they need to be the subject of examination, scrutiny.

There are many questions that we raise at Cabinet and there are many questions that I believe Parliament could rightly raise. But one gets the sense that the reports are tabled here and to a great extent that's the end of the matter. And I would be surprised if some of those reports end up being used to kotch a table that is wobbling rather than being the subject of serious examination. And perhaps we need to look at the relevant committees to see what we can do in terms of the resources that need to be made available for them to do what was expected, and that is for them to take those reports, examine them, summon the officers if they feel that that is necessary. Don't do it capriciously because these are people with responsibilities. But where they see questions that need to be answered, to use the recourse as a basis for doing so.

The right to do that was provided by an amendment to the Standing Orders many, many years ago, to make it clear that reports of all these bodies are the subject of scrutiny and also of examination by the Public Accounts Committee.

Rev. THWAITES: Finally, may I just advert, given the Prime Minister's last answer, to a letter I have written to the Speaker asking her to determine what is the time on the Parliamentary calendar when Members have the opportunity to comment on these reports.

And I respectfully suggested that this is something that should be taken up by the Standing Orders Committee which haplessly, regretfully doesn't meet.

I trust that you will recommend a reply and a clarification of that point, given the importance that all of us feel of it, sir.

The DEPUTY SPEAKER: I will, Member, and I will pass that on to the Speaker. Any other questions and answers to questions?

Mr. HOLNESS: Mr. Speaker...

(Rev. Thwaites rises to speak)

Oh, go ahead.

Rev. THWAITES:

(Inaudible - Not using microphone)

....the Honourable Minister of Justice.

The DEPUTY SPEAKER: Minister.

Mr. CHUCK: Mr. Speaker, the question is 24 on the Question Paper.

Question: Will the Minister of Justice table the opinion of the Solicitor General which he told Parliament provided the basis of his assertion that the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010, and the Constabulary Force (Interim Provisions for Arrest and Detention Extension of Duration) Resolution, 2011, are consistent with the Constitution?

Answer: The Minister of Justice has no objection to tabling the opinion of the Solicitor

> General with respect to this issue. In an endeavour to greater assist Parliament, below is an excerpt from the said opinion which formed the basis of the decision taken by the Minister.

It's actually the full text on this particular area of the amendment to the Constabulary Force Act.

Rev. THWAITES: Thank you, Mr. Speaker.

The DEPUTY SPEAKER: Thank you. Any other answers to questions? Andrew, Andrew.

A MEMBER: House Leader.

(*Sotto voce* comments by The Deputy Speaker and Mr. Holness)

PUBLIC BUSINESS

Mr. HOLNESS: Mr. Speaker, at Public Business today, we will be taking Items Numbers 4 and 5, standing under the name of the Minister of Justice. Item Number 4 is a Bill entitled, AN, ACT to Amend the Attestation of Instruments (Facilities) Act.

The Minister of Justice will begin with that. And then "AN ACT to Abolish Preliminary Examinations and to provide for the procedure relating to the committal of trial in cases of indictable offences and other matters incidental thereto".

The DEPUTY SPEAKER: Go ahead, Minister of Justice.

THE ATTESTATION OF INSTRUMENTS (FACILITIES) ACT, 2011

Mr. CHUCK: Mr. Speaker, I place before this Honourable House for consideration and approval the Bill entitled AN ACT to Amend the Attestation of Instruments (Facilities) Act, 2011.

Mr. Speaker, the Bill before us makes provision for the amendment of the Attestation of Instruments (Facilities) (Act hereinafter referred to as the Act) to vest Parish Councillors and the Mayors of Municipalities with the powers of Justices of the Peace for purpose of attesting documents for the duration of the period they hold office. (Applause)

The reason for the introduction of this Bill, Mr. Speaker, is to make it easier for the citizens of this country to carry on their business and access crucial government services. Justices of the Peace play a vital role in relation to the verification of documents which is particularly important in enabling persons to obtain jobs, open bank accounts, acquire loans and access other banking facilities, as well as obtain passports and other forms of documentation. However, the disproportionately small number of Justices of the Peace in the general population has prevented many persons from easily accessing their services to facilitate the verification of their identity and the attestation of their documents.

There are some 227 Parish Councillors and Mayors of Municipalities in the island who are in a strategic position to assist in remedying this situation due to the nature of their duties. More than any other elected or appointed government official, Parish Councillors and Mayors of Municipalities interact with the citizens living in the several communities which they represent.

At present the Act addresses the situation by extending the authority of Justices of the Peace as it relates to attesting documents to

Members of Parliament. This authority is to continue for as long as the Member holds office and cannot be exercised in criminal prosecutions or investigations.

Mr. PICKERSGILL: Wha dat mean?

Mr. CHUCK: The Bill therefore increases the number of persons who are authorized to carry out the functions of a Justice of the Peace by giving the Parish Councillors and Mayors of Municipalities the statutory authority to attest documents.

Mr. Speaker, I wish to advise this Honourable House that this Bill was passed in the Honourable Senate on June 24, 2011 with two (2) amendments.

I will now turn to the Bill clause by clause.

Clause 1. Mr. Speaker, this clause recites the Short Title of the proposed Act, namely the Attestation of Instruments (Facilities) Amendment Act, 2010.

Clause 2. This clause repeals and replaces section 3 of the Act. This amendment principally replaces references to Members of the House of Representatives with references to specified officials who are defined in a new subsection (4) as:

(a) "a Member of the House of Representatives;
(b) a councillor of a Parish Council or the Kingston and St. Andrew Corporation;
(c) a Mayor of a Municipality not being a councillor".

The Act provides that every specified official, for as long as he carries out the functions of his respective office, shall have the same authority as a Justice of the Peace as it relates to administering, taking and receiving oaths, affidavits, declarations or affirmations of any person concerning any deed, instrument, right, matter or thing required to be sworn to, declared, affirmed or attested under the provisions of any enactment or regulations and giving certificates required under the same. However, this authority does not extend to criminal prosecutions or investigations.

Clause 3. Mr. Speaker, the Honourable Senate amended this Act by the insertion of a new section 5 in the principal Act allowing for the Minister, subject to affirmative resolution, to make regulations giving effect to the provisions of this Act. In addition to this amendment, the Senate inserted a new subsection (2) of the amended Bill to allow for the Minister to publish in *the Gazette* an appointed day, notice for the Act to come into force.

The DEPUTY SPEAKER: Member from Central Kingston.

Rev. THWAITES: Mr. Speaker, the principle of extending the opportunity for citizens to have their documents attested and their identities affirmed is beyond contention. But the Bill is, in fact, an awkward extension of the jurisdiction of the Lay Magistracy which raises a number of questions. Why are we so short of Justices of the Peace? Why does it take an interminable time, often much longer than a year, to have a person who is so recommended have their character, their record examined and for them to be appointed?

Will the Minister say, in his response, if there is a systematic measure to look at all of the communities in this country and to ensure that the normal requirements of law, at its

basic level, are, in fact, being satisfied by the presence of appropriate numbers of Lay Magistrates rather than having to do some end-run around that system because we find it unwieldy.

The fact is, Mr. Speaker, that the Minister argues himself that the Councillors and the Mayors are accessible. Yes, they are. But I see two difficulties. One, it would be certainly an awkward matter when the person leaves office for him to demit this service which he has been offered and the community comes to accept. And the second and perhaps more substantial issue, Mr. Speaker, is that Justices of the Peace are now properly trained; and there is no provision in this arrangement for the officers of Parish Councils who are to be enabled, for their training. And I certainly would hope that if this legislation succeeds that there will be proper provisions made before you simply set people into a role which involves some art, some sensitivity for which they are not, in fact, properly moderated….

Mrs. HENRY-WILSON: And for which they have not taken an oath.

Rev. THWAITES: …and for which they have not taken an oath in the way that a Justice of the Peace, a Lay Magistrate is required to do. These are not meaningless gestures, Mr. Speaker. They are extremely important. Members of Parliament take an oath. Parish Councillors may make some affirmation but I do not know that it covers….

Mr. MONTAGUE: No, no, no!

Rev. THWAITES: … I do not know that it covers the gravamen of what it is that they are being required to do. But the more substantial thing is the question of training. What has been recognized in Jamaica in recent years is that the Office of the Justice of the Peace is not an honorific assignment, but rather it is a functional requirement in every community. And the complexity of modern life has meant that more and more citizens will require the services.

In fact, Mr. Speaker, it is worthy of note. I have served as a Justice of the Peace for 40 years and I have to say that you are stretched on many occasions because you are pressed by people who have no alternative as to where to go to get these basic functions, and very often you find yourself being prone to attest to persons who you would not normally know well enough to do so. This is a measure that is intended to overcome that but it must be overcome in the proper fashion.

Now, Mr. Speaker, I really hope that there will be tests for fit and proper persons. I make no aspersions against any elected official. But the test required for a Justice of the Peace is quite the similar and at a much higher standard than any standard that is required for another official who is being so empowered.

Mr. Speaker, we need to be careful of this, therefore, what we are doing. And I believe that while - perhaps it is a temporary exigency, what is needed is a proper extension of the appointment of Justices of the Peace so that we can have enough, not only to do these services but to carry on the many other functions which, with their training and their maturity, they are well disposed to do, and which could be such an important reform of the justice system.

Mr. Speaker, I know that the Minister of Justice is well disposed towards these ideas and I trust that he will take them in the best intention that they are given and help us to do

better and reform the justice system at its base.

May it please you.

The DEPUTY SPEAKER: Member Jackson.

Mr. JACKSON: Mr. Speaker, I wish to join in supporting those comments made by my colleague from Central Kingston.

As is stated in the Memorandum of Objects and Reasons of this Bill, it seeks to make the authority to attest documents, verifying identity of persons more accessible by the citizens.

And I rise on this occasion, Mr. Speaker, because I personally have experienced great difficulties in seeking to have an adequate supply of Justices of the Peace to achieve what this Bill is setting out to do. (Applause) So on the outset I welcome what the Bill seeks to do so far as empowering Councillors and directly-elected Mayors to carry out this function.

But insofar as we want to achieve that objective, I think great urgency must be placed - it takes over two years or more to get a nominated person approved to serve. The things that the Justices of the Peace are called upon to do are things that affect people's everyday life and impede their own personal development. And I believe it is one that we must indeed put on the priority list. Given the fact, too, Mr. Speaker, that these are persons who are called upon to provide voluntary service. And on the one hand we are literally begging for the return of voluntarism, but on the other hand the State is not facilitating voluntary service in an area that is most important to many Jamaicans on a day-to-day basis. Some means have to be found. I have taken the opportunity to meet with the Custos of my parish to see how I can assist and it is distressing. The tedious and, I dare to say, incomprehensible reasons being given why nominated persons can't be processed and duly appointed to carry out this function.

So, through you, Mr. Speaker, I am pleading to the Minister. I know where his heart is in this matter but we want to see the fullness and goodness of his heart bear some fruits to remedy this situation. The truth be told it is not something of recent doing. It has been over years and the problem has been compounded.

So, in closing, I want to plead to the Minister to give some priority attention to remedying this challenge.

The DEPUTY SPEAKER: Thank you, Minister Montague.

Mr. MONTAGUE: Mr. Speaker, I rise to support this Bill. As a former Councillor I know the importance of Councillors getting this authority to assist persons, especially in deep rural communities, that we do not have the luxury of having JPs in some of these communities for years.

In my own instant case, I became a Mayor in 2004, two months after that I wrote a letter trying to have some persons appointed as JPs, until this day they have not been so appointed.

Mr. STERN: How many years?

Mr. MONTAGUE: I have taken it so far as to have gone to the police. They have done their part. The documents have been submitted but somehow somebody's hand cannot sign the final recommendation.

(*Sotto voce* remarks by Mrs. Neita-Headley)

Mr. STERN: Corruption ina di system!

Mr. MONTAGUE: I am saying, Mr.

Speaker, that the people out there in the wider communities are being held hostage. They have to suffer. And it is unfair to a JP who is being asked to certify documents of persons they do not know.

Mr. STERN: And they should not do it!

Mr. MONTAGUE: And they shouldn't do it. And therefore when a person has to travel over 15 miles to find a JP, in rural Jamaica, just to sign a certificate, it is unfair. I would recommend to the Honourable Minister - and in discussions I know he has accepted - that the Councillors should be trained in the basic rudiments of being a JP. (Applause) And I would be bold enough to suggest that Members of Parliament, once elected, should also pass through that basic training. And I want to inform the Member from Central Kingston that, yes, Councillors have to take an oath on being sworn into the Office of Council. And therefore I would like to congratulate….

Mr. D. SMITH: Will they try cases?

Mr. MONTAGUE: No, they won't be trying cases.

I would like to congratulate the Honourable Minister of Justice for taking this important step and once again underline the full support of this Government to Local Government.

We are investing and putting confidence at the community level.

(*Sotto voce* comments)

Mr. MONTAGUE: We are supporting the councillors. We are empowering our councillors, so that they can adequately represent their people, and to bring service to the people.

Mr. M. PEART: All right, siddung now. Rubbish!

Mr. MONTAGUE: Mr. Minister, continue doing what you are doing.

That's why you weren't a good Minister.

Mr. M. PEART: Sit down!

Mr. MONTAGUE: That's why garbage pile up a yu gate.

(*Sotto voce* comments by Mr. M. Peart)

Mr. MONTAGUE: I was, and still is.

(Laughter)

The DEPUTY SPEAKER: Minister Stern.

Mr. STERN: Mr. Speaker, I rise in support of this Bill.

For many years as a citizen in Frankfield I was a I have been a JP for many years…

(*Sotto voce* comments)

Mr. STERN: …but I will say that recommendations have been made on my behalf and by the communities, Citizens associations various Citizens associations in my constituency for many years, and we still cannot figure out why persons that are good standing people within communities are not considered Justices of the Peace. And we want that the Minister, in doing this Bill, not just just give powers to councillors and MPs and get them trained, but to review the process by which they really appoint Justices of the Peace. (Applause)

I think that the process needs to be evaluated because...

Mr. MONTAGUE: Change the whole a di Custos dem.

Mr. STERN: Something has gone wrong with it.

Mr. MONTAGUE: Yes.

Mr. STERN: We are looking honourable people within communities that will be of some kind of stature, somebody who will be a role model in that community, and we talk

about lacking of leadership in the community, lacking of persons of quality in the community. And this is where this is one more thing that we can do to rescue some of those social ills. We have too many domestic issues. Domestic violence. Nobody to sit down and give guidance to family disputes.

(Applause)

And we believe that the people are there, but they are not given a chance. The minister of religion is there, but when they are recommended, those are not the people we see getting the Justice of the Peace. Other persons get it, and we sometimes question how the process works.

Mr. D. SMITH: That was under PNP.

Mr. STERN: And I believe that what we have to do that we need to get our Custos, we need to get our Custos our Custodes per parish to understand what has gone wrong. And I implore upon the Minister to get back in the community those respected leaders taking this honourable position and carrying it out to assist these citizens to get their documents signed, or getting some kind of Magistrate control, getting them to go to Petty Sessions. Many people are not going to Petty Sessions. Many persons don't understand how the law and order work in communities. And therefore, I would like to see more JPs being appointed in communities across Jamaica to fill this role.

Thank you again, Mr. Speaker.

The SPEAKER: Member Fagan.

Mr. FAGAN: Mr. Speaker, I would like to commend the Minister for moving swiftly in his new role as Minister of Justice to remedy the situation in respect to Justices of the Peace. As has been stated by other Members, this is a long standing problem in the communities. I, personally, as far back as three years ago, I would have made recommendations for to have JPs in the communities of which I have to serve. And to date, I have not seen any movement to have these JPs appointed. While I believe this is a somewhat, a band aid to the situation, it will alleviate the problem somewhat, because people really can't find just to give a certification, just to say, yes, I know this person, it is a difficulty. I think that is a good move.

What I don't know, Mr. Speaker is whether or not the designation of Justice of the Peace will be the councillors will use the designation of Justice of the Peace, meaning that they sign as councillor whatever, JP, and whether or not they have the stamp. There is an embossed stamp that the…

A MEMBER: The seal.

Mr. FAGAN: …the seal. What kind of education the public will get to accept these councillors? Because, I know, as Member of Parliament, I have signed - I don't have a seal, but I have signed to recommend persons, and documents have been bounced because the general public out there is really not aware that all of us have that power outside of those documents that have on it, MP, police, whatever. So, I would want for you, sir, to explain to us how the public will be informed and also to emphasize the importance of training for these councillors, training, Mr. Speaker, because it is not just signing because I know that they can get into trouble by signing, not recognizing that these powers are not just powers to sign, but they really should know the people and have knowledge of those

things that they are signing for.

Thank you, Mr. Speaker.

The DEPUTY SPEAKER: Thank you. Minister.

Mr. CHUCK: Mr. Speaker, I would like to thank the Members who have supported this Bill. It is a Ministry of Justice Bill, originated with the former Minister in the Senate, and I have had the privilege of bringing it here.

(Applause)

So, it is one of the policies of the Ministry of Justice.

Let me deal first, Mr. Speaker, with the question of the councillors acting as JPs. While they are serving as councillors, they are not JPs, so that even… as Members of Parliament… It is only during my second term that the Honourable Clerk of Parliament pointed out to me, this Bill, the Attestation Facilities Act. I did not know that I had the powers of a JP. So that, I carried around several copies of this Bill so that when people ask me, on what basis you are signing as a JP, I was able to refer them to this Bill. And to that extent this will be the only authority that councillors have to demonstrate that they have the power of JPs.

However, it seems to me that what I would certainly ask Members of Parliament to do, is to encourage the councillors to participate in the training that JPs are offered on a regular basis in the different parishes. And I am going to open and ask the Custodes to make that training available to councillors, and in appropriate cases, the Custodes, if they so see fit, may invite the councillors to be properly authenticated as a JP, so that when they leave office, they remain JP. Because this Attestation Act only allows us MPs and councillors to act as JPs, but as soon as we leave office, we are no longer JPs.

So, to that extent, Mr. Speaker, we will certainly urge the councillors to participate in the training that JPs get and hopefully, some of them will get the seal if they are appointed JPs. And hopefully, when they leave office, they may well be appointed JPs to continue their work.

Mr. HENRY WILSON: May I ask... (Inaudible)

Mr. CHUCK: Sure.

Mrs. HENRY WILSON: Mr. Speaker, and how do we know whether they have attended or not, because it is important that whatever they learn and that's one. And two, can some of this be put in regulations even though they are not in the Act of itself?

Mr. CHUCK: Well, it seem to me, Mr. Speaker, we cannot force the councillors to attend these training of Justices of the Peace sessions. We can encourage them and certainly, if they do attend training, it will be a good incentive for the Custodes, to appoint them JP if they are considered fit and proper persons by the Custodes. That is how I put it.

(*Sotto voce* comments)

Mr. CHUCK: No. But, the point is that this Act allows them to perform the duties of JPs, and all we are suggesting to Members of Parliament and councillors, that they take the opportunity to participate in the training programmes.

I go further, Mr. Speaker. There will be many, many training sessions of Justices of the Peace across Jamaica over the next, many years, because various International agencies have been approached to provide grants for the training of Justices of the Peace. And the

reason for this, Mr. Speaker, the policy to be unfolded by the Ministry of Justice, shortly, is to encourage Community Justice Tribunals, for JPs to get involved in dispute resolution, for the increase in the jurisdiction of the Petty Sessions Court, so the burden on these JPs will be even greater. And as the Member from Central Kingston pointed out, the burden will be greater on the JPs. But, as the Member from Central Kingston pointed out, the very few JPs who now exist, it will make their work so burdensome. There are many persons who don't want to serve as JPs because they see the burden of a JP so great.

And, Mr. Speaker, since I have been a Member of Parliament, I have always asked the question why it is so difficult to get JPs. And I really, at this time, believe it rests with the Custodes. And I have summoned all the Custodes to Kings House, if I might put it that way.

(Applause/*Sotto voce* comments)

Mr. PICKERSGILL: What's the backlog?

Mr. CHUCK: I can't tell you, Member, because, as I understand it once they get to the Ministry of Justice, since I have been there, they are signed off within minutes. I check the file, I get a report, these have been recommended, and they are signed off. And it's no time since I have been there. For the last two months, I have signed off on about 150 JPs, since I have been there.

(*Sotto voce* comments)

Mrs. NEITA-HEADLEY: Just a minute, Mr. Speaker.

Mr. CHUCK: But, I can tell you, Mr. Speaker, that on this Friday, I will be meeting with the Custodes at Kings House and the first three items on the agenda...

Mrs. NEITA HEADLEY: Thank you, Mr. Speaker. I am just questioning whether or not the course that is to be taken by each councillor should not be made mandatory.

A MEMBER: And the MPs too.

Mrs. NEITA HEADLEY: And the MPs too, for more than one reasons. And the one I speak of particularly...

The SPEAKER: Member, Member, can I make a suggestion, because if it is that we are going to close the debate, can we at Committee take the questions in particular at the Bill reading, line by line...

Mr. CHUCK: Good point, good point.

The DEPUTY SPEAKER: …rather than now?

Mrs. NEITA HEADLEY: No problem.

The DEPUTY SPEAKER: Okay.

Mr. CHUCK: I just want to indicate and respond to the Members, Mr. Speaker, who have asked what is the problem why are more JPs not being appointed?

I indicated that in the meeting on Friday, the first item of proposal for an increase in the number of Justices of the Peace appointing more younger JP and ensuring that every community across Jamaica has at least one JP and preferably more than one JP. Because as the Member from South East St. Catherine South St. Catherine said, as he indicated, Mr. Speaker, there are so many instances, so many instances where people are searching for JPs, and cannot find JPs; and as indicated by other Members when you get to a Justice of the Peace somebody has to identify that person to the JP so that the JP can actually give a recommendation or sign an identification. So I want to say, Mr. Speaker, that my charge to

the custodes, we must can find…

(*Sotto voce* comments by Mr. Buchanan)

Mr. CHUCK: Please, please, please! We want what I say, Mr. Speaker, we want the custodes to recognize that MPs and people across the country demand, require more JPs. There are people of integrity, people of character, people of high moral standards who are available in the communities and therefore they should be allowed to serve in this voluntary role. And therefore, I want to advise Parliament that every Member can, if they find persons whom they believe, are persons of high integrity, high morale standard with a community spirit, willing to serve as a JP within a matter of weeks, not months, days or weeks we want to put on the website of the Ministry of Justice the application form, so that that application form can, in fact, be accessed by the Member of Parliament or by any Jamaican so they can apply to become a JP. (Applause)

Now, once the application is in - and this is where the Member from East Central - St. Catherine what we want there is a process whereby once the application comes in, the applicant is interviewed by the Superintendent, the Superintendent of Police, the Magistrate the point I am making is, once the interview takes place, Mr. Speaker, once the interview takes place, the Superintendent can ask for the police report and in those circumstances within a matter of months instead of years, a person having been considered suitable can be qualified and given the seal of approval of the JP after a process of training.

I want to make one final distinction to the Member of Central Kingston. JPs - we are going to distinguish between JPs and Lay Magistrates. Lay Magistrates, we are going to put in regulations or legislative framework so only those persons who are trained in at least some court procedure, in other words, additional training, and who will serve, who have agreed to serve in the Petty Session court or the Community Justice Tribunal that we intend to put in place shortly, they will be the JPs who will call themselves Lay Magistrates. In other words, there are many JP who don't want to go to court and to act as judges or magistrates in the Petty Session Court, they are JPs but if they want to sit in the Petty Sessions Court then we are going to put on courses for them to be trained in court procedures and the Chief Justice or the Senior Resident Magistrate must certify that they can sit in those tribunals and try cases.

So that is where we are going, Mr. Speaker. And this as the Member - some Members have said, is a band-aid but ultimately, we must be able to find twenty thousand or more Jamaicans volunteering to serve as Justices of the Peace, so the citizens of this country can get that minimal service. (Applause)

With that, Mr. Speaker, I ask for the Bill to be red a second time.

The DEPUTY 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 Attestation of Instruments (Facilities) Act."

read a second time.

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

COMMITTEE STAGE

The CHAIRMAN: We are now in Committee Stage, for the full House to consider the Bill.

Mr. CHUCK: Mr. Chairman, I think the Member from East Central had a point you were raising during the - you want to go ahead. You forgot?

Mrs. NEITA-HEADLEY: No, I was making the point that the public education is not only going to be important as it relates to the councillors understanding how it is that you operate as a JP, but that they also understand that their role is going to be one that is not going to be of favour or special bias in their communities. They are going to be not political representatives, who have the right to act as JPs, but they are going to be JPs for all citizens and that has to be made clear.

Mr. CHUCK: What I will do, Member, is on Friday I will urge the custodes in the different parishes to invite all the councillors to separate training sessions or to join up with the JPs during the training sessions.

Mrs. NEITA-HEADLEY: But, Sir, it is important that they are certified and that if they do not go through the process that they should not be given the right to act if they do not go through the process of training.

Mr. CHUCK: Can we put the clauses now, Mr. Speaker?

The CHAIRMAN: Can we proceed by clauses and the relevant questions as they relate to the clause?

Mr. KELLIER: Thank you, Chairman.

Minister, the mechanisms are you going to propose a specific mechanism whereby the recommendations that are made can be dealt with in a particular framework of time. Because just to say to the custodes that you want to speed up this thing and do the thing, it doesn't necessarily mean it is going to happen. I think you have to lay down a timeframe, between recommendation of the person, the citizen, and approval.

Mr. CHUCK: I agree with you Member from South St. James. In fact, I put it further, Member from South St. James, I would urge on Friday when I do meet with the custodes that they have at least two sets of training sessions. So in other words, at least twice per year, maybe four, maybe twelve times, but at least…

Mr. PICKERSGILL: No, no, don't do that!

Mr. CHUCK: At least three then. In other words, so what would be encouraged is that at least every six months they have a set of JPs being sworn in. In other words, the application would be considered at least once every six months or at least preferably more often so that we can get more JPs in the communities and the older JPs, you know, could move on. When I say, there would be of no burden. And in all sincerity I don't believe that we can have a maximum.

Mr. CLARKE: Minister, presently all JPs are given a seal. Will these new recruits also be given their seals?

Mr. CHUCK: No!

Mr. CLARKE: They will not be?

Mr. CHUCK: No, they are not JPs, they just have the power.

Mr. CLARKE: But let me say this. For passports they are virtually asking that the seal be and there are some documents that it is required that they have a proper seal because, you can't just sign like that.

Mr. MONTAGUE: No, but Member, right now councillors are on the list of persons that sign a passport form.

Mr. CLARKE: Without…?

Mr. MONTAGUE: On the form itself. But MP doesn't have a seal either.

Mr. CHUCK: What is clear the Member from Central Westmoreland, we just have to make sure that these councillors go through the process of training and let us hope that over a period of time the custodes will see it fit to appoint them fully as JP and give them the seal.

The DEPUTY SPEAKER: Thank you. Member Mullings.

A MEMBER: Why we can't give them the seal?

Mr. MULLINGS: Thank you, Mr. Chairman. Might I suggest as well that the Clerks of Court and the police, be fully briefed on fact that after the passage of this law that the councillors can exercise the powers of the JP, because in many instances you find persons who want to get bail for instance and they are required to have the surety and have the Justice of the Peace to attest to that. But I would urge that if we are going to meet the concerns of many of the poor, a lot of them require, in terms of getting bail, are searching high and low for JPs so that their loved ones or so on can get out of custody….

Mr. CHUCK: You mean to identify.

Mr. MULLINGS: To identify, so that the Clerks of Court and the police be apprised.

Rev. THWAITES: Chairman, on that same point could I just ask the Minister for clarification arising from Minister Mullings' point; because Section 3 subsection (ii) says that the specified official can't receive or give any attestation in the course of a criminal investigation or prosecution. But that is unduly restrictive. Because one of the critical areas where the very people who we want to serve need the help is in recommending a surety in situations of custody, signing an appropriate bond. And again I affirm the intent of the Minister and indeed the previous Minister. But this Bill needs some thinking because it is no point putting in something which doesn't really reach the need that is there. And believe me, one day this House is going to have to deal with whole question of how bail is administered, this is not the time. But I plead that there be a proper provision here that extends the right of this the authority of this special individual to recommend a surety.

The DEPUTY SPEAKER: Member Peart.

Mr. D. PEART: Minister, I have a little difficulty, Minister.

(*Sotto voce* comments by Member)

Mr. D. PEART: But I don't understand you. You were sleeping man?

A MEMBER: Wake up man!

Mr. CHUCK: Yes?

Mr. D. PEART: I have a little difficulty with just appointing a councillor or a Member of Parliament. I think that you should go through a fit and proper for each of them, right. But I am asking, I am making a suggestion, Minister. Why don't you automatically recommend each councillor or and each Member of Parliament to be a JP and then they would go through the fit and proper. Why they put it inside here that a person becomes as a Member of Parliament or becomes a councillor, an automatic recommendation is made to the Custos in the

parish that you become a JP.

Mr. CHUCK: Well, this is what the Act is meant to do to empower the MPs and the councillors to have that power. Now…

Mr. D. PEART: I am not talking about power now; I am talking about appointing as a JP.

Mr. CHUCK: No, that is a matter for the custodes.

Mr. D. PEART: No, that is what I said for it to be automatic in the law that the…

(*Sotto voce* comments by Mrs. Hay-Webster)

Mr. D. PEART: That is not what I am saying, Minister.

I am afraid about appointing a Member of Parliament or a Councillor automatically as a JP. I am suggesting to you that each one should go through the fit and proper, right. So all I am recommending is that in the law it be stated that each one be recommended to become JP, that means automatically they would go through the fit and proper, without the fit and proper they can't be appointed.

Mr. CHUCK: Well you are saying, in a sense, in an alternative way, that I had suggested that if they go through the process of training and work under this Act, one hopes that the Custodes will appoint them either during their serving or immediately after serving.

Mr. D. PEART: No that's not the point, that's not what I'm saying. I am saying that each councillor should be...

A MEMBER: And MP.

Mr. D. PEART: ...and Member of Parliament, should go through a fit and proper procedure, should be investigated by the police - let me put it bluntly then - should be investigated by the police and recommended by the police. It should not be based on politics and should not be given the authority.

Mr. CHUCK: Well you know, that is where both political parties could contribute to that process and therefore there should be no problem once they are elected.

Mr. BUCHANAN: We have an Integrity Commission you know.

Mr. CHUCK: And we do not... (Inaudible)

Dr. CHANG: I don't think it can solve it. But, Chairman, Member Peart...

(Cross talks)

MEMBERS: No! No!

(Cross talks/inaudible comments)

Mr. CHUCK: No, no!

Mr. D. PEART: I don't hear you?

Mr. BUCHANAN: Chairman, Chairman, Chairman, Chairman!

The DEPUTY SPEAKER: Member Buchanan, before you there was Member Hay-Webster, and then Minister Bartlett and then yourself.

Mr. D. PEART: Then you waan make Hay-Webster JP and James Robertson and Kern?

Mrs. HAY-WEBSTER: Thank you, Chairman.

Mr. BUCHANAN: Chairman...

Mrs. HAY-WEBSTER: Minister, the point I'd just like to raise here before you just complete the clause by clause. For those recommendations that have been made and are outstanding for many years - as the Member from North West St. Catherine has pointed out that maybe the Custos had a difficulty because the police reports aren't in - but I'm aware that reports have been made for people who have

been proposed from six and seven and eight years ago...

The CHAIRMAN: Yes.

Mrs. HAY-WEBSTER: ...and there has been no appointment. Even this new procedure that you're putting in place that application form is there, if in filling out that application form, there is the accompanying statement either from myself or from the community, indicating that this application had been made some seven or eight years ago, and that the attestation from the police had already been completed, will this be taken note of so that there should be a shorter waiting time...

Mr. CHUCK: Member...

Mrs. HAY-WEBSTER: ...and consideration for these outstanding appointments?

Mr. CHUCK: Member, Member, may I just say one of the charges I hope to say to the Custodes, if the person you don't consider to be fit, just let the person know, you understand? Because there are persons who Custodes have turned down, and quite rightly so. The position is that up to two weeks ago I had a meeting in the Ministry with some pastors and one - speaking about pastors becoming JP - one pastor said, my application has been in four or five years ago. I said, please write up this one, your training will start next week in the parish, because - and you know the training session. And I sent the person - the pastor - a well known pastor in the country - with the application to the Custos and asked her to just make sure that the person is trained.

So what I'm really saying to you - to answer you very bluntly - all those applications must be considered within a matter of weeks.

Mr. BUCHANAN: Chairman, if I may?

The CHAIRMAN: Dr. Bartlett first.

Dr. BARTLETT: Mr. Chairman, Mr. Chairman, Minister, Minister, Minister, we have a lot of cases, or we have some cases in which JPs sometimes run foul of the law, and in cases where there are suspicions, now what process is in place where a JP runs foul of the law that such person can be removed from the position of a JP?

Mr. CHUCK: That is very easy, the Custodes remove the Seal. And may I just remind the House that this Bill deals with the attestation of documents.

Mr. BUCHANAN: You have criminal documents.

Mr. CHUCK: Well, yes, okay.

Mr. BUCHANAN: You have criminal documents.

Mr. CHUCK: No well if obviously, if that occurs one would hope that the different - the political parties will deal with those persons.

Mr. BUCHANAN: Chairman, if I may now?

The CHAIRMAN: Member Buchanan.

Mr. BUCHANAN: I have a difficulty with you giving this thing blanketly, just signing powers to - because you're an MP or you're a councillor without you being through a fit and proper exercise. Because if in the case that an elected representative is of questionable character at a particular point in time...

Mr. MONTAGUE: Why yuh run him as a representative of the party?

Mr. BUCHANAN: ... at a particular point in time after being elected, it comes to the fore that...

Mr. MONTAGUE: I can ask you about one person currently sitting? (Laughter)

Mr. BUCHANAN: ...is questionable in terms of their practices, without a Seal unless...

Mr. MONTAGUE: No he resigned.

Mr. BUCHANAN: ...a public notice is made, that person could continue to sign to support the inappropriate behaviour. So I am putting, Chairman, that once you are a Councillor or a Member of Parliament, if you have been given that authority to sign, you must have a Seal and be treated like any other citizen in this case where the fit and proper is concerned - testing is concerned.

Mr. CHUCK: There's merit in what you're saying, you see Member from Eastern Westmoreland, to the extent that what would be appropriate is to urge all of the Councillors who want to really get the Seal, to get the training as the JPs and hope that the Custodes will appoint them as a full JP. So they are...

Mr. BUCHANAN: But, Chairman, it does not mitigate the fact that this person with the authority to sign...

Mr. MONTAGUE: You know better than that.

Mr. BUCHANAN: ...all persons signing should have a Seal and then you could determine - once you have the authority as a Councillor or MP to sign on a document, you're signing and you could be participant to any corrupt act and that kind of a thing.

Mr. CHUCK: Member, Member, the only thing we can do is to say that MPs must have a Seal and MPs Seal, Councillors must have a Seal, a Councillor Seal. You can't force the Custodes to give...

(Inaudible comments)

Mr. BUCHANAN: Of course it's a fit and proper, is the fit and proper we're talking about, nothing else except the fit and proper.

Mr. MONTAGUE: No but, Mr. Chairman, Mr. Chairman, the Representation of the People's Act is where I think we should put our energies, in amending that to put in a fit and proper criteria clause. So that when you have persons...

Mr. CHUCK: Or the Political Code of Conduct.

Mr. MONTAGUE: If a political party is running persons who are not fit and proper, something is wrong with that party.

A MEMBER: Apparently.

Mr. GALLIMORE: May we move on now, Mr. Chairman?

The CHAIRMAN: We need to move to clause by clause.

Mr. LAWRENCE: Mr. Chairman, Mr. Chairman, Mr. Chairman, Mr. Chairman.

The CHAIRMAN: We need to move to clause by clause.

Mr. LAWRENCE: Mr. Chairman, we can move on, but, Mr. Chairman, before we do so...

Miss HANNA: Mr. Chairman...

The CHAIRMAN: I'm gonna take three last questions. Mr. Jackson, Minister Lawrence and then Member Hanna and then we're gonna close and go clause by clause.

Member Jackson.

Mr. JACKSON: Mr. Chair, two very quick questions, Minister. Minister...

The CHAIRMAN: Member Jackson speaking, Minister.

Mr. JACKSON: Minister, just two quick questions. Is it the case that there is a quota per parish on a monthly basis? Because I was

so told that some parishes are getting more than others. Okay second question. Can there be some periodic listing available of the JPs in say, a constituency or area? Because it can assist us.

Mr. CHUCK: I intend to get that by the end of the year.

Mr. JACKSON: And then you will circulate it that we can have a say?

Mr. CHUCK: I can circulate it in Parliament, the listing - actually I intend that it should be on the internet...

Mr. JACKSON: Indeed.

Mr. CHUCK: ...it may not be addressed yet, but at least the names of the JPs and the district in which they are serving.

Mr. JACKSON: Please, please, please, Minister, I would not want the address to be omitted.

Mr. CHUCK: The what?

Mr. JACKSON: I wouldn't want the address...

Mr. CHUCK: No, but the district rather than the street address.

Mr. JACKSON: But they're to be accessible.

Mr. CHUCK: Fair enough, but I don't necessarily like to put persons - when you put it on the internet persons - we can put their email, perhaps their telephone number.

Mr. JACKSON: But some means of communication.

Mr. CHUCK: No, no some means of - yes, yes I accept that.

The CHAIRMAN: One second. Minister Lawrence.

Mr. LAWRENCE: Thank you very much, Mr. Chair.

While I do support the motion here, what I would like to...

A MEMBER: Bill.

Mr. LAWRENCE: Bill, sorry.

... what I'd like you to all understand, we have to be careful what we're trying to say to the public regarding the fit and proper procedure, regarding Councillors...

A MEMBER: Thank you, sir.

Mr. LAWRENCE: ...and Members of Parliament. I do believe we have to be very much careful, because what we are trying to say to the public is that there are persons who are serving both at the Councillors stage and Members of Parliament, who shouldn't be there. And therefore...

(Inaudible comments)

Mr. LAWRENCE: ... No, and therefore, therefore, we have to be very careful...

A MEMBER: Yes.

Mr. LAWRENCE: ...what we're trying to portray here regarding the facts of Councillors and Members of Parliament. That's all I have to caution this Honourable House. Thank you.

Mr. CHUCK: Could we move to the clause by clause now?

The CHAIRMAN: What we're going to do, just take Member Hanna and then we're gonna go clause by clause.

Miss HANNA: Just a clarification, Mr. Chairman.

Is what you're saying, Minister, that once you go through with the training and you pass the training you will be - you would be provided with a Seal?

Mr. CHUCK: No, no, no! I just say you'll have the training. Remember this Bill only allows you the powers of a JP, it doesn't make you a JP. But it is up to the Custodes to decide whether he or she wants to make the Councillor a JP.

Miss HANNA: And my second question is, in that training - I mean I hear what Minister - Member Lawrence is saying, but in the training, will that fit and proper criteria be looked into?

A MEMBER: Absolutely.

Mr. CHUCK: But bear in mind that the training is for the JPs who have been found to be fit and proper. So that if Councillors participated in the training and the trainers, or the Custodes, or the Magistrates find them to be fit and proper they can appoint them JPs.

The CHAIRMAN: All right, we're gonna take the Bill now clause by clause.

Clause 1, 2 and 3 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 Committee and agreed to.

RESUMPTION

The DEPUTY SPEAKER: The question is that I do report the Bill as having passed the Committee Stage.

Mr. CHUCK: Mr. Speaker, I now ask that the Bill be read a third time.

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

Put to the House and agreed to.

Bill entitled:

AN ACT to Amend the Attestation of Instruments (Facilities) Act,

read a third time and passed.

The SPEAKER: The Bill passed. Go ahead, Minister.

THE COMMITTAL PROCEDURES ACT

Mr. CHUCK: Mr. Speaker, I place before this Honourable House for its consideration and approval, the Bill entitled the Committal Procedures Act, (hereinafter referred to as the Bill). The House is being asked to pass the Bill and to give its approval for the Bill to be tabled in the Senate.

The Bill has long been debated, Mr. Speaker, by the legal fraternity. It's birth was in 1973 - about when I was born - (Laughter) when Cabinet approved the issue of drafted instructions or legislation to abolish preliminary enquiries.

On November the 10th 1988, the Legislation Committee considered the Bill as drafted by the Chief Parliamentary Counsel, and agreed to certain amendments. The Legislation Committee also recommended to Cabinet, that the Bill be introduced into the Houses of Parliament.

On November the 21st 1988, Cabinet deferred its consideration of the Bill to December 1988, when it was then withdrawn from the agenda for further consultation.

On October the 22nd 1992 after further consultation was conducted, the Bill was submitted to and approved by Cabinet and in December 1992, the Bill was passed in the House of Representatives. The Bill, however, fell from the Order Paper in the Senate. After consultation with the stakeholders, the Bill was again revised and placed before the Legislation Committee in 1999. It was the decision of the Legislation Committee to recommend to Cabinet that the Bill be approved for introduction in the Houses of Parliament subject to certain amendments.

Cabinet subsequently approved the introduction of the Bill to the Houses of Parliament in the same year. However, the Bill was never debated in Parliament and again fell from the Agenda.

In 2005, Mr. Speaker, the Bill was redrafted by the Chief Parliamentary Counsel and submitted to the Legislation Committee on June 13, 2005, for its consideration. The redrafted Bill sought to harmonize the provisions of the Bill with the Child Care and Protection Act and the Evidence Act.

The Legislation Committee approved the Bill subject to certain amendments by way of Cabinet Decision No. 21/05. Cabinet gave approval to the Bill for it to be introduced in Parliament. The Bill was subsequently tabled in the Senate on July 22, 2005. When Parliament was prorogued at the end of the parliamentary year in March 2006, the Bill again fell from the Order Paper. In an effort to retable the Bill, assiduous searches were made to locate the file in the offices in the Ministry of Justice to no avail. A file was, however, located in the office of the Parliamentary Counsel and research material was provided by the Legal Reform Department; this aided in the reconstruction and updating of the Ministry of Justice file.

Mr. Speaker, the objective of this Bill seeks to abolish preliminary examinations and to provide for the procedure of committal proceedings. At present, a person charged with an indictable offence is brought before a Resident Magistrate to determine whether the offence is one within the trial jurisdiction of the Resident Magistrate or that of the Circuit Court. Where the Resident Magistrate determines that the offence is within the jurisdiction of the Circuit Court a preliminary examination is conducted with a view to committing the accused to the Circuit Court for trial. The preliminary examination is intended to achieve three principal objectives.

(1) to inform the accused of the nature and the content of the case against him;
(2) determine whether there is a *prima facie* case against the accused; and
(3) if a *prima facie* case has been made out, to define the issue to be presented to the Circuit Court and, if not, to discharge the accused.

Today, the conduct of preliminary examinations have led to inordinate delays in the trial process, significant case backlogs, and increased legal costs. Instead of ascertaining at the preliminary examination what are the facts, a full hearing is conducted which, oftentimes, significantly delays the completion of the examination. This delay has contributed to witnesses losing interest and/or becoming unavailable to attend court and give evidence, thus frustrating the administration of the justice system.

Mr. Speaker, it is to be noted that the Jamaica Justice System Reform Task Force in its final Report presented to the Ministry of Justice in June 2007, emphasized the need for abolition of preliminary examinations. It also recommended the introduction of an effective charge screening system that could fulfill the objectives of preliminary examination but in a more cost effective way.

The proposed Bill is designed to alleviate most of these problems. The Bill makes it unnecessary for witnesses to appear in person before the Resident Magistrate, as a

determination for committal can be made based wholly, or on written statements, or depositions. Not only will this allow for speedier determinations, but it allows for witnesses to remain protected, less likely to be exposed to abuse and harassment.

The Bill stipulates the requirements for the admissibility of written statements and the process for the transmission and custody of those statements. This seeks to ensure the authenticity of the written statements relied upon by the Resident Magistrate.

Over the period of the development of the Bill, the opinions and recommendations of stakeholders were taken into consideration and to this end, consensus was achieved with respect to certain critical issues within the Bill.

Mr. Speaker, I will turn to the Bill and summarize each clause for your better understanding.

Clause 1: Short title and commencement. Members will note from this clause that the Bill will be brought into force by ministerial notice published in the Gazette.

Clause 2 subsection (1) of the Bill abolishes preliminary examinations of an indictable offence and replaces that process with committal proceedings. Subclause (2) further seeks to reconcile existing legislations with the Bill by providing that any reference to preliminary examination or preliminary enquiry in any enactment should be constituted as a reference to committal proceedings.

Clause 3 addresses the major problems that have eroded the effectiveness of preliminary examinations that is inordinate delay and exposure of witnesses to abuse. The clause allows for committal proceedings to be conducted wholly on the basis of written statements with or without exhibits. In this regard, lawyers are precluded from using various tactics that will delay the conclusion of the examination.

Mr. PICKERSGILL: No, no, unfair comments.

Rev. THWAITES: What yuh sey?

Mr. PICKERSGILL: Unfair comments.

Rev. THWAITES: You couldn't say that.

Mr. CHUCK: Well, the point is…

Mr. E. SMITH: Continue, continue.

Mr. CHUCK: …that there can be no doubt that some lawyers do it.

Mr. PICKERSGILL: Do what?

Mr. CHUCK: Right.

Mr. E. SMITH: They are not criminal lawyers.

Mr. CHUCK: In addition, witnesses having provided a written statement are not required to attend court, thus allowing them to retain some amount of anonymity and security until trial. Although a Resident Magistrate can make a determination based wholly on written statements where the defence makes a submission to the Resident Magistrate that the evidence is insufficient to commit the accused to the Circuit Court for trial, the Resident Magistrate must give consideration to the submission before making a determination.

Mr. PICKERSGILL: The attorney can cross-examine.

Mr. CHUCK: Mr. Speaker, it has been argued that this provision contravenes Section 26(d) of the Constitution of Jamaica. Section 20 of the Constitution guarantees a fair trial to an accused and it affords the accused the right to examine witnesses called…

Mr. PICKERSGILL: Yes.

Mr. CHUCK: …by the prosecution before any Court.

Mr. PICKERSGILL: Yes.

Mr. CHUCK: By allowing the Resident Magistrate to make a determination based wholly on written statements, the accused is prevented from cross examining the witnesses and, therefore, the provision appears unconstitutional. In contrast, others who have reviewed the Bill opined that the contravention of the Constitution concerns different interpretations of witnesses called. It was submitted that Section 60(d) of the Constitution relates to a trial for the determination of innocence or guilt.

Mr. E. SMITH: Yes.

Mr. CHUCK: Committal proceedings are conducted not for the determination of innocence or guilt, but for the determination as to whether there is sufficient evidence to go to trial. It is at the trial that the accused must not be unjustifiably deprived of his right to cross-examine the witness and, therefore, it is not in breach of the Constitution.

Clause 4 allows for the taking of oral evidence in committal proceedings where the Resident Magistrate in his discretion authorizes it. This clause further gives to the Resident Magistrate the power to issue a summons or warrant to cause a person to attend and give oral evidence.

Clause 5, the accused retains the right to make an oral statement. The oral statement must, however, be recorded, read over to the accused and signed by him, and the Resident Magistrate before whom the matter is being heard. In order to ensure that the accused is aware and understands his rights, the clause imposes an obligation on the Resident Magistrate to caution the accused that he is not obliged to say anything, but if he elects to make a statement it will be taken down in writing and may be used in evidence at trial. The caution stipulated is found in the Appendix to the Bill.

Clause 6 permits any person other than the accused to give oral evidence. The oral evidence must be given under oath and the witness will be subject to cross examination.

Mr. PICKERSGILL: Yes.

Mr. CHUCK: The oral evidence must also be recorded in the form of a deposition. The statement must be read over to the witness and signed by him or her, and also by the Resident Magistrate. This is only in those cases, Member, where the Resident Magistrate - perhaps an application by the defence counsel sees the need to call someone to clarify so it can assist the Resident Magistrate to determine whether the case should go to trial. But it is not going to happen in all cases, and with all witnesses. It may be with one or two witnesses where the Resident Magistrate needs further clarification or information to assist him or her to make a determination.

Clause 7: Mr. Speaker, you will recall that in clause 3, the Bill provides that the Resident Magistrate may make a determination for a committal to the Circuit Court based wholly on the written statements.

Clause 7 dictates what conditions must be satisfied for the witness statements to be admissible. It is a requirement that the statement must be taken down in writing by a member of the Jamaica Constabulary Force not below the rank of Sergeant.

(Inaudible comment by Mr. Pickersgill)

Mr. CHUCK: This must be done in the presence of a Justice of the Peace.

Mr. PICKERSGILL: Where you go and do that?

Mr. CHUCK: These are when you're taking statements in the police station, Member.

Mr. E. SMITH: Don't listen to him.

Mr. CHUCK: The statement must have been read over to the person making it and the statement must purport to have been signed by the maker, and the person recording it in the presence of each other and the Justice of the Peace. The statement must also further purport to have been sworn by the maker before the Justice of the Peace. The statement must further contain a declaration by the maker as to its truth. These requirements are important. In many instances witnesses have stated that the statement recorded as being theirs, was not, in fact, the statement which they gave. Where the above requirements are satisfied, there will be very little doubt as to the authenticity of the statement.

It is recognized that dependent on the age of the witness, an additional requirement must be imposed relating to the child's knowledge and understanding of the importance to tell the truth. In this regard, Mr. Speaker, the Bill harmonizes with provisions of other existing legislation such as the Child Care and Protection Act.

The Bill requires that a written statement of a person under the age of fourteen years, referred to as a 'child of tender years' in the Child Care and Protection Act, must contain a declaration that he understands the duty to tell the truth.

Mr. E. SMITH: True.

Opposition MEMBER: That don't exist.

Mr. E. SMITH: Shut yuh mouth!

Mr. CHUCK: In addition, the Resident Magistrate must examine…

Mr. PICKERSGILL: You know that exist?

Mr. CHUCK: …the child of tender years to determine whether he understands the nature of an oath, and if he does not so understand, whether he possesses sufficient intelligence to justify the reception of the evidence and understands the duty of telling the truth.

Opposition MEMBER: That nuh exist.

Mr. CHUCK: Therefore, it is also a requirement that the statement must state the age of the maker.

Where the written statement is made by a person who is unable to read, this clause further requires that the statement must be read to the maker before he signs it and must be accompanied by declaration that he has made his mark.

This is a standard requirement for statements made by a person who is unable to read.

(*Sotto voce* comment from Mr. Pickersgill)

Mr. CHUCK: Do you want them to just go straight to trial?

Mr. PICKERSGILL: This is not shortening the process…

Mr. E. SMITH: Do not listen to the man. Why you interrupting?

Mr. CHUCK: **Clause 4** further requires that where a witness statement refers to any other document, that document must be exhibited and must be produced in Court at the committal proceedings, as an exhibit. In the

interest of justice, the accused must have had the opportunity to inspect the exhibit, and where the exhibit cannot be produced in Court, the statement must include information regarding where the exhibit is available for inspection.

Clause 8….

Mr. PICKERSGILL: Suppose we don't agree with what you are…

Mr. CHUCK: But that makes sense. Suppose you can't take the car inside the Court?

Clause 8: This clause is quite clear. It states that where the Resident Magistrate, on examination of the evidence presented at the committal proceedings is not satisfied that the evidence is sufficient for a trial, the accused must be discharged. However, where he is satisfied that the evidence is sufficient, the accused must be remanded into custody, or admitted to bail to stand trial for the indictable offence. You have never done TV, you know, that's why you don't know what's new.

Clause 9 imposes a duty on the Prosecutor and the accused to make available to any other party to the proceedings any statements or documents required, not less than seven days before the sitting of the Resident Magistrate. The volume and nature of the statement will differ from case to case. In this regard, seven days might not be sufficient time for a party to consider the statements, inspect exhibits, and verify the facts. To reconcile such a problem, the clause gives to the Resident Magistrate in exercise of his discretion, the power to vary the time and adjourn the proceedings to allow the party to have adequate time to consider the statements or documents.

Clause 10: Mr. Speaker, this clause places an obligation on the Resident Magistrate to sign all written statements, documents or exhibits tendered to the Court or the committal proceedings. In the alternative, the Resident Magistrate may sign a certificate authenticating the statements, documents or exhibits, as stated in the certificate. This authentication is to be treated as a signing by the Resident Magistrate.

Mr. PICKERSGILL: Yes.

Mr. CHUCK: Clause 11: Where the Resident Magistrate has committed an accused for trial in the Circuit Court, clause 11 of the Bill requires the Resident Magistrate to convey to the DPP – the Director of Public Prosecutions - the information or complaint, copies of all statements, depositions and documentary exhibits, which were given to the other parties to the proceedings. It is also a requirement that the Warrant of Commitment for trial and any recognizance entered into be delivered to the DPP. The police will take charge of all other exhibits, and is required to produce them at trial.

The Jamaican Bar Association argued that the documents should be in the possession of a neutral party until trial. This recommendation was accepted.

Clause 11(3) requires that when the indictment is filed, the DPP must transmit all documents received from the Resident Magistrate to the proper officer of the Court in which the accused is to be tried. An officer of the Court is considered to be a neutral, disinterested party, and is therefore a suitable custodian of the document. Not only will the accused be tried for the indictable offence for which he was committed, but may also be tried for any offence, which, in the opinion of the DPP, is disclosed by the evidence and the committal proceedings.

Clause 12: A major problem that has plagued the justice system is the unavailability of witnesses to give evidence. The witness may be unavailable for a number of reasons, such as death, mental or physical incapacity, absence from the island, undetermined locations, or threats of physical harm. Clause 12 provides that where the witness is unavailable at the time of trial because of the reasons stated above, any statement or deposition satisfying the conditions of the Bill, will be admitted at trial as evidence of any fact without further proof. Evidence must be provided by credible witness confirming the unavailability of the witness who made the statement or deposition.

Mr. Speaker, the inclusion of this provision resulted in much commentary from the critics, and was given much consideration. The concern was that admission of statements and depositions in these circumstances deprives the accused of his right to cross examine the witness. In an endeavour to strike a balance, the Bill restricts the admissibility of such statements.

Where the Resident Magistrate did not authorize the taking of oral evidence from the witness at the committal proceedings, Clause 12(2) provides that the trial Judge may consent to the admission of the written statement made by that witness, who at the time of trial is unfit, due to his mental or physical condition, is outside of the island and is not reasonable and practicable to secure attendance, cannot be found or is kept away from the proceedings by threats. The Members will recall that Clause 6 of the Bill stipulates that the oral evidence given at the committal proceedings is subject to cross-examination, therefore, the accused would have had an opportunity to cross-examine the witness at the committal proceedings. The statement of the witness at the committal proceedings, including the cross-examination, will be admissible at the trial.

Clause 13 penalizes the person who willfully makes false statements material to the proceedings in any witness statement tendered in evidence in the committal proceedings. The penalty imposed is a fine not exceeding Two Million Dollars ($2M), or a term of imprisonment not exceeding five (5) years, or both fine and imprisonment. This penalty is in keeping with the formula for penalties that have been approved by Parliament in recent years.

Clause 14 requires that the Resident Magistrate conducting the committal proceedings must make an Order requiring all witnesses who gave evidence in those proceedings to attend and give evidence at the trial. This Witness Order must be served on the witness personally by a constable or any person authorized by the Resident Magistrate. Where the witness cannot be found, the Order may be left with someone at the last or more usual place of abode of the witness.

The clause further provides that where necessary, the constable or authorized person must attend before the Court to prove service of the Order. Failure to comply with the Witness Order will attract a penalty of imprisonment for a period not exceeding three (3) months.

Clause 15 allows a Judge of the Supreme Court to take preemptive steps to ensure the attendance of a witness. The Judge if satisfied by sworn evidence that the witness, subject of

a Witness Order, is unlikely to attend Court, may issue a warrant for the apprehension of the witness and bringing him before the Court.

In addition, where a witness, subject of a Witness Order, fails to attend Court, a Notice will be served on him to attend Court forthwith or at a specified time. Where the witness fails to comply with the Notice without just cause, the Court may issue a warrant for his arrest and for him to be brought before the Court. On being brought before the Court, the witness may be remanded in custody or admitted to bail, until he has given evidence, or is fined, in accordance with Clause 14. In the event that the witness does comply with the Notice and attends Court, the Notice shall be deemed to remain in effect, requiring the witness to attend Court at any later date appointed by the Court.

Clause 16: For the avoidance of doubt, a room or building in which a committal proceeding is conducted, is to be considered an open Court for the purpose of the proceedings. However, the Resident Magistrate, where he considers it necessary, may exclude from the proceedings persons other than the parties and their counsel.

Mr. PICKERSGILL: Dem dey little ol' room dey.

Mr. CHUCK: This limits the likelihood of publicity prejudicing the course of justice, and may be necessary for the protection of the lives of those persons concerned in the proceedings.

Clause 17: The Justices of the Peace Jurisdiction Act, prescribes specific forms to be used in a preliminary examination. These include information and complaint of an indictable offence, summons for a person charged with an indictable offence, depositions of witnesses and statements of the accused. In an effort to facilitate the smooth transition of the Bill, Clause 17 allows the Resident Magistrate, in the conduct of committal proceedings, to apply the form set out in the Schedule of the Justices of the Peace Jurisdiction Act, subject to modification where necessary.

Clause 18 gives the power to the Rules Committee of the Resident Magistrate's Court, to make rules for carrying this Bill into effect. The rules should be related to the prescribed forms, as mentioned above, collection of fees, or anything that is required to be prescribed by the Bill.

Clause 19: The Justices of the Peace Jurisdiction Act, Part II, deals with preliminary examinations for indictable offences. It dictates the procedure for the conduct of the examination.

The Committal Proceedings Bill abolishes the conduct of a preliminary enquiry, and therefore, some of the provisions would be obsolete. Bearing in mind that committal proceedings retain some aspects of a preliminary examination, rather than repeal this entire part, the Bill seeks to amend certain provisions in the part to reconcile any inconsistencies that may arise.

The First Schedule to the Bill specifies the sections of the Justices of the Peace Jurisdiction Act that are to be repealed or amended. Throughout the Act, the words, "*to answer such charge or a complaint, and to be further dealt with according to law", h*ave been replaced with the words, "*to be dealt with according to law*". Similarly, all

references to preliminary examination have been replaced with the words "*committal proceedings".*

Mr. Speaker, sections 34 to 38 of the Justices of the Peace Jurisdiction Act, are to be repealed. These sections dictate the procedure when conducting the preliminary examination. They provide for the examination of the witnesses by an accused person, the conditions when making a statement or deposition, the admissibility of a written statement of a witness who is unavailable at the time of the proceedings, the caution to the accused before he makes a statement, and the power of the Justices to bind over the Prosecution and witnesses.

The Committal Proceedings Bill now specifies a new procedure for the determination of the committal of the accused for trial in the Circuit Court. This procedure is somewhat inconsistent with that of conducting a preliminary enquiry. Therefore, on the commencement of the Bill, sections 34 to 38 of the Act would no longer be relevant. The Resident Magistrate must conduct the proceedings in accordance with the provisions of the Bill and not those sections of the Act. Sections 43 to 45 of the Justices of the Peace Jurisdiction Act would also be repealed on the commencement of this Bill. These sections outline the role of the Resident Magistrate and the constable after a determination is made at the preliminary examination, and the accused's entitlement to copies of the deposition. These issues are addressed in Clauses 8 and 9 of the Bill.

Under the Committal Proceedings Bill, the role of the Resident Magistrate remains the same, however, the role of the constable is omitted.

Clause 20. Mr. Speaker, there are several enactments which impact the conduct of a preliminary examination. On the abolishing of the preliminary examinations, those provisions will be obsolete. As a result, the Bill seeks to repeal or amend those provisions, as is necessary to avoid inconsistency.

The Second Schedule of the Bill states those enactments that are to be amended, and how so. These amendments are primarily cosmetic. They seek to remove the use of the words "preliminary examinations" in those enactments, and replace them with "committal proceedings".

The Acts to be amended include the Criminal Justice (Administration) Act, the Evidence Act, the Gun Court Act, the Judicature (Resident Magistrate) Act and the Witnesses' Expenses Act.

This clause, **Clause 20**, also gives to the Minister having responsibility for the Bill, the power to amend any other Act as necessary, subject to affirmative resolution. Members will appreciate that the fact that affirmative resolution is required, makes the amendment to any other Act subject to parliamentary scrutiny.

Clause 21: The responsible Minister is given the power by this clause 21, to vary by Order, subject to affirmative resolution, any fine under the Bill.

Clause 22, a transitional clause. This provision is intended to make it clear that this Bill will not apply with respect to an accused that was charged for an offence before the commencement of the Bill. Therefore, a person charged with an indictable offence before the commencement of the Bill will be subject to a preliminary examination and the rules that govern it.

This ends the clause-by-clause summary of the Bill.

Mr. Speaker, this Bill is aimed at improving the administration of justice in our Courts. It seeks to alleviate or reduce problems caused by and related to inordinate delays, high legal costs and the unavailability of witnesses to give evidence.

I now commend the Bill to the Members for its approval and for the Bill ultimately to be laid in the Senate.

Thank you.

Mr. HOLNESS: It is not proposed, Members, to close the debate.

If a Member is so minded to participate now, we would facilitate that or defer.

A MEMBER: Defer.

ADJOURNMENT

Mr. HOLNESS: Defer. In that event, Mr. Speaker, it is not proposed that we do any further business today. Indeed, the day is well spent. I therefore move that we adjourn until Tuesday, September 27, 2011, when we will resume our business.

The DEPUTY SPEAKER: The question is that the House do adjourn until Tuesday, September 27, 2011, at 2:00 p.m.

Put to the House and agreed to.

The Honourable House of Representatives was adjourned at approximately 6:02 p.m., to resume on Tuesday, September 27, 2011, at 2:00 p.m.

TUESDAY, September 27, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 2.28 p.m.

PRESENT

THE SPEAKER

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

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.

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

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

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

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

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

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Industry, Commerce and Investment.

DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, Minister of Justice.

CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, Minister of Mining and Energy.

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

MINISTERS OF STATE

THE HONOURABLES:

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

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

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

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, Minister of State in the Ministry of Education.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, Minister of State in the Ministry of National Security.

MR. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, Minister of State in the Ministry of Transport and Works.

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.

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

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

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

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

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

PRAYERS

Prayers were offered by Mrs Sharon Hay-Webster.

The House resumed its sitting at 2:28 p.m.

The SPEAKER: Please be seated.

CALL OF THE ROLL
(See Listing)

The SPEAKER: Members, I want to welcome everyone to the sitting of the House this afternoon. Just to say that we all have to make an effort to be here at 2.00 o'clock. We keep starting after 2:30 and…

(*Sotto voce* comment by a Member)

The SPEAKER: No, at 2:15 we did not have a quorum in here. So I am just urging us all.

Mr. HOLNESS: Madam Speaker, before we do Statements, when we decided to meet here almost a month ago, I had given an undertaking that I would update the House as to the progress of the repairs to our

Parliament. At that time we said that minimum four weeks, maximum six. It appears that we would be probably heading to the maximum period of six weeks and possibly, Madam Speaker, maybe more.

(*Sotto voce* remark by Dr. Davies)

(MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern, Deputy Speaker, entered and took his seat.)

Mr. HOLNESS: Well, not as long as that, hopefully not as long as that. But I want to update the House that we will be here for an additional period of time, possibly two weeks, but could be more.

(DR. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, entered and took his seat.)

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

ANNOUNCEMENTS

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

- **Ministry Paper No. 70**
  PetroCaribé Development Fund
  Annual Report and Audited Financial Statements for the years ended March 31, 2009 and 2010
- **Ministry Paper No. 71**
  Financial Sector Adjustment Company Limited
  Annual Reports for the years ended March 31, 2007, 2008 and 2009
- **Ministry Paper No. 72**
  Financial Sector Adjustment Company Limited
  Annual Report for the financial year 2009/2010
- **Ministry Paper No. 73**
  Firearm Licensing Authority
  Annual Report for the period September 1, 2008 to August 31, 2009
- **Ministry Paper No. 74**
  Cabinet Agenda issues for August 29, 2011
- The Casino Gaming (Declaration of (Approved Integrated Resort Development) Order, 2011
  under The Casino Gaming Act
- The Casino Gaming (Prescribed Games) Regulations 2011 under
  The Casino Gaming Act
- The Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011 under
  The Public Bodies Management and Accountability Act
- The Public Bodies (Financial Distribution) Regulations, 2011 under
  The Public Bodies Management and Accountability Act
- The Road Maintenance Fund Annual Report for the financial year 2009/2010

Certified Appropriation Accounts

Head

4300 Ministry of Information, Culture, Youth and Sports 2008/2009

4300A Ministry of Information, Culture, Youth and Sports 2008/2009

4300B Ministry of Information Culture Youth and Sports, 2008/2009

7200 Ministry of Local Government and Environment 2007/2008

7200A Ministry of Local Government and Environment 2007/2008

7200B Ministry of Local Government and Environment 2007/2008

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

Rev. THWAITES: Madam Speaker...

The SPEAKER: Yes.

Rev. THWAITES: Madam Speaker, may I remind you of the letter I wrote you recently enquiring for a time. I hope you can give us now. What is the appropriate time on the calendar of Parliament for the full discussion of these very important Reports that are tabled here?

Mr. HOLNESS: Madam Speaker, the business of the House, as you are well aware, has been very difficult to plan and to organize given the many unknown, unpredicted events that have occurred that have derailed plans that have been set. Madam Speaker, the Member has all right, I agree with him, that the Reports are important and should be debated.

Madam Speaker, I am trying to put together now the programme of work for the next three months which includes and will include well, we'll do it in three months, which will include we had a period of time where we discussed Reports and we tried to take…

(*Sotto voce* comments by Opposition)

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

Mr. HOLNESS: Madam Speaker, the Member's query is legitimate and I want to assure him that we will for the next three months plan that there will be time scheduled for taking these Reports. So the various chairmen of the committees should be prepared to take the Reports that are there.

(MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, entered and took his seat.)

Rev. THWAITES: Thank you, House Leader. I look forward to this. I wish to impress upon you and ourselves that it is grossly irresponsible for major corporations owned by government, in many respects spending public funds, taxpayers money, our constituents money as well as incurring obligations for them and all we do is to receive their Reports and often discard them. That is gross irresponsibility which this Parliament must correct by making the proper time available for full discussion of these matters. I look forward to that being implemented.

(MR. KERN O'MAR SPENCER, (PNP), St. Elizabeth, North Eastern, entered and took his seat.)

The SPEAKER: Thank you very much, Member Thwaites.

NOTICES OF MOTIONS GIVEN ORALLY

The PRIME MINISTER: Madam Speaker, I beg to give notice that at the next sitting of the House I will move to introduce and have read a first time a Bill entitled,

"AN ACT to repeal the Kingston and St. Andrew Building Act and Parish Councils Building Act and make new provisions for the regulation of the

building industry; to facilitate adoption and efficient application of national building standards to be called the National Building Code of Jamaica for ensuring safety in the building environment, enhancing amenities and promoting sustainable development; and for connected matters".

Can I indicate, Madam Speaker, at a later stage I will seek suspension of the Standing Orders to enable me to take first reading of the Bill.

The SPEAKER: Thank you, Prime Minister.

(*Sotto voce* comment from Opposition Members)

Mr. HOLNESS: I am sure the Leader of Opposition Business will…

Madam Speaker, on behalf of the Minister of Finance I beg to give notice that at the next meeting of the House the Minister of Finance will move the following motions. Motion Number One, The Casino Gaming Act (Declaration of Approved Integrated Resort Development Regulations, 2011:

WHEREAS by virtue of section 72 of the Casino Gaming Act (hereinafter referred to as the Act) the Casino Gaming Commission may make regulations, with...

(Heckling from Opposition Members)

The SPEAKER: Just a moment. Members, Members, I want to remind us all this evening that we must, and I intend as I sit here, that we behave ourselves and do so with the decorum that this Parliament requires. And, therefore, I am saying to you if someone is on their feet I would expect that we shall be able to hear what they are saying. And I am asking not to call across the room, names. I am asking us, please. The nation is watching us, please.

Mr. HYLTON: Madam Speaker...

The SPEAKER: Member, the Leader of Government Business was on his feet when I asked him to yield so - and there is a way to ask and I am asking… we have rights as parliamentarians and certainly you have an opportunity so to do, but to do so with order and dignity.

Mr. HYLTON: A point of order, Madam Speaker.

The SPEAKER: Yes.

Mr. HYLTON: Speaker, I am not aware, and perhaps others here aren't, whether in terms of the sitting, the sitting this afternoon - I certainly came expecting in regard to everything that is out in the public domain that...

Mr. HOLNESS: Madam Speaker…

(Cross talk/Heckling)

Mr. HOLNESS: I was on my feet. Madam, Madam...

The SPEAKER: (Standing) I am asking, I am on my feet and I am asking all the Members of this House because there will be an opportunity for all the questions to be asked and to be answered. When I spoke I asked the Leader of Government Business to yield and I made a comment. I am going to ask you now to allow him to finish and then we move on with order. Okay?

Mr. HOLNESS: Madam Speaker, just to be clear, the concern raised by the Member as a point of order does not...

(Heckling/Cross talk)

The SPEAKER: Member Buchanan, I looked across earlier this afternoon, and you know why I looked across. I am going to ask

you, please, just let us contain ourselves and allow for dignity.

Mr. BUCHANAN: (Standing) Afta a nuh me alone did a talk.

The SPEAKER: Continue, Minister.

Mr. HOLNESS: Madam Speaker, I would like to read into the records: The Casino Gaming (Application for Declaration of Approved Integrated Resort Development) Regulations, 2011:

WHEREAS by virtue of section 72 of The Casino Gaming Act, (hereinafter referred to as the Act), the Casino Gaming Commission may make regulations, with the approval of the Minister, which make provision for the form and contents of applications to be made to the Minister for the issue by him of an Order for the declaration of an Approved Integrated Resort Development;

AND WHEREAS on the 26th day of September, 2011 the Casino Gaming Commission with the approval of the Minister made the Casino Gaming (Application for Declaration of Approved Integrated Resort Development) Regulations, 2011;

AND WHEREAS it is desirable that the Casino Gaming (Application for Declaration of Approved Integrated Resort Development) Regulations, 2011 be affirmed

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:

(1) The regulations may be cited as follows as the Casino Gaming (Application for Declaration of Approved Integrated Resort Development) Regulations, 2011;

(2) The Casino Gaming (Application for Declaration of Approved Integrated Resort Development) Regulations, 2011 which were laid on the Table of the House on the 27th day of September, 2011 be hereby affirmed.

Resolution No. 2, Madam Speaker, the Casino Gaming Act, the Casino Gaming (Prescribed Games) Regulations, 2011

WHEREAS by virtue of Section 72 of the Casino Gaming Act, (hereinafter referred to as the Act), the Casino Gaming Commission may make regulations, with the approval of the Minister of Finance, for the purpose of giving effect to the provisions of the Act;

AND WHEREAS on the 26th day of September, 2011 the Minister approved the making of the Casino Gaming (Prescribed Games) Regulations, 2011 by the Casino Gaming Commission;

AND WHEREAS it is desirable that the Casino Gaming (Prescribed Games) Regulations, 2011 be affirmed;

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:

(1) This Order may be cited as the Casino Gaming (Prescribed Games) Regulations, 2011; and

(2) The Casino Gaming (Prescribed Games) Regulations, 2011 which were laid on the Table of the House on the 27th day of

September, 2011 be hereby affirmed.

Mr. M. PEART: Madam Speaker, at the last sitting of the House there was a motion that was read by the Member from South West St. Ann and that motion came about following matters that arose in the People's National Party annual conference. I wish to state the Opposition's objection to this motion in the way it is phrased because it does not conform to the normal standard of a Private Member's Motion or any other motion in Parliament.

Now, Madam Speaker, since that motion events have overcome us and we have heard of the announcement by the Prime Minister of his planned departure. Now, I would imagine that in the normal assessment of statements that is of national importance.

Dr. PHILLIPS: Yes, rather than allowing to …..(Inaudible comment follows).

Mr. M. PEART: And it seems as if the very Parliament is not going to be advised of this matter in a formal way. I wonder if the Leader of Government Business could assist us in this matter.

The SPEAKER: I know the Leader of Government Business will rise in a moment, but as far as the resolution that was moved on the last occasion, we have had discussions and this Speaker will guided by experience and documents here. And as I said to you, Member, I would give you a week to give me some authority to guide me. So I would ask that you research and I'll be guided. Give me some authority as to why we shouldn't have it and as I said I will be guided by that. In terms of…

The PRIME MINISTER: Madam Speaker, I was sworn in as Prime Minister of Jamaica on the 11th of September 2007. I remain Prime Minister of Jamaica and will do so for some time yet.

When Mr. Michael Manley announced that he was retiring, he did so at a PNP Conference at the Conference Centre. I do not recall that when he next appeared in Parliament that he was subjected to any harassment on the basis of which his statement was made.

(Cross talk)

Mr. HYLTON: Madam Speaker, I've heard the Prime Minister in his very brief, and I believe, truncated remarks. The fact is that the circumstances are quite different. We are subjected to, that is, the population at large, are subjected to various news reports from all over the world and raising and linking the Prime Minister's resignation to all sorts of…

Mr. HOLNESS: Madam Speaker. No, no. Madam Speaker…

(Cross talk)

The SPEAKER: On a point of Order.

(Cross talk)

Opposition MEMBER: Sit down!

Mr. HYLTON: Madam Speaker, no! The matter - I am on my feet, Madam Speaker. Please, please, the matter -

(Cross talk)

Mr. HOLNESS: Madam Speaker, I'm urging you to rule the Member out of order. I'm urging you to rule the Member speaking out of order.

(Cross talk)

The SPEAKER: Have a seat Mr. Hylton.

Mr. HYLTON: No, he must have a seat.

(Cross talk)

The SPEAKER: Members of the Parliament, the Prime Minister has just spoken

and, in fact, he has said and it is in the news release. He is the Prime Minister. He is the leader of the party - the Jamaica Labour Party - the Party in government until he resigns. He has not resigned.

Mr. HYLTON: Madam Speaker, I wish to… (Cross talk) …allude to the point, Madam Speaker. The Prime Minister drew a parallel to a situation and the fact is the Government of Jamaica is now subjected to a level of destabilization because there have been several news reports, and concerns are coming to a number of us from our Diaspora and a number of persons about the circumstances, and the impact, the implications for investment in this country and for the economy of this country. And those reports are coming fast and furious, and so we believe that the matter is not unparalleled and deserves a response and a timely response.

The SPEAKER: And Member, I'm ruling on this matter. A question was asked as it is his right to do as the Leader of Opposition Business, and the Prime Minister has answered. As far as we're aware there is no destabilization of the society at this moment and we're going to proceed with the business of the House. Continue. Where are we now?

Dr. PHILLIPS: Madam Speaker…

Mr. PICKERSGILL: Come, come. You're hoping that him won't stay that afta him gone you tek it.

Dr. PHILLIPS: I don't know, give me the list of what yuh gwaan call me.

Madam Speaker, I've heard the Prime Minister and I don't think the issue really has to do with us harassing or anyone harassing the Prime Minister. I think there is no doubt that the reports have stimulated much interest here, in Jamaica, but internationally. There is no doubt either that our country is—

Mr. GALLIMORE: Madam Speaker, on a Point of Order.

A MEMBER: Lord have His mercy!

Mr. M. PEART: Which order?

Mr. GALLIMORE: The Member is referring to reports in the Press. And if the Member is concentrating so much on the Press, he would have heard reports this morning that made that a total non-issue, any reports he's talking about. This is not an appropriate line of questioning.

(Cross talk)

Dr. PHILLIPS: Madam…

Dr. DAVIES: And does it matter?

Dr. PHILLIPS: I was not asking a question. I am saying -

(Cross talk)

The SPEAKER: No, the Member is on his feet and I expect for him to be heard.

(Inaudible comment by Mr. Gallimore)

The SPEAKER: But he's not asking questions. (Gavelling) Members, Members -

Mr. GALLIMORE: So is it a debate?

(Inaudible comment by Mr. Peart)

The SPEAKER: Members, the Member is on his feet, please allow him. I have heard not him asking any -

Dr. PHILLIPS: My point is simply that given the extent of interest locally and internationally, given also that there are many weighty issues that confront the country, including the status of our programmes with the International Monetary Fund and other multilaterals including also major reform issues in relation to tax reform, pensions reform and the like. I believe that it would be to the benefit of Jamaica's interest if we were

able to hear clearly all matters arising from the Prime Minister's cryptic announcement over the weekend, and that this Parliament would be the appropriate place for such to be said. Thank you.

Mr. HOLNESS: Madam Speaker, that is a most unusual request. The Prime Minister has not resigned or relinquished the authority vested in him by the people of Jamaica. As far as I know, we have a government in place.

(Applause by Government Members)

Today, I was in my office; the Prime Minister was in his office. Madam Speaker, I've been following the news as well, and I haven't seen any of the concerns raised by the Member as it relates to the stability of the government and the continuation of the reform measure. I would want to say, Madam Speaker, that the Government of Jamaica is in place and continues to do the excellent job that it has been doing.

(Applause by Government Members)

Dr. McNEILL: Madam Speaker, the Leader of Government Business had indicated that he was laying the regulations for the Casino Gaming Act; is it his intention to take it today or will we be given time to…?

Mr. HOLNESS: No, it wouldn't be taken today.

The SPEAKER: Thank you, Member.

QUESTIONS AND ANSWER TO QUESTIONS

Mr. HOLNESS: Madam Speaker, we have a significant backlog of questions to answer. The answers for many of them are prepared but some of the Ministers who have the answers are either overseas or not here.

Dr. DAVIES: Some flying home.

(Inaudible comment by Opposition member)

Mr. HOLNESS: Nevertheless, Madam Speaker - and I mentioned that because I have to ask for the indulgence of the House in asking for extensions. So Madam Speaker, I'm presenting to the Clerk, as required, the request for the extensions, and you, Madam Speaker, will have to ask the approval of the House.

The SPEAKER: Before Member Clarke. Leader of Government Business, I think it is only fair to say that it is time that we make the proper allowances and that Ministers be here to answer the questions. We can't continue asking. I am going to ask, however, this evening for a final time the indulgence of this House but I urge you, Leader of Government Business, to have the Members present to answer the questions. We cannot continue to delay the answers.

(Applause by Opposition Members)

Mr. HOLNESS: Madam Speaker, I'm in agreement with you. Madam Speaker, may I ask for one further indulgence of the House?

The SPEAKER: Yes.

Mr. HOLNESS: Madam Speaker, I would want to interrupt the agenda to ask that we bring forward Public Business just as a housekeeping matter to allow the Prime Minister to introduce and have read a first time the Bill that he recently gave notice of. Madam Speaker, I, therefore, move for the suspension of Standing Orders.

The SPEAKER: The question before us is for the suspension of Standing Orders to allow us to bring forward the item Public Business.

Put to the House and agreed to.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Thank you very much, Madam Speaker.

I beg to introduce and have read a first time a Bill shortly entitled, The Building Act, 2011.

Bill shortly entitled:

The Building Act, 2011,

read a first time.

The PRIME MINISTER: Madam Speaker, may I give notice of second reading.

The SPEAKER: Members, we are back to the item 'Questions and Answers to Questions'.

QUESTIONS AND ANSWERS TO QUESTIONS
(Recommitted)

Mr. HOLNESS: Madam Speaker, we have several questions ready for answer. We will start with Question Number 18, asked by the Member from St. Catherine Southern, of the Minister of Energy and Mining.

Mr. JACKSON: Madam Speaker, I ask that the question at Number 18, in my name, be answered by the Minister of Energy and Mining.

(*Sotto voce* comments)

Mr. MULLINGS: Thank you, Madam Speaker. I must confess, Madam Speaker, that the acoustics here are quite poor.

The SPEAKER: Member, are there copies of the answers?

(*Sotto voce* comments)

Mr. MULLINGS: In fact, unfortunately, no.

The SPEAKER: I am not hearing at all. Members, please.

Mr. MULLINGS: Unfortunately, no. Forgive me. I assumed the normal course of matters, in terms of having the facilities; I quite frankly forgot that we don't have that here. So forgive me. But it will be circulated to you.

Mr. JACKSON: Madam Speaker, I would have preferred to get the benefit of following in a more succinct way the answers, so any follow-up questions that might arise, I would be able to ask them. In that case, I am inviting the deferment to allow that to be done.

The SPEAKER: Okay.

Mr. HOLNESS: I understand the issue, Member, but the Minister has another set of questions to answer, so deferral would just throw the agenda in disarray. I ask you, Member, to reconsider. And the Minister has agreed to provide you in short order, the answers.

Mr. JACKSON: Madam Speaker, in the instant case I ought to get the benefit of the answers, so give it another…

Mr. MULLINGS: Member, you need not, you need not. I am going to have them copied. Forgive me. But you are quite right. I gather from the Orderly that he is able to do that. So I seek the indulgence of the House, and then we can read them.

Mr. JACKSON: No, I was saying that even if you need to defer to another day to facilitate it.

Mr. MULLINGS: I understand, I understand.

Mr. HOLNESS: Madam Speaker, so that there is no delay, I have a question on the Order Paper asked by the Member for Central Kingston. I am prepared to take that until the

questions are ready from the Minister of Energy and Mining. That would be Question Number 32.

Rev. THWAITES: Madam Speaker, will the Minister of Education kindly answer the questions listed in my name at Number 32 on the Question Paper?

NUTRITION PRODUCTS LIMITED (NPL)

Mr. HOLNESS: Madam Speaker, the Member's questions are:

Question 1: What is the basis for cutting the budget of Nutrition Products Limited, (NPL)?

Answer: For many years there have been concerns that the production of the snacks and juices by NPL is not cost efficient. This has largely been attributed to the fact that the equipment are old and maintenance costs are high. NPL factory repairs and maintenance cost for the Financial Year 2008/2009, and 2009/2010 was Twenty-Four Million Dollars ($24M) and Twenty-seven Million Dollars ($27M), respectively. To properly equip the factory to be cost efficient would require a large capital injection, as well as continuous investments to ensure proper maintenance of the equipment on the part of the Government.

Besides, the Public Sector Transformation Unit, (PSTU), has recommended that the service which is currently being provided by NPL, should be contracted out, as it is a service that the Government pays for but needs not perform.

In light of the foregoing, Madam Speaker, the decision was taken to divest NPL. The reduction in the budget of the Nutrition Products Limited relates to costs of equipment. Since the Government is in the process of divesting NPL, it was felt that it would not be prudent to expend resources on equipment which may no longer be of use to the Government in the very near future, especially since this will not impede the current production of snacks.

Question 2: How far has the plan to divest the company progressed?

Answer: An enterprise team with responsibility for the divestment process has been named, and Cabinet has now approved the team and the divestment plans. The terms of reference for the team has been developed and distributed to the team, and a schedule of meetings are planned.

When this answer was prepared several things have happened since. I have subsequently met with the

enterprise team, that is, the team responsible for the divestment, and I have given them the directions and they are now preparing an RFP, Madam Speaker, to open up a process of bidding for Nutrition Products Limited. So we are very much advanced in the divestment process.

Question 3: What evidence is there that a divested School Feeding programme will provide affordable and nutritious diet, using local produce, to school children?

Answer: Among the conditions for divestment are the production of nutritious snacks, and the use of local produce in the preparation of these snacks. The Government will not relinquish its responsibility to provide students with nutritious snacks.

Instead of actually producing the snacks, however, more time will be spent monitoring the quality and distribution of the snacks.

The Government is committed to ensuring that children are fed at an affordable rate, as this is part of our Social Welfare Programme. The affordability of snacks is therefore another condition that will be taken into consideration in the divestment.

It must be noted that the Ministry, with support from a Technical Corporation Grant from the IDB, has been evaluating different aspects of the School Feeding Programme. Support will be provided to evaluate the nutritional content of the snacks provided by NPL, and indeed, whoever the new supplier is. nd recommendations will be made regarding meeting the nutritional requirements of the children, and incorporating local foods into the production of the snacks.

In addition, the Ministry of Health has been represented on the Board of NPL and will continue, along with other agencies such as the Bureau of Standards, to play an important role in the School Feeding Programme, in order to ensure that the students' nutritional needs are fully met.

Question 4: What is the per capita grant for school-based nutrition for pre-primary, primary and for high-school students?

Answer: For the cooked lunch component, a per capita grant of Four Hundred and Fifty Dollars ($450.00) *per annum*,

is provided for students at the primary and secondary level. At the pre-primary level, 127,200 children benefit from Forty-two Million Dollars ($42M), approximately Three Hundred and Thirty Dollars ($330.00) per child.

Schools at all levels are provided with commodities to support the cooked-lunch programme, to the tune of One Hundred and Ninety-nine point Two Four Million Dollars ($199.24M). In total, Madam Speaker, some Two point Two Billion Dollars ($2.2B) has been earmarked for PATH nutritional support.

Thank you, Madam Speaker.

Rev. THWAITES: Madam Speaker, will the Minister in the certain knowledge, speak to the nutritional adequacy of the present offerings of Nutrition Products Limited? Will he agree that they satisfy only a fraction of the requirements of students and are therefore in their volume and make-up, as well as in the budgetary allocation, inadequate to support the education of the children?

Mr. HOLNESS: Madam Speaker, one of the reasons behind the decision to divest Nutrition Products after almost thirty years of operation, is that the overhead costs of providing the snacks are so high, relative to the current cost. In 2005, I believe it is, Madam Speaker - the former Minister of Education would know – a significant outlay for capital development was spent by the previous government to improve the equipment of Nutrition Products Limited. Significant. I believe - and the former Minister could assist me - it was in the region…

(*Sotto voce* comment from Mrs. Maxine Henry-Wilson)

I thought you had said you would help. It was in the region of about Four Hundred Million Dollars ($400M) that was spent improving the equipment.

Madam Speaker, what is clear to us now is that thirty years ago we didn't have the capacity in the private sector that could produce the snacks with consistency and reliability. Now the capacity is there, so the Government needs not take on this massive overhead cost of producing snacks. The funds that we spend on improving the equipment and overheads, those funds will now go into purchase additional snacks.

So in answer to the question asked by the Member for Central Kingston, yes, we are not giving all our students the support they need. I estimate that approximately 70 per cent of the entire school population would be in need of some form of nutritional support. I believe that in terms of the support that we give at early childhood, the support that we give at primary and at high school that we are probably only meeting 50 per cent of the true need for nutritional support.

So this move, Madam Speaker, will give us more money to purchase more snacks without actually increasing the budget allocation. So the same budget that we have, Madam Speaker, without having to take into consideration the overheads, will now be able to purchase more snacks. And it has happened now at an opportune time, because as I said before, the capacity didn't exist in the private sector. The capacity exists now, and we should leverage that capacity.

Rev. THWAITES: Madam Speaker, why doesn't the Government consider cutting out the snacks and giving the children a proper meal to support their education? If those who can pay make an offering, schools can determine that and make it available at the taxpayers' expense for those who can't.

Mr. HOLNESS: Madam Speaker, you know, what the Member says makes sense. But I would say to the Member that that is exactly what we do now.

The Nutrition Products Limited provides snacks only as a supplement that is the smaller part of the School Feeding Programme. Under PATH, Two point Two Billion Dollars ($2.2B) is spent, Madam Speaker, to support schools - to support students who are in school who have been assessed as being in need. The Ministry itself spends another almost One Billion Dollars ($1B) on providing commodities to schools, that is, rice, flour, sugar, meats, vegetables, that they use to supplement their cooked-lunch programme. So, yes, we now do that. What we are doing now is to be able to have greater supplements by the divestment.

The SPEAKER: Member Davies.

Dr. DAVIES: Thanks very much, Madam Speaker.

Minister, my questions are related to your answer to Question 4, and the answer to Question 4 has so many numbers, I'm confused. But let me start with the last sentence in your answer to Question 3, and you make reference to the fact that the different .agencies would play an important role in the School Feeding programme in order to ensure that the students' nutritional needs are met. Is that a statement to be taken seriously that that's an objective which is assessed and measured that:

"The students nutritional needs are met..."

(Inaudible comments by Mr. Holness)

Dr. DAVIES: Yes?

Mr. HOLNESS: Yes. The Ministry will therefore move from being a production service provider to being a regulator. And part of our role now will be to set the standards at which the snacks will be produced in cooperation with the Bureau of Standards, the Ministry of Health and the Caribbean Food and Nutrition Institute. So, yes, our role will become regulatory.

Dr. DAVIES: That's the plan for the future?

Now, is it the Ministry's assessment that the students' nutritional needs are being met...?

Mr. HOLNESS: When the School Feeding programme was established some 30 years ago, the agencies that were a part of it developed a formula under the same Nutrition Products. And what they said at that time was that the nutritious snack would provide one-third of the caloric intake necessary for each child, that is, that they would get at least one meal a day, couldn't guarantee them breakfast, but you'd guarantee them lunch, you couldn't guarantee them dinner. That still remains the case, Member.

You know, you'd be surprised that the only regular dietary provision that students get - some students - is in the school feeding programme. As poor as it is, it still serves many, many, many students. And I wouldn't want to engage you in a debate as to whether or not it is adequate. What I'm trying to do is

to bring it to that point where it is adequate and sufficient. But I wouldn't argue with you that certainly one-third... we should be aiming at more for those persons who are poor and can't afford it.

Dr. DAVIES: I wasn't going to extend the debate. I just don't like throwaway lines and that one looks like a throwaway line... *"...that to play an important role..."* You are resurrecting?

Mr. HOLNESS: That's what is going to happen now.

A MEMBER: Yes. (Laughter)

Dr. DAVIES: A confession, don't it?

All right. Now, the answer to Question 4. I understand the per capita grant at the primary and secondary levels of $450 and at the pre-primary level. Question 1, 1 really like these precise numbers, 127,200.

A MEMBER: Yes.

Dr. DAVIES: Heh-heh-heh! I was looking for point 5 but... Of what total is that number, Minister, in terms of the...?

Mr. HOLNESS: The primary level?

Dr. DAVIES: No, at the pre-primary level.

Mr. HOLNESS: The pre-primary level has - my last check - was about 156,000 students right across... Based upon our census and our projected population, there are about 156,000 students at the pre-primary level. This doesn't include about 5,000 who will be in private pre-primary services, so those will be your private kindergarten.

Dr. DAVIES: I need to understand this number. Is this the number of - the 127,200, is this the number of students in government pre-primary institutions or is this the number of students in pre-primary institutions?

Mr. HOLNESS: That's what I said, that based upon our census, that is our check of the school population between basic schools, government-operated infant schools and government-operated infant departments, you would have close to approximately 150,000 students.

Dr. DAVIES: So approximately 20,000 are not receiving....

Mr. HOLNESS: And those would probably be those who don't need anything.

Dr. DAVIES: Okay. Now, my second question. You have the grants at the primary, pre-primary and secondary level, so each school receives this grant for nutritional programmes, each school. Am I to understand that each school in the system at the pre-primary, the primary and secondary level receives this grant? Now, is the provision...?

Mr. HOLNESS: The primary level - I couldn't tell you with certainty that all schools, because it was not the case before. We have now started to expand. I will have to get further details to see if it is a grant made available to all schools. But certainly at the primary level all primary schools are entitled to the grant. It was not the case for the high schools before. Traditional high schools were not beneficiaries of the grant. Now they are.

Dr. DAVIES: Well, I'm hoping that when we get the totality of your answers we'll be able to get a clear idea as to...

Mr. HOLNESS: I will answer the question.

Dr. DAVIES: No, but I don't have a clear idea. I don't have a clear idea. Let me go to the next one. Schools at all levels are also provided with commodities to support the cooked-lunch programme to the tune of...I like

these precise numbers, 199.2... Two Hundred Million. Is it that schools get cash of 'x' per capita...?

Mr. HOLNESS: Yes.

Dr. DAVIES: ...and then they get the ingredients?

Mr. HOLNESS: Yes.

Dr. DAVIES: So if a school doesn't have a cooked-lunch programme, or... Does every school have a cooked-lunch programme which then allows it to benefit from these ingredients?

Mr. HOLNESS: Just to be clear so everybody understands.

Dr. DAVIES: Yes.

Mr. HOLNESS: The Ministry of Education is not pretending that it provides the entirety of the nutrition provision. We give a supplement with a nutritious snack that is produced by NPL. We are going to change that. We give grant support to schools to conduct their own feeding programme and then we give support to the schools under the PATH programme to provide nutrition for three days out of the week for students who have been assessed as in need and are PATH beneficiaries. What the schools do, usually, is that they take the PATH benefit, they take the cash grant from the Ministry and they take the commodities from the Ministry in addition to their own fund-raising - sometimes that might be much more than what the Ministry gives - and they put it together in a programme which many schools do, provide lunches for five days of the week. I'm not here telling you that it is the best, but it helps. And the numbers that we have, don't underestimate it. Fifty per cent of the school population being served is significant.

The SPEAKER: Members...

Dr. DAVIES: This is my final question.

The SPEAKER: Member Henry-Wilson and then Member Thwaites.

Dr. DAVIES: I'm just trying to understand now. How is the commodity which is provided, how are these allocations made? Is it on a per capita basis or is it related to the number of students registered under PATH? I'm just trying to understand whether a school knows in advance what will be provided or is it somewhat arbitrary in terms of...? Who makes that decision as to what is provided in terms of the commodity? The cash allocation is straightforward, but I'm not clear about the commodity. I want to know.

Mr. HOLNESS: Member, that's a good question. I don't have the answers with me. I...

(Members conversing in groups)

The SPEAKER: (Gavels) Members, please, Parliament is in session. Just one Parliament.

Mr. HOLNESS: Madam Speaker, I was about to respond to the Member. I don't have the answer to that question. I couldn't even venture a guess as to how it is distributed. I could find out and tell you that directly.

The SPEAKER: Member Henry-Wilson.

Mrs. HENRY-WILSON: Minister, I think one of the issues why - well, two issues: One, why the divestment was to take place was because most schools were using the products from NPL, anyway, that you found that they were - a large amount was discarded. But the replacement for that was to have been the provision of infrastructure for the schools for them to be able to provide cooked lunches wherever possible.

My first question is, is that being done, because the provision of cooked lunches is an integral part of the teaching programme at

these schools. Secondly, there was a pilot project for the early childhood, pre-primary, which involved... it reached the stage where CFNI - same Caribbean Food and Nutrition - they had produced menus so that the schools themselves could do the choices and that they could then come up with real nutritious meals. The commodities that were purchased, that was to be phased out as well because that was not being used in the way...It was also a bottleneck. So my real question is, are we still providing the schools with the infrastructure? What are we doing about the menus and the other services that were produced through this pilot project, how far have we utilized them? And thirdly, in terms of the PATH students, do we anticipate an increase in the grant that is provided? Because at the moment what is provided is not adequate as the schools are complaining.

Mr. HOLNESS: I'll answer your last question first. We have just increased the grant - and it's a pity I didn't carry the statistics with me. It's a significant increase but the grant is still not sufficient. But we have increased it. As it relates to the development of the *pro forma* menus, that has been done. It is circulated at the pre-primary level and I suspect that all schools are using it.

As it relates to phasing out Nutrition Products Limited, one of the things we... and I totally agree with you that the buns and the milk and the juices in the way in which they are being used, may not necessarily reach all the students they should. A lot of it is stolen. A lot of it is siphoned off and used to feed entire communities. With this move, Madam Speaker, through you to the Member, we would now write into our RFP, our request for proposal, innovation. So one of the problems we have is that we need to change the formula that is being used and the kind of snacks that are being produced. So a part of the RFP is that they would develop new snacks, new juices that people would like, people would want to use and consume and that are nutritious to the children. So built into the divestment is the improvement and innovation in the process.

The SPEAKER: Member Thwaites.

Rev. THWAITES: Madam Speaker, then is the Minister saying that the divestment is going to be for better snacks and will the remainder of the programme, now enhanced, improve the dietary intake of our children? Will the Minister in answering that bear in mind that there is increasing hunger in the land in recent time and that therefore it is vital if the education enterprise is to succeed that there be more resources made available, both at the community and by the State in order to feed children. Is he not aware of the children who come to school without food and find themselves sleeping by Ten o'clock and then rambunctious after Two, after One, when they've got the lunch, if we have the thing in balance? I ask his reflection.

Mr. HOLNESS: Madam Speaker, the Member is well aware that like himself I, too, have a deep heart for the poor and for students who come...

(*Sotto voce* comments by Opposition Members)

Mr. PICKERSGILL: Really?

Mr. HOLNESS: ...to school without food. Everything that we have done in the ministry, Madam Speaker, everything that we have done is towards ensuring that those

persons who are the least fortunate among us in the education system, that those persons are supported. We have increased, Madam Speaker, the PATH programme to almost doubling it. I don't see the Minister of, of...

Mr. M. PEART: The former Minister.

Mr. HOLNESS: Right.

(Inaudible comments by Mr. M. Peart)

Mr. HOLNESS: We have, Madam Speaker, we have... it's not a significant increase.

Opposition MEMBER: But how much is a good increase.

Mr. HOLNESS: Now, Madam Speaker, the divestment is only a part of the entire reform of nutrition provision. I think you'd have seen in my answer, Member, answer to Question Number 3, I believe it is, that we have support from the IDB where we are carrying out a technical study on the modes of delivery of our nutrition service. So my answer to you, Member, is that on completion of this study, we will be coming to Parliament to see how we can reform the existing cooked-lunch programme, to expand it and to increase the nutrition content.

The SPEAKER: Member Guy and then Member Kellier afterwards.

Dr. GUY: Thank you, Madam Speaker. Minister, you indicated in Question 3, the answers to Question 3 that with the divestment of the NPL the ministry will be more doing a monitoring role.

Mr. HOLNESS: Regulatory.

Dr. GUY: Regulatory role. Question, what will be instituted as opposed to what exists now in terms of monitoring the quality and the nutritional content of what is given to the students? And it is probably unfortunate that you mentioned that the NPL lunches are providing one-third of the caloric intake per day.

(*Sotto voce* remarks by Mr. Holness)

Dr. GUY: No. But one-third of the caloric intake could be one-third totally carbohydrate. Is it one-third of the nutritional requirement per day because there is a technical difference there?

Mr. HOLNESS: I agree with you. And I am going from recollection now, so if I am wrong another time you could correct me, because that figure, that is not in front of me, but it is largely carbohydrates. It provides some protein in the milk solids, the milk powders, and it is fortified, so there are vitamins in it. I can't say to you what the composition is but it tries to meet minimum standards. My view on it is that it surpasses the minimum standard, but it's not the best that we could have and we should strive for as a nation.

The SPEAKER: Member Kellier.

Mr. KELLIER: Minister, are you in a position to say to us what is the status of the safety operation, occupational safety checks that have been done in the factory that now exists on Marcus Garvey Drive, and whether or not you can assure us, in light of certain information that has been in the media about, overseas, about children getting sick because of school lunches and all of that? Can you assure us that all the persons operating within the production and distribution chain of the School Feeding Programmes, that those children have, all those persons are in possession of Food Handler's Permit? I want answers to both. But the biggest question, when last has an occupational safety and

health check been done by the officers of Labour and Social Security at the factory?

Mr. HOLNESS: Member, I honestly could not provide you with an answer. That's a detail that I would not have readily. I would say to you, though, that it is an important issue you have raised. I am making a note of it to follow-up on that because it is very important. I do know, however, that on the Board of NPL we have representation from the Ministry of Health and they are very active in ensuring that the standards are maintained. Suffice it to say that under this Administration and under the previous Administration we have never had an issue with children getting sick because of the lunches.

Mr. KELLIER: But, Madam Speaker - would you however commit, Minister, to advise us as soon as possible in respect of the safety checks for the workers that operate within that institution?

Mr. HOLNESS: Yes, I so do undertake.

Rev. THWAITES: Madam Speaker, will the Minister indicate who comprise this divestment team and what is the time frame for their activity?

The SPEAKER: This is our final question on this.

Mr. HOLNESS: Madam Speaker, the divestment team is being guided by the Jamaica Development Bank. The Executive Director of the Bank is a member. A Director of the Jamaica Development Bank is a member. It is chaired by LYTTLETON SHIRLEY who is the Chairman of (SEHRA), South East Health Regional Authority. It is a representative committee, so there are representatives from various agencies that would have interest in this. I don't have all the names with me. I am just giving you the titles and the Chairman.

The SPEAKER: Thank you very much. Are we going back to the question that was asked by Member Jackson? The answers are now circulated. Minister.

Mr. MULLINGS: Thank you, Madam Speaker, and thank the House for its indulgence.

Question Number 1 and the Member will allow me to editorialize the question. It was initially….

Mr. JACKSON: No, you don't have to editorialize, just go into the answer.

Mr. MULLINGS:

Question 1: Is the Prime Minister aware that the high cost of electricity is heaping great hardship on electricity consumers across all segments of the Jamaican society?

Answer: I am aware that the cost of electricity is high and is a cause for concern for all customers of the JPS. The Government is also concerned about this problem. The country's high electricity rates reflect an accumulation of deferred investment decisions over many years. Simply put, it was unwise and a very bad decision for the Government in 2001 to sell the JPS to Mirant Corporation, which was teetering on the edge bankruptcy at the time of the sale. Mirant did not have the financial capability to make

the necessary investments and this has contributed greatly to the crisis we are now in as old and inefficient plants continue to generate electricity in the system and their poor conversion rate is a major contributor to the high prices of electricity.

Question 2: Does the Prime Minister agree that substantial increases in production in most sectors are critical to Jamaica's economic development that will provide for higher levels of employment, per capita earnings, and improved quality of life for all Jamaicans?

Answer: I agree. Like the rest of the world, Jamaica experienced a difficult recession and continues to do so. With bold and decisive economic measures by the Government we were able to weather the storm and after almost two decades of decline the economy is now showing some growth.

Dr. DAVIES: Come, come, come!

Mr. MULLINGS: It is imperative for us to….

Dr. DAVIES: No, hold on. How you work that out now?

Madam Speaker, I was listening to the question but in his….

Mr. JACKSON: Editorial!

Dr. DAVIES: …editorial, it is not true that after two decades of decline. That is not true. And I can provide the Minister if he wishes to be so assisted with the data from STATIN. But it is not true. And we will have to stop rewriting history as we go along by creating numbers which are clearly misleading and designed to confuse.

Mr. MULLINGS: Madam Speaker, I notice that the Member has not, in his objection, provided any evidence to the contrary and asserts that what I said is untrue and that the numbers are incorrect.

Firstly, I did not present any numbers. But having said that, if the Member is so convinced, I prefer if you would provide that evidence before making this assertion.

Dr. DAVIES: I will, Madam Speaker. And I didn't know that my job here entails advising the Minister, but I will provide the data.

Mr. MULLINGS: There is good and bad advice. (Laughter)

Question 3: Is the Prime Minister aware that manufacturers have repeatedly indicated that the high cost of electricity has made their products less competitive to producers in many other countries?

Answer: I am deeply aware of this issue and this Government is active in providing the coordination and the momentum to correct the situation created by past Administrations.

Dr. DAVIES: Really!

Mr. MULLINGS:

Firstly, we are moving to ensure the acquisition on 360 megawatts of electricity from

new generating plants, using cheaper sources of fuel, by 2014. This will result in the requirement of 292 megawatts of the aged and inefficient plants that are now being used for the generation of electricity. Another 120 megawatts of electricity will be added by 2016. Modern, efficient plants will produce electricity at lower prices. We are also spearheading the initiative to bring natural gas to Jamaica in the shortest possible time so as to secure lower electricity charges by replacing Heavy-Fuel Oil that accounts for more than 65% of electricity cost and is a direct pass-through to the consumers.

Question 4: In light of the spiralling increases in electricity, and the urgent need to stimulate widespread economic activities, is the Prime Minister giving serious consideration to renegotiate the existing licence to the Jamaica Public Service Company with a view to terminating the provision that provides a monopoly in the distribution of electricity?

Answer: Generating electricity in modern, efficient units, using cheaper sources of fuel, is the option that will result in the most significant reduction in electricity prices. This must be the focus and priority at this time.

There is no evidence that competition in the distribution of electricity will lead to reduction in electricity prices. In fact, this runs contrary to the expert opinion of the Office of Utilities Regulation, the independent regulator, and the overwhelming majority of those who are experienced and skilled in the operation of a relatively small national grid. The experts in the sector have expressed serious concerns about a potential increase in cost when less people would be called upon to bear the operating and maintenance cost of a divided distribution network or separate distribution networks.

An electricity network, Madam Speaker, is not a wireless, virtual infrastructure but a physical and complex network of apparatus that must be maintained at great care and costs to consumers. Where the consumer base is relatively small, it is more economical and affordable to share the cost of operating and maintaining a single network among all consumers.

Miss HANNA: That's ridiculous and that's not what you were proposing before.

Mr. MULLINGS:

It's against this background that the OUR, as an independent regulator, has firmly advised that it does not recommend competition in the transmission and distribution of electricity locally.

Mrs. NEITA-HEADLEY: What! What!

(DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern, entered and took his seat.)

Mr. MULLINGS:

There are also many communities or residential districts that have few customers spread over a relatively large area. At present, these customers are able to afford a supply of electricity because they are not required to pay the total cost for the transmission and distribution system that supplies their electricity. To break up the distribution and transmission network could result in these communities being left stranded without service, as investors are not likely to consider them attractive for the purpose of making investments. Alternatively, the cost of electricity to these communities could become so high that it is totally prohibitive and worse than the prices that they now have to pay. There are also technical issues such as the stability of the generation and distribution network that must be considered.

Question 5: Notwithstanding the response to Part 4, will the Prime Minister consider a limited monopoly, if any, or a provision otherwise that would allow for private investments in power generation and distribution in prescribed production areas that will attract investments requiring less expensive energy and providing high production outputs?

Answer: At present there is competition for the generation of electricity where Independent Power Producers sell electricity to the grid. The competition occurs at the procurement stage where the JPS and other potential suppliers have to compete for the addition of new generation capacity. Once the plants are in the system they are dispatched on a daily basis according to their economic efficiency and cost of production.

It is not clear what is meant by "a limited monopoly" but this is not recommended by the regulator and that an investor should not be able to pick an area of choice to

provide others with an electricity service. This type of 'cherry picking' would leave remaining customers saddled with the cost of the grid and the servicing of contracts for the supply of power from independent power producers. Additionally, this would lead to a reduction in the customer base of the present system and result in other customers having to pay more for their service. Any strategy adopted must ease the burden for all consumers. This is the clear intent and purpose of the strategy that the Government is pursuing.

Question 6: If the answer to Parts 4 and 5 are in the affirmative, can the Prime Minister provide an indicative timeframe for accomplishing the objectives?

Answer: I have provided the timeframe for the additional of new and efficient generating capacity of 480 megawatts by 2014 to 2016. The introduction of natural gas and other cheaper sources of fuel than oil will also reduce the cost of fuel is a direct pass-through to customers.

Mr. JACKSON: I have a couple follow up questions for the Minister.

Madam Speaker, through you to the Minister, to put it in context and I'll start with the last question - or rather, from Question 5. The context, Madam Speaker, is - as was asked in the first question - acknowledging the economic challenges that we are in. Unemployment, I mean of significance, and the high cost of energy as is complained by producers, and potential producers to invest, and hence, to create employment. In that context, the question was asked at Number 5 in respect to limited distribution in much the same way that the Government, and governments, past administration and present administration have sought to establish special economic zones with certain benefits to operators in those zones. We have had free zones in the past and currently, we have the Caymanas Economic Zone that has been promoted for stimulating production, and for enabling greater levels of employment. Within that context, the questions have been posed in respect to limited power generation and distribution, in order to achieve those ends mentioned earlier on. And so, you said in your answer, Minister, that you did not know what was meant by *limited distribution*. For clarification, limit distribution would be, as was stated in the question, limited monopoly sorry in prescribed economic development zone. So, it doesn't bring the limited monopoly in the overall society, but in those areas where the Government would want to stimulate investment, job creation, greater productivity, *et cetera*, in much the same way that this Government and previous administrations have sought to create those special provisions in Free Zone areas.

Mr. MULLINGS: Thank you, Member.

Firstly, we have to make a distinction. If we are contending, or suggesting, rather, that we need economic zones, there is nothing to prevent self-generation, as long as it is not for

commercial purposes. So, for example, if you have an economic zone and the participants in that zone want to generate electricity for themselves, there is no problem, because that would not be inconsistent with the licence. If you are saying, however, that the limited monopoly of which you speak persons will now sell commercially, so that a provider will just come on for that particular purpose to sell to whosoever will, may come, in that zone, then you have a problem. And so, we have to understand the parameters in which one can operate.

So for self-generating purposes I give an example, you have complex and you want to generate electricity for that complex, that is not inconsistent, because you are able to do that. If you want to, however, generate electricity for consumers generally, then you will have a problem.

Mr. JACKSON: I think… the Minister just begins to get to the core of the question. Again, in a designated economic area, what was being considered, in order to stimulate greater levels of investment where energy cost is a significant factor, an investor could come in, being required to produce even some minimum… the Government could regulate the minimum levels of power that they could provide that would enable certain levels of investment to take place in that prescribed area. I know that it does not exist currently, under the licensing arrangement, hence the question was asked. In order to achieve the desired goal of greater levels of production and economic activity, would the Government consider the re negotiation of licence to permit that, which doesn't exist, to happen, in order to achieve the desired goal?

Mr. MULLINGS: I think, to understand the consequence of that, will explain it. In other words, if you are now going to take out sections of the grid that persons can generate to commercially, then what you are doing is that you are sending up the unit cost for the other users on the grid. And that is why the point was made, that, if you are creating a zone, and the persons say within the zone and are investing for generation for their own purposes, they set up their lines for their own purpose, that is one thing. What you don't want to do is send up the cost of electricity by reducing the whole, thereby others who are not in an economic zone find that their costs are going up. And it is a question of numbers. And so, we have to look at that in the broad matrix of a small grid.

Mr. JACKSON: Another… to that question. Just to mention, Minister, it has never been contemplated that any permitted investment for additional power generation will have anything to do with current users. In fact, it would be to enable new comers, so those who are existing would not be in a discriminatory arrangement.

I am going to go on to the other question. You have indicated that there are plans afoot for the 260 megawatt by 2014 – 2014?

(*Sotto voce* comment by some Members)

Mr. JACKSON: Three hundred and sixty, yes, by 2014. Is that 360 by then predicated on natural gas being the sole, or major source of energy for that? Well...go ahead.

Mr. MULLINGS: The question of proposal for that initial 360 mega watts was, in fact, fuel neutral. In other words, there is not a requirement that you have natural gas. But, it

was, however, that you should be able to accommodate natural gas. And therein lies the distinction.

Mr. JACKSON: Being able, is that a requirement, or is it a recommendation?

Mr. MULLINGS: A recommendation.

Mr. JACKSON: Next, Madam Speaker. The natural gas being... sorry...

Mr. HYLTON: Is it not the case that the tender itself contained in the tender itself is a 15 per cent weighted towards the LNG, that gives it a preference?

Mr. MULLINGS: It does make a preference.

The SPEAKER: Just before you answer. Please Members, address your question to the Chair, and not directly to the Members across, or to the Ministers, I'll ask, please.

Mr. MULLINGS: Thank you, Madam Speaker.

The Member is right. It does give it a preference. But what I am saying is that it is not prescriptive, and there lies the difference. And so, it means that if you are able to provide natural gas, then you have a weight. In other words, you can have an investor who is not able to provide…

(*Sotto voce* comment by Opposition Members)

Mr. MULLINGS: You want to answer? You would like to answer?

You may have an investor who is not able to provide natural gas but would provide other sources. So, if you are, in fact, keen on getting natural gas in your mix, that investor is not able to do that. If you have the investor, however, who is able to provide natural gas, or other cheaper sources of fuel, then that could take care of any eventuality. And the RFP, while you have the 50 per cent waiting for natural gas, did not prescribe natural gas.

The SPEAKER: Members, after question by Member Paulwell and Member Hylton, Member Hanna and then Member Harris.

Mr. JACKSON: I just wish to complete my follow-up.

Minister, you indicated that natural gas, of course, is being pursued as a major energy source. Is there a timeframe for natural gas coming on stream for should I say, a revised timeframe for natural gas coming onstream against the background of the timeline for the additional 360 megawatts?

Mr. MULLINGS: Recently, request of proposals came out. One, for the provision of gas; another for the provision of infrastructure. The timeline is 2014, so that we hope by that time to get everything in line. So, 2014 is the timeline for the 360 megawatts for gas, or any other source of fuel.

Mr. JACKSON: Finally, Madam Speaker. And it relates back to an earlier question. In one earlier question, you indicated that the OUR indicated that competition was not recommended. I am assuming that that recommendation was on the basis of open competition as against in the limited monopoly model that I prescribed. Could you confirm if that OUR recommendation is in fact, in respect to open competition, or was it in the context of the limited monopoly that was mentioned in Question 4?

Mr. MULLINGS: That recommendation related to open competition in transmission and distribution, because the contention was, and still remains, that you may have cherry picking, and in fact, if there is no guarantee

that you can have the spread – the transmission and distribution of electricity to all users.

Mr. PAULWELL: Madam Speaker, a few questions for the Minister.

Minister, in your answer to question one, you sought to indicate why the price of electricity is so high. Could you also put in the mix, and for us to be advised what is the level of taxation that goes into the price of electricity?

Mr. MULLINGS: The diesel component in other words, there is a contract between the Jamaica Public Service and Petrojam for the supply of diesel for their Bogue Plant. That diesel is the same diesel that we use in our motor vehicles. For the diesel that is utilized in the motor vehicles, it's in the region of I think $14. For the diesel that goes for electricity, it's $4, give a few cents. But, that is also claimed back. So, in other words, the taxation effect is zero for the Bogue plant. For heavy fuel oil, it's about Fifteen Cents that is charged on that as taxation.

Mr. PAULWELL: The Minister has failed to mention the GCT on users over 200 kilowatt GCT ten per cent…

(*Sotto voce* comment by Members)

Mr. PAULWELL: And that is taxation as well.

Mr. MULLINGS: I know, I know. And it is granted and was in the public domain. I didn't realize that was what we were getting at. That was the fuel that it was going through. Yes, GCT is charged. In fact, take into account of the number of consumers who go up to over 100 kilowatt hours, I think it is about 300,000 who would not be paying GCT up to that 100 kilowatt hours, but I am going to check on that.

Mr. PAULWELL: Recently, the JPSCo declared profits and dividends, on their profits, could you indicate what has the Government of Jamaica received in that regard, and also we are told that Petrojam is to make profits in the region of almost $6 Billion this year. We are also aware that PDVSA, a partner in Petrojam, has not claimed its dividends. What are the plans for those resources – for those profits?

Mr. MULLINGS: Well, if I am I will take the last question first.

In relation to the profits, a lot of that is not cash profit. In other words, it goes in terms of inventories. And to put these numbers in context, one shipment of the crude is about US$30 Million, and we would require about three shipments for the month.

Now, if you are to look at that in relation to the profits of which we speak, we are not speaking more than maybe a month or two supplies of fuel, but having said that, that is not $6 Million in cash. A lot of that has to do with the value that is put in terms of the inventories. And in fact, when Petrojam was making a loss it was largely due to the fall in prices on the present inventory they had at the time, so that the value, in fact, evaporated, and put you in a loss position. So we need to, I believe, understand the context when we speak of profit in that regard, it was not totally $6 Billion cash profit.

And in fact, in terms of dividends, the second question, the 20% shareholder of the government largely goes, in fact all of it, and we are in arrears even for hospitals, schools, street lightening and so on, and we still owe – also a recurring deficit if you will, by virtue of that.

Mr. PAULWELL: I am not too clear on your answer in relation to profits, because it is

my understanding that Petrojam has been making since the loss in 2008. Before that and now, they do make profits that are valued not only in terms of inventory, but in their bank balances, cash, raw cash. And it might be a good idea for the Government to contemplate, especially because a substantial component of the electricity is the fuel that special dispensation could be given especially to the productive sector, to provide them with cheaper almost subsidized energy component to their electricity bill. But that is a suggestion.

Let me give you the question. You mentioned LNG by 2014. The Prime Minister recently announced that the LNG project is back with the ministry yet I still hear on media sources, the Prime Minister's office issuing statements in relation to LNG. Where is the LNG project? And also where is the gas going to be sourced, and who will be responsible for sourcing the gas?

Mr. MULLINGS: Well, in relation to your suggestion - I don't want you to escape - in relation to, in terms of cash that is there and as I indicated before, you also have to be in a position to buy future shipments of product because each time you enter into a letter of credit it is costing you. And so there is a mix of inventory, there is a mixture of inventory and there is also cash. At the same time one must also be in a position to be able to pay the dividend called upon by our partners who own 49%. In relation to subsidizing the cost - and I think we need to appreciate when we say the cost of the fuel - we need to appreciate what is called the conversion. In other words, it is not simply the cost of the fuel, and by way of an example. If we buy $100 worth of fuel, we expect to get $100 worth of energy. But we are not getting $100 worth of energy, we are getting $30 Dollars because of the inefficient plant. So the efficiency of the plant is critical to have that conversion. So your bill will be high in terms of fuel because your energy take is smaller, so you have to deal with the issue of the energy conversion and the efficiencies of the plant.

The project was handed over last week to the ministry, and of course, it relates not just to the administration but the necessaries for the project. In terms of the supply, the RFPs are out. There was a pre-bidders meeting on Monday. Several entities have indicated an interest and we expect that at the end of the day when the bid is evaluated then we can make it public as to where the source is coming from.

Mr. PAULWELL: Minister, recently the Government tabled a policy which the Opposition supports, and one of the important aspects of that policy is a commitment towards unbundling, the distribution network and to liberalize the grid. Are you renouncing that position in the policy?

Mr. MULLINGS: I seem to recall that it was said in this House, that we should go to the root of unbundling. Let us be clear…

(*Sotto voce* comments by Mr. Paulwell)

Mr. MULLINGS: Sorry, I am doing that, be calm, I am doing that. I am just trying to explain to you. (Laughter) You don't want me to explain to you?

The transmission and distribution is a loss making sector of the grid…

Mr. PAULWELL: What about the policy?

Mr. MULLINGS: I am going - you are not normally this precipitous, you know, you are not normally this precipitous.

(*Sotto voce* comments by Mr. Peart)

The SPEAKER: Member, Member! (Gavels)

Mr. MULLINGS: It is the loss making arm. So are you suggesting therefore, that….

A MEMBER: It is the policy.

Mr. MULLINGS: That is why you run into the problem in 2001, you know, that is why, because if you just listen, if you just listen. (Laughter)

Because the losses are on the transmission and distribution network there is nothing to be gained…

Mr. D. PEART: From whom, you?

Mr. MULLINGS: …by de-monopolizing that and all to lose because what you are going to do is that are now dividing up the grid even more and therefore you are going to have others coming on and choosing the areas in which they think they can make the profit while unfortunately persons may be in the far reaches of some constituency can't get it because they can't afford it. And I am sure you will understand….

(*Sotto voce* comments by Member)

Mr. MULLINGS: Obviously, because the numbers don't suggest it; there is nothing wrong with that. This government will not resile from reviewing something and looking at it very critically. If we did that in Jamaica we would be better off.

Mr. PAULWELL: The Minister has indicated that they have renounced their position in relation to removing the monopoly. There is another question I want to ask, and it is in the same vein because some years ago you were quoted Minister as promising to reduce electricity prices by 50%, by using a substance called Pet-coke through a process. What has happened to that process? We speak of the expansion and enhancement of Petrojam you gave a commitment that then it would have been three years, so it would have taken us 2011. So by this year we should have seen a 50% reduction in electricity.

Mr. MULLINGS: Well, I am sure we are aware that I had a sabbatical.

(*Sotto voce* comments by Members)

Mr. MULLINGS: I want it to be very clear when we speak of this monopoly. It is a regulated monopoly. It doesn't follow as night the day that you can, in fact…

(*Sotto voce* comments by Member)

Mr. MULLINGS: (I am coming to do that) …can in fact, affect prices because of that position. That is why the regulator is critical to ensure good practices and best practices. In terms of the Pet-coke Project that is still onboard. That is part and parcel of the policy of diversification. We still see Pet-coke as critical, we still see Hunts Bay as the most likely place for that to happen. We expect that the refinery upgraded will be part and parcel of that. By virtue of the fact that the challenges we have had in the budget we have to postpone that outside of this particular year. And that is why we are looking to it for the following budget year.

Mr. HYLTON: Minister, when exactly is the 360 megawatt of power tendered for, when is that needed, when is that new power needed for the grid?

Dr. DAVIES: The demands them dropping.

Mr. MULLINGS: What we are seeking to do is to replace the old plants. So, when we are replacing 292 megawatts with an additional - you will see the difference, and we expect that to happen by 2014, it has to happen by 2014; because as you have greater

demand in the system you don't want to have the inefficient plants creaking along and sending up the cost.

Mr. HYLTON: You have indicated, have you not, that 2014 will be the time that you need is it to make the decision on the new fuel source or to have the supplies in place?

Mr. MULLINGS: No, no, 2014 is the time to have the plant running commissioned in 2014, to have the supply of 360 megawatts in 2014.

Mr. HYLTON: When will the decision be taken for the on the natural gas, on natural gas or the power source, the supply, the fuel source?

Mr. MULLINGS: I had indicated earlier that the request for proposals have gone out. We expect to have the returns - the bidders were here for a pre bidders meeting on Monday and we expect to have that completed by November, and then the evaluation will take place on that bid which will of course, informed now, going forward the time line for the provision of the gas.

Mr. HYLTON: Minister, what I am trying to get straight is whether the period between 20 - between now and 2014, if the fuel type which would influence your plant design and the decision to be taken on all of the tender decision, whether that can be taken in time for a 2014 time line? And if so, if LNG is not the source, what is the likely source, is it diesel or high sulphur fuel?

Mr. MULLINGS: The other source cannot be diesel. In 2001 when Mirant came on board, I think by 2003 they put up the Bogue Plant. They put up the Bogue Plant which is configured to take natural gas and there was no attempt to get natural gas to Bogue; as a consequence we are running diesel through that plant. We are not going repeat that.

Mr. HYLTON: By definition, is that high sulphur fuel or some other source what is the likely source then?

Mr. MULLINGS: The other sources are possible in terms either, the fuel oil or also the possibility of coal. In other words, the evaluation of the grids are critical to establish supply as it were.

Mr. HYLTON: My final question, Minister. Is there still the need for a new reference pricing for Petrojam?

Mr. MULLINGS: No. I will tell you what has changed.

Mr. HYLTON: You said, no?

Mr. MULLINGS: I said no. When I was occupying the Opposition benches I formed the view then that in terms of the US Gulf reference price for the product and the West Texas intermediate for crude should be looked at because of historical realities of the market. Prior to that you had Caribbean trade and postings. All the players now utilize the US Gulf reference price and the WTI including Venezuela, including Petro Trade so that it is clear and transparent. If you were to utilize a Caribbean posting that would not be transparent, it would be artificial and so we are not seeking to revisit that.

Miss HANNA: Madam Speaker. Minister, I think all of us are very clear that we would like lower electricity costs across-the-board both private sector, public sector and certainly commercial businesses. And I think all of us are looking for a timeline which we are saying is 2014, I don't think we have that luxury of waiting an additional two years. However, you

put something on the table. The concern I have though, as it relates to when you speak about the commercial viability of the grid, in terms of perhaps dividing the grid to allow for commercial users to have a particular part of it so that they can reduce their energy costs. As you speak about, and not permitting that. As you speak about having commercial viability, increased megawatts to the grid to reduce the energy costs, where are the bauxite companies now in terms of this negotiation? Because a large part of this negotiation as we understand it has to do with the bauxite companies, and what they believe is the best source, that is one.

Two, I think we all know what the profits of JPS are and perhaps and this was not in the questions that were tabled, Madam Speaker, but I think all of us are hard pressed to appreciate and accept why it is that if JPS is making those kinds of profits it chooses to disconnect people's light for Five Cents and shorter amounts smaller amounts? And I think it is something that either your good offices or the OUR need to into consideration. So if you can answer the first question.

Mr. MULLINGS: Well, in terms of the first question - thank you Member. The bauxite companies have by and large been generating their own power - they also sell to the grid, that hasn't changed. And they are part and parcel of this project - at least particular company, and they have indicated that they have strong interest in participating and would enhance the viability of it.

In terms of the grid itself, as I have said before, if you're self-generating you don't have a problem. The problem with the grid is system losses and theft, and so that there is no guarantee even if you were to break it up, that any entity would be able to prevent system losses and theft. And so we have to see things in the context of what will affect the unit cost of electricity to our consumers.

In relation to timelines and 2014, I do know that I believe next year that one IPP should be bringing on an additional sixty-five megawatts, and the expansion of the Wigton Wind Farm, which we did, which is bringing on an additional eighteen megawatts, when dispatched will have a positive impact on the prices. But, of course, there's always that volatility in oil and those gains can easily eroded by the escalation in oil.

Miss HANNA: Final question, Madam Speaker.

That is why I think is why, Minister, I think in looking at the energy policy and identifying those sources, because we all know that certainly the natural gas, the LNG policy and those kinds of sources are tied to the prices of oil, essentially, and that it is expensive to bring in. So in terms of getting more megawatts to the grid, do you have a capacity deadline .i.e. are you working with on an annual basis if you providing an hundred extra megawatts, a hundred and fifty extra megawatts? Because if that we need to bring the price of electricity down in conjunction with the upgrading of the facility, then let us hear what it is and how it is going to work.

Mr. MULLINGS: Well, I had indicated earlier that we're looking at the 2014 and 2016.

Miss HANNA: I know it's 2014, but can you tell me… (Inaudible comment follows).

Mr. MULLINGS: Well, what you going to have is, you expect to replace two hundred and ninety two, yes, and so you're bringing a plant on board to dispatch three-sixty

megawatts by 2014. So that what you have in the interim periods of construction and so forth, so that it is not going to added incrementally on an annual basis. You expect that by 2014 you have the plant commissioned to dispatch that. And also -

Miss HANNA: We want to wait that long?

Mr. MULLINGS: Well, there really is no silver bullet and we have to take the decision, and we also have to take into account that we are changing almost half of our capacity, which is almost unheard of in other jurisdictions.

Dr. DAVIES: Madam Speaker, I just -

The SPEAKER: Member Harris before and then…

Dr. DAVIES: Madam Speaker, I just need your guidance as to how will I - I sought information from the Clerk as to whether we had the normal data sense available and we don't. How do I provide you or the Members, or the Minister the information I promised when I raised the Point of Order? How do I reintroduce the matter?

The SPEAKER: Which matter is this?

Dr. DAVIES: I indicated that the Member - a specific sentence in the Member's response was providing incorrect information but because of the change in location we don't have access to facilities - to the data.

The SPEAKER: Member…. (Inaudible comments follow)

Dr. DAVIES: I will be guided.

Mr. MULLINGS: No, but to be fair because we also.

The SPEAKER: Or is that that the Member would like it on the record?

Mr. MULLINGS: Which is why I rise because we're guided, of course, by **Hansard**…

The SPEAKER: That's right…

Mr. MULLINGS: …and so we'll have to find a way to accommodate that.

The SPEAKER: …to make it a part of records kept.

Dr. HARRIS: Madam Speaker, through you to the Minister. I would start exactly where the Member from South East St. Ann left off, the issue of the policy - the energy policy. Now, I've heard a lot about the amount of megawatts that is needed and how much will be produced by 2014 and so on, but in my mind we're missing a critical part of the issue.

It is a fact, I would think, an undisputed fact that there is a problem with how the bills are being charged by JPS now. I believe we will not haggle over why it is being done or how it is being, but we will accept that there is a problem and the bills are definitely too high, and I would say they are arbitrary sometimes. Okay, having accepted that I will use no words stronger than those I will say to you that as it is now the policy mix that you're promoting, Minister, is geared towards maintaining the status quo of JPS. Now, having said that I take and I accept the fact that the economy of scale must prevail and so on, I take that. But at the same time, if we're to move into a greener environment…

The SPEAKER: Member, be guided now, you know, I'm giving you an opportunity to lay the base for your question.

Dr. HARRIS: No, no!

The SPEAKER: For your question. All right, and I'm giving you the opportunity to lay the base for your question.

Dr. HARRIS: Madam Speaker, this is going to be the crunch as to where the whole discussion, I believe, should go.

The SPEAKER: Yes, but this is question time. So I'm saying to you…

Dr. HARRIS: Which is, which is…

The SPEAKER: …I'm asking you to be guided and I'm allowing you, but it must be a buildup to your question, not a statement now.

Dr. HARRIS: Yes. The question is if private individuals cannot sell to the grid this is going to be a disincentive to alternative energy producers to produce energy and this will be a backward step…

A MEMBER: Question!

Dr. HARRIS: …in the whole policy mix of the forward energy movement and forward energy policy inside the country. Now, the question is….

Opposition MEMBER: Yes.

A MEMBER: Wow!

Dr. HARRIS: …how we are going to get a policy that is going to allow private individuals to generate small or large amounts of energy and sell them to the grid and buy them back in a trade or barter way?

Mr. MULLINGS: Well, firstly we need to be very careful, and I understand where you're going, Member, but we need to be careful when we speak about *status quo* and so on. I think for far too long we have analyzed the problem and put forward prescriptions which are not founded in empirical analysis and fact. Tell you why I say that. In terms of selling electricity, it has now been agreed and it gazetted in the licence that there is net billing for renewables. So that if you generate electricity and you have excess you can sell it to the grid.

Secondly, private investors and individuals can sell to the grid. They do so by virtue of the power of purchase arrangement. That's why you have the independent power producers. That's what they're doing. So you do have entities that are selling to the grid because there is no competition in the generation. And once you have won that tender, you are obliged to provide that to the grid for it to be dispatched to consumers. That's a fact.

Also, you admit about the economies of scale, and we have to take that into account as well. I think that we all have to ensure that we make the decisions that are accurate because it affects generations. We all have to ensure that the safeguards are there, and, that's why a strong regulator is critical in the mix. Because if the regulator is weak, if the regulator doesn't get it right it affects everything. And it's not just for one power producer or two, it affects all power producers. You can have twenty power producers, but if the regulator is not able to do their job properly then it multiples the problem, as has happened in California.

In California, there were many producers but the system collapsed because the regulator was not on top of what was required for dispatch. So I understand the concern, but once you do drill down and look at the system and look how you provide electricity, look at the issues of the losses and how you deal with them, look at how you convert your fuel to energy, once you deal with these then the prices will come down.

Dr. HARRIS: Madam Speaker, just one last additional question.

I would want to ask the Minister if he would foresee a day in the very early future when every second home in Jamaica would be a producer of electricity?

Mr. MULLINGS: And that has to be the approach. If you look at how we consume electricity, we're unusual because we spike during the evening hours, that's residential

consumption. And so what we need is to have more persons buying in to the issue of solar.

One of the things we want to foster that was to have the net billing, which we have now put in place, and to also provide up to twenty-five megawatts without any tender. So a company can provide for at least twenty-five megawatts of renewable energy without having to go to tender. You can add that to the grid as well. So there are these opportunities. I think one of the problems is that the cost, but also we need to start small. Some of us want to solarize the entire home, this costs a lot of money, but you can do it in a modular way and you can increase. So you take some appliances off by utilizing of solar energy or hybrid by use of a wind turbine. These are the things that we can do.

One of the things as well, that the Housing Trust has changed its policy initially if you got a benefit under the Trust you couldn't get a second benefit, even if it was to solarize your home. That, I'm advised, has now changed; so you can get another benefit. So these are the things that we have to do, but we also have that power. Sometimes we have to invest. Sometimes because we see that it's going to pay for itself over three years we say, boy we caan bother; let us just go and on and on until the price goes down. We have to invest and so we invest in our children's education and some of us invest in cars, you must invest in your energy. So that, we can at some point, wean yourself and see an economic opportunity by virtue of the net billing that is there.

Dr. HARRIS: Madam Speaker -

(Inaudible comment by Dr. Phillips)

The SPEAKER: This is your last question.

Dr. HARRIS: Yes, but this one is burning now because in future planning….

Dr. PHILLIPS: Electricity is burning.

Dr. HARRIS: …Madam Speaker, in future planning, Madam Speaker, I would like to ask the Minister if he has designated the areas where those solar areas are going to be set up, and those wind farms are going to be set up and mark them out on a map and make them no plan zones or no building zones, so that for posterity those areas would be reserved.

Mr. MULLINGS: The point I was making was that individuals must start utilizing the opportunities that are there. You have to invest. You have to take charge of your own future and put your system in. And so -

(Inaudible comment by Dr. Harris)

Mr. MULLINGS: There is no obstacle to any person doing that save and except cost. Yes? We have to take account of what we're able to do with the constraints we have financially. We have to get to that point to facilitate that and we're doing that. Some persons can do that now as we speak.

Mr. M. PEART: I just want to ask the Minister, I've seen in my constituency where a private individual has a turbine and the meter goes backwards when the turbine is generating more electricity than the house is utilizing.

(Inaudible comment by Mr. Paulwell)

Mr. M. PEART: No, no, the Minister said they have regulations. I'm just asking the Minister if regulation is in place within the Ministry and the proper arrangements are made with JPS to accommodate this, or is this something that is happening by the way?

Mr. MULLINGS: It is now a part of the licence where net billing is a part of the

licence. So JPS cannot refuse. That is what we have put in the licence.

The SPEAKER: Dr. Rhodd.

Dr. RHODD: Thank you, Madam Speaker.

Minister, I sat here listening to the discussion – the questions, and I have a concern. Just to reiterate the…

The SPEAKER: Before you do. This is the last question, and then Member Clarke wants to raise…

Dr. RHODD: Because I just want to reiterate, as I listened to the discussion, the need for the policy. And the question is – has to do with – against the background of the high cost of electricity which is articulated in the initial question. How can we projective nationally, some huge projects in respect to hydro-electric power generation, waste-to-energy generation, bearing in mind that as a country we have large sources of water, not only on land but around us?

And two, we have large areas of waste, in terms of our dumps which we are in control of, as a government, or as the State. And therefore, I think in going forward we need to be looking more at these. So the question is in the context of a policy, how can we begin to projective these two sources that we own, in contributing to the reduction of the cost of electricity?

Mr. MULLINGS: Thank you, Member. In relation to the waste-to-energy, there is the factor of successful bidder to provide waste-to-energy that …last year, and we expect that they are going to come aboard. They had to finalize – they need to pay the necessaries, in terms of the tipping fees and so on and so forth. So that is in place, you have a bidder for that. We have two very large landfills, one at Retirement, in my own constituency, and we also have the one in Kingston - Riverton, thank you, as well. And so they are seeing that as opportunity… We need to have more persons coming on, bearing in mind that when you are going to add electricity you have to go through the regulator, that's why the RMPs come through the regulator because you have to be able to meet demand. You can't just bill an electricity on to a system because you can have grid instability. But having said that, that is one particular situation. I think the name of the company Cambridge, that one did bid for the waste-to-energy.

In terms of the waterflow, one of the large projects was the Bank Rio Grande. It will be a huge project. I think that the viability of that was predicated on oil, I think about Eighty Dollars ($80.00) per barrel, but that, of course, would involve the relocation of communities, and so on and so forth.

When you are speaking of hydro-electricity, you have to look at not just the existence of water, but the flow of water, and to see how best you chart that. That is one major project. I have not had any great expression of interest of study has been done on it, but that is one possibility.

But while we do have a lot of water, I have to make the point that there is no velocity of flow of water, it is unpredictable, it may not be as viable as you would like to think. But in terms of mega-project, that is one that quite frankly, should have gotten off, if we had more persons on board.

The issue of the need to projective - and you know, it is something that we have to ensure is done, and done properly, because

you can have bad projects, too, so data is important. In the process of creating wind data – we got the wind data, in terms of hydro, there is some data that we do have, which will inform how those projects will go forward.

Mr. CLARKE: Through you, Madam Speaker.

House Leader, I tabled questions which were supposed to have been answered from the 7th of June. Subsequent to my tabling those questions, there was a shift with the Ministers; I was promised by the other Minister that he would have provided the answers. Subsequent to that, the Member from South West St. Catherine also tabled some other questions pertaining to the same subject, and I again tabled some other questions. So there are three sets of questions relating to the divestment of the sugar – Government-owned sugar estates. There are some critical questions which need to be answered. Because I know for a fact that the company which was entrusted to deal with the divestment, and the other players involved, have run into some very, very serious difficulties. And it is contrary to the promise made by the Prime Minister, that not one cent of Government's money would have been put into the process after the divestment process was put in train. And we need a total report as to what happened in terms of the divestment of those sugar estates.

So, I don't know what the schedule is.

Mr. M. PEART: We need to have a full schedule.

Mr. CLARKE: Well, I am told that there is a schedule put forth for answering these questions.

Mr. PICKERSGILL: Oh, now, that's a recording.

(*Sotto voce* comments)

Dr. DAVIES: Andrew is on another schedule.

Mr. CLARKE: I really want to know, because it is very, very critical. We want a closure, in terms of what exactly happened, in terms of the divestment of the Government-owned sugar estates.

Mr. PICKERSGILL: Andrew, you have another schedule.

Mr. HOLNESS: Madam Speaker, I submitted to the Clerk the normal documentation for extension. So, Member, we have asked for an extension of one week on the question.

The SPEAKER: Member, I think what the Member is asking though, where in that schedule does the report for the divestment stand. And it's a fair question.

Mr. HOLNESS: No, it is a fair question. What I am saying, Madam Speaker, is that the Member has raised it. The answer is that the Minister should have answered those questions today. He is obviously overseas on his way back to Jamaica. He should be here for next week's sitting and have the answers ready for you.

Mr. BUNTING: Madam Speaker, I believe – House Leader, you had indicated that the Minister would answer Question 27 standing in my name.

So, Madam Speaker, I would like to ask the Minister of Energy and Mining to answer Question 27, standing in my name. And perhaps he could also at the same time give an indication of when he can answer Question 28.

Mr. MULLINGS: Thank you, Member. In fact, in relation to Question 28, we are getting - ….for communities, and the… communities, and in fact, we are getting the

fix on that. So hopefully by next week we should have that data for you.

(The Speaker leaves the Chair at 4.39 p.m., the Deputy Speaker presides)

LAND TITLES - DELAYS

Question 1: Is the Minister aware of the extraordinary delays in the issuing of land titles to residents of Manchester who have been relocated by the bauxite/alumina companies?

Answer: The Jamaica Bauxite Institute is aware of the problem of the delays in the delivery of the titles to persons in Manchester. It has been recognized as a critical problem that needs to be addressed urgently.

Although not responsible for or directly involved in the process of delivery of titles to vendors, the JBI has been meeting with the responsible companies, monitoring the progress and playing a facilitative role in speeding up the process.

Recognizing the scale of the problem, in July, 2011, the Ministry established a Sectoral Committee, chaired by the Minister of State, the Honourable Laurie Broderick, to increase the speed at which this problem is resolved.

Question 2: If the answer to Part 1 is in the affirmative, and given the importance of land titles for business, will the Minister please indicate how many individuals in Manchester are still awaiting land titles for the lands they were relocated to, by year of purchase/relocation and relevant bauxite/alumina company?

Answer: There are currently approximately 974 settlement titles that are outstanding in Manchester as follows:

Windalco - 51
Jamalco - 324
Alpart - 599

The numbers of titles outstanding by year and locations for the bauxite companies are:

WINDALCO

1990 – 1994 – 26 Melrose Gardens 1, and Melrose Gardens 2.

1995 – 1999 - 13

Daby Comfort.

2000 – 2004 - 1 in Comfort Road, and

2005 - present - 11

Russell Place Meadows, Russell Place Gardens.

A total of 51.

ALPART

1990 - 1994 - 65 that's 65 located in Bona Vista

1995 - 1999 - 75

at Brokenhurst, Dalkeith.;

2000 – 2004 - 356

In Newark, Hope, Dalkeith, Ryde and New Wales

2005 - the present - 115

at Cedar Grove, Hope, Pedro, Boxwood, Fairview, Brokenhurst and Meribah.

That's a total of 601.

For JAMALCO

2005 to the present - 324

The gated Bethel Isles, Blenheim, Little Hampton, Knockpatrick, New Wales, Newark, Oliphant and Senior.

A total of 324.

A number of reasons have been cited for the delays in the delivery of outstanding titles to vendors of bauxite lands in Manchester. These generally relate to:

a) delays in receiving subdivision approval or in receiving certification of completion from the Parish Council for resettlement lands;
b) the need to correct and redesign infrastructural work and survey plans in respect of meeting Parish Council's conditions of approval and in support of title applications; and
c) difficulties experienced by the vendors in their efforts to obtain titles for unregistered parcels in exchange for resettlement;
d) complex estate matters related to vendor and family entitlements and legal issues which have taken years to be resolved.

Mr. BUNTING: Minister, thank you for this information. It really primarily affects my constituency and that of the Member from South Manchester. But as you can see by the information, to have almost a thousand persons affected waiting on titles, some of them over two decades, is really a serious…

Dr. DAVIES: Indictment.

Mr. BUNTING: Well, I don't even want to say indictment, but it is a serious burden on those persons. And these numbers are just from Manchester. Maybe in Clarendon we would have a similar sort of situation, perhaps in St. Ann there may be a similar sort of situation.

Now, I believe if you give – there were four sets of reasons of how these persons are affected. But just from my sort of anecdotal interfacing with various persons who have complained, I think the final one which is really in a sense outside of the hands of the companies, the complex estate matters related to vendor and family settlements, I can understand that that could get tied up in estates and resolving estates of beneficiaries. Of course, the longer we take to give them the titles, the more likely they will fall into those situations and be much more…

(*Sotto voce* comment from Dr. Davies)

Mr. BUNTING: Minister, I suppose my first question is, while this is not the JBI's responsibility, but as the regulator for the sector, is there any way that we could – is there any regulation – or short of regulation, if there is no regulation and if there is some sort of moral suasion we can use, or if you can exercise from your ministry to accelerate the

resolution of what is really a very burdensome obligation on all of these persons, nearly a thousand persons, as I said, some having to wait for up to two decades?

Mr. MULLINGS: Member, you are absolutely right. It has taken far too long and it goes also to the issue of titling and Land Settlement in Jamaica. As you are aware, one of the aspects of land that we try to guard against and the law seeks to guard against, is fraud. And so in doing that, a lot of, what I would like to describe as, requirements, are there. First thing, it has to be done by deed...

Opposition MEMBER: Route of title.

Mr. MULLINGS: Route of title. Thank you, Member... and so - what you have to do to ensure that we go with that. But, essentially, the Government has also recognized this kind of difficulty. And one of the things that we have to move away from is the requirement of getting subdivision approval for titles. And I think that would go a far way to allow persons to be titled. Because, for instance, if you have a bit of land and you have to have water and roads in there before you get a title, it can cause literally millions of dollars. If the route of title is beyond question, the lack of infrastructure ought not to prevent you from getting a title because you can for your part put that infrastructure in. And so it is this process of relying on this subdivision approval process. And I think it was done in good faith in terms of trying to secure development. But you don't want the good to become your enemy really, of the best objective. And so that could go a far way. I think we have to, as a Government, move even more aggressively because we have put that on the table. I think it was the project, I'm not sure if it is LAMP...

Opposition MEMBER: Yes, it is.

Mr. MULLINGS: ...but that is one through... because the title gives you wealth, you are able, as your question even indicates, you are able to access...

(*Sotto voce* comments)

...and you can access capital to do something. And so that has to change. Any lawyer involved in estate matters will tell you, it can really be a hair-brain experience or a hairy experience - rather - because you have to get to ensure and to satisfy the Registrar of Titles you have to ensure that you can establish that route of title, that there are no objections, if there are objections how you deal with that because once you get a title it is going against allegation on the face of it. To disprove that, you have to prove fraud. Outside of that you can't get it behind a title and there is good reason for that because once you have that that is some security.

(Inaudible comments by Mr. Pickersgill)

This position is one... This position... Yeah. This position is one...

(Inaudible comments)...

You are the same class... (Laughter)

I'm sorry..... If we don't deal with this and not just in relation to Manchester and other communities like this, there are many persons who have certificate of, ehm...

Mr. PICKERSGILL: Compliance.

Mr. MULLINGS: …..compliance, but they can't take that really further. A person can trace their route of title. There may be challenges because they can't get persons who are on the ball to attest to this route over 20 years or what have you.

Opposition MEMBER: Plus family disputes.

Mr. MULLINGS: And family disputes. So that is so involved. I think what we ought to do especially in a situation like this, is to have an aggressive approach to companies and their lawyers, persons having an aggressive approach, to move it through, possibly to see within the Registrar of Titles to have referees who will be there for this specific purpose to help to go through to ensure probity to have routes of title. But, unfortunately, we find over time that sometimes a problem is there, you know it is there and you sort of ignore it hoping it will go away. It won't go away. And we are locking up the resources of people without this thing dealt with sufficiently.

Mr. BUNTING: Minister, there is a related issue which your question, or your answer rather, answer points to, and that is to the infrastructural work which is done in some of these subdivisions, some of which have been turned - well, some of which have been occupied from in the 70s...

A MEMBER: From before.

Mr. BUNTING: ...and up to now the Parish Councils have not accepted it because they say the roadways and whatever were not up to the standard. So what happens it leaves these sub-division roads in a sort of no-man's land. The Parish Council won't take responsibility for them. Twenty (20) years on, the roads have deteriorated, thirty (30) years on in some cases...

Dr. DAVIES: JDIP could fix them.

Mr. BUNTING: ...the roads have deteriorated entirely. The parish council say they can't fix it because they never accepted responsibility for it. Quite frankly, it appears to me now that the companies have just given up. In the beginning they used to do a little maintenance of them for the first few years, but now they've given up. Many of these subdivision roads now have to be abandoned. People you know having to entirely abandon or people just try and do a thing to fix it themselves, and it is really frustrating for them because they go to the parish council and the parish council literally just drops their hands and say that's not our role. We can't, we're not... I am not even sure if in law they're allowed to expend their funds on a road that is not a parish council road. So it just leaves these sub-divisions in a sort of no-man's land and, you know, they complain to the Member of Parliament. You're not in a position to help them. It is something that I think we really need to put on the front burner, Minister, to resolve as we...You know, I mean if we were to in a sense...

Mr. PICKERSGILL: Nuh badda wid nuh side-steering.

Mr. BUNTING: In a sense, we have a legacy of decades of being too lax with it. I think it's time that we really, you know, approach it, put on our front burner... I mean this is something I think we get a bipartisan support for. Every, you know, every MP or every bauxite MP probably is affected one way or the other. And I think we really need to find a way to come up with this resolution because particularly painful for me is to see older persons who have come and say, you know, MP, ah don't know how much longer ah have and I really don't want to leave my children in this situation which I have lived in for the last 20 years. It affects... Just for good order. Apart from just the compassion, just for good order and proper governance. I think we really have to find a way, Minister. And I

hope you can create some initiative from your Ministry to address this situation.

Mr. MULLINGS: Member, I agree with you wholeheartedly and I think all of us here would. There has been a perennial problem not just in the bauxite areas where around.... there is no taking over of the schemes for whatever reason, parish councils have indicated they don't have the budget anyway to take that on and it has been allowed to go on for far too long because people literally are just left by themselves and as you said, no-man's land. I think they have to look in a very strategic way now to pinpoint those communities. I have one in my own constituency, Pitfour, persons have lovely homes there but nobody is taking responsibility and so we have to factor that in going forward in terms of infrastructure development.

Some of the things we have found as well is that a failure to maintain our infrastructure because we put it in and we think that it will take care of itself because it is concrete or asphalt and then it's overgrown or the person who has developed it has just gone because there has been no activity. No, no, no, you have to establish certain things first before you can get your approval for that subdivision. You must have a certain standard. And so this arrears, if you will, of infrastructure decay, is catching up with us. But that is small comfort for the person who is experiencing it every day. So it is something that we should look at. And in my own ministry I seek to have a sit down. Quite recently I had to speak to one bauxite company, which remains nameless, because their lawyers wrote in relation to difficulties they had recently. And I have spoken to them and hope they can resolve that. But you're quite right. This is something that we can't allow to continue as we have to deal with it in a very positive way. And we'll lend our effort as best we can to do that.

The DEPUTY SPEAKER: Go ahead, Member.

Mr. FAGAN: Just some clarity because I know Minister Henry in his presentation recently said that there is a kind of a one-road authority. His ministry is looking at taking over all these roads and in so doing those communities as mentioned by the Member from Central Manchester would have been falling under his responsibility. And so maybe the Minister would want to raise it with the other Minister to find out where he is with this particular situation.

The DEPUTY SPEAKER: Go ahead, Member Clarke.

Mr. CLARKE: About some three, four years ago the Prime Minister indicated that the he was going to move into a direction which would see us waving the conditionalities as far as the upgraded roads and all that were concerned in terms of people getting titles. He said what they would do is to put something in place which would not require the roads to have to reach that standard because the roads alone, people could access their place and they would be able to use the title to really develop the place in due course the roads could come, but mean while they would want that kind of capital to help to develop their properties and to earn a living. Has anything been done in that regard?

Mr. MULLINGS: I must confess that you have an advantage of me because the Minister I know is dealing with that. The will is there. But it was in fact indicated by the Prime Minister that this has.... It is very

clear… I've had clients who have tremendous proposals but they just can't their titles. And by the time they go through the process the person.... Registrar of Titles.... sufficient approval. And when you look at the numbers just to get the infrastructure in it's... so it is something that... hope there is part and parcel of our overall approach of the LAMP project. I must confess I do not have that data. I did not really come with that programme. But it is something that can unleash tremendous opportunity. And you're quire right. We can do that.

And you know, Member, this is something which would not offend in terms of legal requirement to get the route of title. It wouldn't offend it. It wouldn't offend it. As I said before the objective was to ensure that you don't have scraps of land with no infrastructure there.... or for the..... to come on and just sell bits of land and move on, put in the proper infrastructure. But I think we have reached that point now where we have to correct that and allow people to develop.

Mr. CLARKE: I have seen, Minister, the problem even being further compounded, where NEPA has now come into the picture and they want to identify where sinkholes are or where drains run and all kinds of other things before the title can be issued. A case in point, right in St. Elizabeth where some dairy farmers have their farms and everything was paid and it took them probably about 12 years. Just recently that they were able to get the title. All kinds of impediments placed in the way of that happening.

The DEPUTY SPEAKER: Thank you, Member. We are going to move back now to Public Business. House Leader?

Mr. HOLNESS: Mr. Speaker, I want to recommit the Item, Notices of Motions given Orally.

The DEPUTY SPEAKER: The question is to recommit the Item, Notices of Motions given Orally.

Put to the House and agreed to.

RECOMMITTAL OF NOTICES OF MOTIONS GIVEN ORALLY

Mr. HOLNESS: Mr. Speaker, on behalf of the Minister of Finance, I'd like to give notice that at the next meeting of the House the Minister of Finance will move the following: The Public Bodies Management and Accountability Act, Public Bodies Financial Distribution, Regulations, 2011:

WHEREAS by virtue of subsection (1) of section 24 of the Public Bodies Management and Accountability Act (herein after referred to as the Act), the Minister may make regulations specifying the criteria for the making of financial distribution to the Consolidated Fund by public bodies;

AND WHEREAS on the 22nd day of September, 2011, the Minister laid the Public Bodies Financial Distribution Regulations, 2011;

AND WHEREAS it is provided by subsection (2) of section 24 that regulations made under subsection (1) shall be subject to affirmative resolution;

AND WHEREAS it is desirable that the Public Bodies Financial Registration Regulations, 2011, be affirmed;

NOW THEREFORE BE IT RESOLVED by this Honourable House as follows:

1) These Regulations may be cited as the Public Bodies Financial Distributions Regulations 2011; and
2) The Public Bodies Financial Distribution Regulations 2011 which were laid on the Table of the House on the 27th day of September, 2011 be hereby affirmed.

Mr. HOLNESS: And Resolution No. 2, Mr. Speaker, the Public Bodies Management and Accountability Act, the Public Bodies and Accountability (Information and Particulars) Regulations, 2011.

WHEREAS by virtue of subsection (1) of section 24 of the Public Bodies Management and Accountability Act (herein after referred to as the Act), the Minister may make regulations giving effect to the provisions and purposes of the Act;

AND WHEREAS section 2(a)(1)(b) provides that information necessary for the compilation of the Fiscal Responsibility Paper shall be provided by a public body;

AND WHEREAS section 21 provides that a public body shall seek prior written approval of the Minister before the formation of a new company; and

WHEREAS on the 22nd day of September 2011, the Minister made the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011 specifying the information to be provided for the compilation of the Fiscal Responsibility Paper and the particulars to be included in the application by a public body for the formation of a new company;

AND WHEREAS it is provided by section 2 of the section 24 that regulations made under subsection (1) shall be subject to affirmative resolution;

AND WHEREAS it is desirable, that the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011 be affirmed.

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:

1) These Regulations may be cited as the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011; and
2) The Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011 which were laid on the Table of the House on the 27th day of September, 2011 be hereby affirmed.

PUBLIC BUSINESS

Mr. HOLNESS: At Public Business, Mr. Speaker, we will be continuing debate on the Committal Proceedings Bill, which was opened by the Minister of Justice last week.

Before we do that, Mr. Speaker, I gave notices last week. So this week, Mr. Speaker, I wish to take Motions at Nos. 8 and 9 on the Order Paper.

Mr. KELLIER: So you are not closing today then?

Mr. HOLNESS: You mean with the committal?

(*Sotto voce* remarks by Mr. Kellier)

Mr. HOLNESS: We don't have to close today but at least we should complete.

(*Sotto voce* remarks by Mr. Kellier)

Mr. HOLNESS: You want to. Yes, yes.

The DEPUTY SPEAKER: The question is that the Motions presented by the Minister, Items 8 and 9, be approved.

Put to the House and agreed to.

Mr. HOLNESS: Just before we say aye, just to let Members understand, Motions 8 and 9 were read into the records last week. We are now seeking approval regarding the establishment of committees of the House and the establishment of a Joint Select Committee relating to the review of Pension Funds.

The DEPUTY SPEAKER: Okay, we are going to take the Public Business item now?

Mr. HOLNESS: Yes, and….

The DEPUTY SPEAKER: Member Pickersgill.

Mr. HOLNESS: Yes.

The DEPUTY SPEAKER: Member Pickersgill.

Mr. PICKERSGILL: Thank you, Mr. Speaker. (Applause)

First of all, let me thank the Minister for having sent his brief as he promised to me.

Mr. KELLIER: His notes, say notes. Don't talk 'bout any brief.

Mr. PICKERSGILL: Notes, use notes instead of brief?

Mr. KELLIER: Yes.

Mr. PICKERSGILL: All right. Okay. That's legal terminology, man.

Mr. KELLIER: I am not a lawyer.

Mr. PICKERSGILL: As was indicated before the House, Mr. Speaker, this matter is at some vintage, some 40 years, and I think that is indicative of the lack of certitude about this proposed abolition. And without being personal at all I would have thought that the Minister would not have been in agreement with this proposal.

Mr. Speaker, in terms of the Memorandum of Objects and Reasons, what this Bill sets out to do - the existing provisions dealing with the holding of preliminary examinations to determine whether an accused person charged with an indictable offence should be committed for trial before a Circuit Court have been found to cause unnecessary delay and expense in bringing such proceedings to a conclusion.

The Bill seeks to introduce a new procedure to be called 'committal proceedings' to replace preliminary examinations. To reduce delay and expense a person's written statement, if it satisfies certain conditions, will be admitted in committal proceedings as evidence to the same extent and effect as if such person had given oral evidence before the Resident Magistrate in the committal proceedings. On the basis of such evidence alone a Resident Magistrate may, if satisfied that the accused person ought to be tried for an indictable offence, commit the accused to stand trial before a Circuit Court. The Resident Magistrate has also been empowered to take oral evidence of a person other than the accused if he considers that in the circumstances of the case this should be done. He may also take an oral statement from the accused if the accused so wishes.

So, Mr. Speaker, what they are talking about is time and money. Now the Minister will agree with me that there is a backlog in every aspect of the Courts, so it is not confined to preliminary enquiries. That's the first point I would like to make. And that

backlog is a serious backlog. We are talking about people waiting as long as four or five years for their matters to be heard. Now in this Bill, where in it because you haven't given us any figure as to how much would be saved either in time or money. Has that been quantified? And, in terms of the committal proceedings, when I look at it there are several stages. It's going to take the same amount of time.

Mr. CHUCK: No!

Mr. PICKERSGILL: Oh, you disagree. Well, I would very happy….

(*Sotto voce* remarks by Government Member)

Mr. PICKERSGILL: You can't address anything, 'bout you address issue.

Mrs. NEITA-HEADLEY: You a go home. You don't want to fight.

Mr. PICKERSGILL: Well the first point is not debatable and the second point I would ask and urge that if we are going to convince - well certainly (all) the Parliament, come with the amount of time that you are going to save and the amount of money. Because when I go through it, everything, the RM has to do it, and provision is also made for cross examination.

Mr. CHUCK: Not every time.

Mr. PICKERSGILL: What?

Mr. CHUCK: No, not every time.

Mr. PICKERSGILL: Is not every time but believe me it's going to be used. You tell me practically now, once a person writes a statement….

(*Sotto voce* remarks by Mr. E. Smith)

Mr. PICKERSGILL: No, it is a right. He is saying it won't be used.

Mr. E. SMITH: Address the Speaker.

Mr. PICKERSGILL: And you shut up!

Mr. E. SMITH: Natural justice.

Mr. PICKERSGILL: This is a serious thing.

(*Sotto voce* remarks by Mr. Kellier)

Mr. PICKERSGILL: Yes, it is saving no time.

Mr. Speaker - and this is poor people's business you see, sir. That's the cheapest part of it for the person who is facing a criminal court. It is a derogation from a long established right, Mr. Speaker, of an accused person to have a serious charge against him or her subjected to judicial examination before being exposed to the perils of a trial. And it's an indictable offence you know, sir. So once he or she goes up you are talking big monies. Don't deny them the right that it could be stopped there at first instance. And as I said, if it were that easy why it has taken 40 years? Let me agree that in our time it went and it came back. In your time it went and it came back. Why? Because nothing has really been established in a positive way to get rid of preliminary enquiries.

Mr. Speaker, it reduces the workload on the Supreme Court, which is under tremendous pressure from the - the Supreme Court, Mr. Speaker, is a long time I haven't practised but I know these things - absence of jurors and when the jurors come they can't get lunch money. So I don't know where you come here with this thing about . . .

(*Sotto voce* remarks by Mr. Chuck)

Mr. PICKERSGILL: I don't know about that.

Mr. CHUCK: Since I had made the….

Mr. PICKERSGILL: Okay. Good. I will clap you for that. Well don't come with trying to abolish poor peoples's court. Don't do it.

Government MEMBER: I will deal with him.

Mr. PICKERSGILL: Deal with who! Shut yuh….

Government MEMBER: All right, sit down now.

Mr. PICKERSGILL: Now, Mr. Speaker, the fast-tracking of cases from the RM Court will now cause the bottleneck to be in the High Court. I repeat. The fast-tracking of cases from the RM Court will now cause the bottleneck to be in the High Court. We do not have enough courtrooms, Mr. Speaker, and I want the Minister to say otherwise. We do not have enough courtrooms. We are borrowing the Seabed Building at the moment for two - like how we are borrowing down here for Parliament - for two additional courtrooms and we do not have enough High Court Judges, Crown Counsel, to take the traffic of cases which will be fast-tracked into the High Courts islandwide. That is irrefutable.

(*Sotto voce* remarks by Government Member)

Mr. PICKERSGILL: Mr. Minister, you would be better off listening to me, you know. All right. Because I waan you answer all of these.

Mr. Speaker, discovery from the defence must be understood from perspective that there is currently an absence of what is called in law, Mr. Speaker, 'equality of arms', equality of arms. This means, Mr. Speaker, that the Crown has the necessary resources, example, of the Forensic Laboratory, DNA and the police to assist whilst the defendant in the absence of assistance from the State, in the preparation and research of his case, is at a disadvantage. What the Minister should be telling us about is to get proper forensic facilities available to an accused poor person. This thing about 'eye see' evidence is out. We must become scientific that we don't' have to depend on witnesses.

Mr. KELLIER: Evidence.

Mr. PICKERSGILL: Evidence based and scientific.

And I have heard it elsewhere but the…

(*Sotto voce* comment from Members)

Mr. PICKERSGILL: Of course it is available. And we must spend more time on that.

Mr. Speaker, you know the Minister said that the Jamaica Justice System Reform Task Force said that you said you have consensus. I have seen nothing to suggest that there was any consensus on the abolition of PIs. There was consensus on aspects of it.

All right, what I have here:

"*A number of other reform measures could be undertaken to…*

I am reading from the Report.

…to make preliminary enquiries more effective and reduce the drain that they pose on the criminal justice process. For example, the preliminary enquiry could be improved through reform such as the introduction of a Court Reporting System, since the transcript of the witnesses' evidence would replace the deposition. Other options include permitting the preliminary enquiry to be waived with the consent of both accused and prosecutor. In fact this now obtains in the Caymanas Islands..."

All right, you agree to that.

"*A Paper, "preliminary enquiries" where the Magistrate only reviews the statements and reports without hearing any evidence".*

These are options.

> "*A preliminary enquiry that combines paper and viva voce evidence… right, permitting out of court examination for discovery of certain witnesses to replace the preliminary enquiry*."

Now, those are some options that were proposed by this Task Force.

The Task Force recommends that abolition of preliminary enquiries be phased in as criminal caseflow management is imposed, Mr. Speaker, and once the Office of the DPP has been modernized. These are conditions precedent. Have they been met Mr. Minister?

(Mr. Chuck shook his head)

But… why you shaking your head? I say, have they been met? They have not been met.

As interim measures, the Task Force recommends that provision been made for:

(1) the waiving of the preliminary enquiry with the consent of both accused and prosecutor.

(2) Two, a shortfall preliminary enquiry that combines paper and viva voce evidence.

These are conditions precedence that were recommended. They have not been honoured. So, this Bill before the House is premature. And don't come here and tell us that it is a recommendation Task Force because it is not.

Mr. Speaker as I was saying, Mr. Speaker, this Bill is really much ado about nothing. And there is what is described in the justice system, as I said to you sir, as equality of balance. What this means is that between the prosecution and defence, the scales are balanced. That's when you get fairness and fair play. And, as I have said, there is disequilibrium now. This is to be achieved in the context of recognizing the importance of fair hearing. This extends from the pre-trial to the Court of Appeal. In the context of Jamaica, the State has an extensive resource for investigations. There has to be vigilance to ensure that similar facilitates are available to the accused person as far as is possible.

This certainly, is not so now, Mr. Speaker. The Jamaican demographics indicate that most citizens who appear in our criminal courts are from the poorer sections of the society - irrefutable.

A MEMBER: Hear, hear!

Mr. PICKERSGILL: Admittedly, the State has provided Legal Aid, Mr. Speaker. We admit that. But, Mr. Speaker - apart from not paying them - but, Mr. Speaker, this is limited court appearances. You think you can prepare a case and all you pay for is court appearance. You know the research that the lawyer has to do, eeh? So, we are happy for that but you are far from what is necessary. And the Minister knows that. There is absolutely no provision for the cost of engaging experts, none at all. Indeed, there is only one comprehensive laboratory or forensic facility. And that is owned by the police. We have heard about a private one, but this is very expensive, and does not have all the testing facilities in the different areas of forensic science. And what you see on TV is not no something in the future, it is for real. That is how the court systems operate. They don't depend on the 'I see' evidence. Anyhow, we will come further to that.

Let me refer to the celebrated DEON SMITH case popularly known as the *Hair Case* where Shorty was the accused. Mr. Speaker, lawyers had to give up their legal fees to pay the experts who came down for the re trial. And, of course, it is a matter of record that

Shorty was freed after being convicted for murder in the first trial. Now, if the lawyers had the ability to go test the hair, it would have saved time. It's the hair why im get off, you know. Don't let us forget that.

A MEMBER: Who is Shorty?

(*Sotto voce* comment by some Members)

Mr. PICKERSGILL: And the poor man Mr. Speaker... bout im gwine answer, I want him answer… abolition of the preliminary enquiry will be transferring the backlog, or the bottleneck of cases from the RM Court to the High Court, which, as I said before, is a more expensive jurisdiction, and which requires more administrative and logistic arrangements.

Mr. Speaker, I repeat, many days jurors do not receive their lunch money, and there is excessive adjournment of routers excessive.

The Gun Court is another classic example, Mr. Speaker. And I want the Minister to answer that. At the Gun Court there is no jury, but the bottleneck is just as severe, right.

(*Sotto voce* comment)

Mr. PICKERSGILL: Too many guns. (Laughs) The backlog in the Gun Court... We tried the Gun Court, you know. We know. I used to be in Gun Court. There is a serious backlog. But, you know, you know, you know that what you have to go deal with is the backlog of cases. Don't come talk bout preliminary enquiry. Of course, for murder and rape, Mr. Speaker, if the gun is involved, it goes to Circuit, the rape aspect and the murder aspect, but gun, straight gun - Gun Court. And backlog… pile up. Well, I repeat, there is no section in which the pile up doesn't exist.

Let us recall that delays affect witnesses, Mr. Speaker. What we are to do is to make the investigative processes, more efficient. You remember when the Crime Bills were debated? You remember what the police what they were saying? They want they weren't asking for any sixty days. Police didn't ask for it. It's you guys come up with it. What they wanted was a speedy trial.

(*Sotto voce* comment by Dr. Bartlett)

Mr. PICKERSGILL: Listen man, you stick to yu horse and yu cow, and yu donkey. They didn't ask for any 60 days.

Mr. Speaker, what we are to do is to make the investigative processes more efficient. And you know how you do that, Mr. Speaker, don't depend on any witnesses, have your lab check out yu things. Let us equip the police to better prepare their cases. They have complained, because when we listen to the DPP, what they tell us and the Minister knows that the police come unprepared. You need people in the police force to prepare the cases properly. Those are the problems, not preliminary enquiry.

Let us weed out cases that are weak, Mr. Speaker. And the productive suggestion, which has come from the Court itself and you know the source, Mr. Minister, I don't have to call it which is to employ a retired Judge, or two, to go through these cases with a view of throwing them out. That recommendation should be immediately embraced, yes.

As of now there are several instances where the DPP has an overriding and… listen to this, Mr. Speaker: The DPP has an over-riding and an unquestionable authority to bypass the preliminary enquiry. They have that, you know.

(*Sotto voce* comment by Mr. Chuck)

Mr. PICKERSGILL: Just allow me. (Inaudible) Don't mek im carry you round any garden. Just allow me.

This, Mr. Speaker, is employed by laying a voluntary Bill of Indictment, and as a result takes the case straight to the High Court.

(*Sotto voce* comments)

Mr. PICKERSGILL: Just allow me. You think I come here to listen to the man behind you there. Don't let him carry you. You understand, Mr. Speaker? They can bypass the preliminary enquiry. So, what you making this big fuss about? And they use it frequently.

(*Sotto voce* comment by Government Member)

Mr. PICKERSGILL: Shut yu mouth.

(Laughter)

Now, Mr. Speaker, the Grant's Pen Police case is one such instance. The Oakland murder case is yet another. And there was yet another, Dr. Lloyd Brooks, who was freed at the preliminary enquiry, but nonetheless the DPP took it to the High Court. You understand me, Mr. Speaker? My recollection is that it might have gone to the Privy Council but the ruling was that the DPP has that over-riding... right.

(*Sotto voce* comment by Government Member)

Mr. PICKERSGILL: No, I am not saying that. I am not saying… giving you an instance where you bypass it, but... you better don't laugh too quickly. Mr…

(The Speaker returned to the Chair at 5:37 p.m.)

Oh…Madam Speaker. I am not saying there is a...

A MEMBER: Sex change.

Mr. PICKERSGILL: No, gender equality, gender equality. And in your absence, your Deputy did very well.

(*Sotto voce* comment/Laughter)

Mr. PICKERSGILL: It was not necessary because the present Speaker is well behaved, Madam Speaker.

Madam Speaker, regarding big drug cases, the DPP always seems to want to have those matters tried at first instance as distinct from going to the High Court. So I don't know what you talking 'bout.

(*Sotto voce* comment by Mr. Smith)

Mr. PICKERSGILL: Shut yu mouth. It would appear that dealing with matters at the RM Court as distinct from the High Court, is based on whether they want the matter tried by jury or RM. And we know why they don't want to go with these cases before the jury. The success rate is low. So, they prefer to go to the RM. All the while this is done, and who lose out? The poor people.

Now, Madam Speaker, you are very acquainted with... Mr. Speaker Madam Speaker, in the Crime Bill Debate of June, 2010, Madam Speaker, I had this to say, and I made some recommendations, starting with a quote from a US Secretary of State said that:

> "*Terrorism is not an entity, it is a technique, so 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."*

I make that point to say it is the same thing with the preliminary enquiry.

I went on. Well I leave out this part. 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? The police

alone cannot fight crimes successfully; any solution cannot be sustainable if it is going to compromise the rights of the Jamaican people.

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. We have relied on statements by witnesses, Madam Speaker, some of whom have been intimidated, murdered, bribed or just failed to appear because of fear. This is so notwithstanding with the introduction of the Government's Witness Protection Programme at great cost to the Government - the taxpayers, Madam Speaker.

When all of these truths are taken into account, only a flip-flop approach will continue on a path which obviously has failed miserably. The truth is, that every criminal activity and this is the key, Madam Speaker, every criminal activity, every crime, every dysfunctional action always - let me repeat for emphasis - always leaves behind a material footprint, that is where the scientist start. (Applause) Why have we been unable to identify the material evidence in this footprint to convict the criminal? 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 and the subjective factor for evidence; this eye see evidence, rather than the reliance on the use of science or what is described as objective evidence.

The criminal can shoot the witness, listen, Madam Speaker, bribe the witness, intimidate the witness and subvert the course of justice. However, Madam Speaker, criminals cannot shoot, intimidate or bribe material evidence, they can shoot eye, you know, they can't shoot the footprint. It is decided and very difficult if not impossible to compromise material evidence and subvert the course of justice. Let us all get real in this House.

The final truth is that, the missing essential link in our fight against crime is and has been our failure to utilize modern, scientific methods in our fight against crime. This is the only way that we have any hope of solving crime in a sustainable way. This use of modern scientific evidence method is the surest way for us to solve, not only the crime problem, but also to protect the rights and dignity of our people while doing so, especially poor people. (Applause)

We must be able to transform, we must be able to transform, information into intelligence that can eventually be used as unchallengeable evidence. This is the fundamental principle of our progressive agenda and it goes to the heart of our new policies. (Applause)

Until and unless it can be explained to me, Madam Speaker, what is it we are trying to achieve by the introduction and abolition of the preliminary enquiry, I cannot agree. It is going to cause more problems. Get to the root of the matter. Agree and understand. As we know, Madam Speaker, there is a backlog in every aspect of the jurisdiction, backlog. We need more judges, we need more courtrooms, and we need as you said, retired judges to look at the weak cases, several weak cases. Of course, if you ask people to come to court time after time they get fed up, they will probably forget. But the material evidence, the footprint evidence can't change. And justice is not

cheap, and we must be prepared from now to get up-to-date modern laboratory, forensic laboratory. (Applause)

I am saying to you that abolition of the preliminary will help nothing, is much ado about nothing and you know it. And unless you can quantify, what it will do, then you certainly not convincing me. And you know, I know you know it you know. That is why, Madam Speaker, it is 40 years - this thing is 40 years old you know, back and forth, back and forth and the Task Force did not recommend it. You need to point out to me when and where the Task Force recommended it. It pointed out options, and it said how we should progress towards the abolition. That process has not been honoured, because they too were not too sure.

And so, I can't in all conscience, support the abolition of the preliminary, and the committal proceedings has not - the time and the effort and the money same thing, no difference.

Thank you, Madam Speaker. (Applause)

Mr. CLARKE: Make it short and spicy.

Mr. E. SMITH: Madam Speaker, I rise in support of the Bill entitled, "The Committal Proceedings Act of 2011".

Madam Speaker, I do not agree with my colleague Member from St. Catherine, who has stated that in all conscience he cannot support the Bill.

The fact is, Madam Speaker that, I speak not only as a legislator here, but I speak from the standpoint that for over 30 years I have been actively engaged in the practice of law, particularly in the criminal courts of this and other countries.

Madam Speaker, let me say without fear of being contradicted, that if a vote should be taken of all Resident Magistrates in Jamaica today, I believe that the result would show that all Resident Magistrates support the abolition of the preliminary enquiry. In addition, Madam Speaker, it is my opinion that the majority of lawyers who practise in the criminal courts of this country, are in favour of the abolition of the preliminary enquiry.

Madam Speaker, there may be splinter groups within the profession, who, for whatever reason, do not support this Bill, but having regard to the quality of democracy that we practice, the majority, indeed, the overwhelming majority supports the Bill.

Let me put to rest, certain fears stated by the Member from St Catherine. Madam Speaker, without being personal, I know of a fact that the other capacity in which you have excelled happens to be as a practising attorney-at-law and I also know, that you have practised your fine art of advocacy in the several courts of Jamaica successfully. So that, some of the reason that are advanced here, may not necessarily be unknown to you in your professional capacity outside of the chair.

My friend who spoke earlier who himself is an attorney-at-law, but who for by choice….

Dr. BARTLETT: Has not practised.

Mr. E. SMITH: …by choice, has not in fact engaged in the practice of law particularly, in the criminal courts for the better part of 20 years. He has been engaged in another calling. I am not saying that he has failed in that regard. The evidence is there for the tribunal to decide. (Laughter)

But suffice it to say, Madam Speaker, that Resident Magistrates courts all over this country are overwhelmed with the number of cases that the Magistrate has to deal with. What my friend sorry what the Member, may

not appreciate is this, that in addition to the preliminary enquiries, which happen to be the Magistrate's case, she is regarded constitutionally as the person responsible for prosecuting the case, not the Clerk of the Courts, it is the Magistrate's preliminary. In addition to those cases, which are too numerous to mention in every parish these days, she has the resident magistrate's indictable offences, unlawful wounding, malicious destruction of property, she has the summary matters, possession of ganja which are so numerous and cocaine, then she has all the road traffic cases to deal with. A Magistrate, for the most part, is prevented from doing trials that fall within his/her jurisdiction regularly, because, because, since the Circuit Court is itinerant, and there is sometimes a break of only a few months and sometimes weeks, the Magistrate is forced to conclude and complete preliminary enquiries so as to ensure that when the Circuit Court Judge comes to the parish, there are in fact cases to be heard and determined.

Now this Bill, which was first introduced – this Bill which was first introduced by the now Opposition when they were in Government, for whatever reason did not reach the stage of debate. And my friend, who has spoken….

A MEMBER: Eloquently. (Laughter)

Mr. E. SMITH: So glibly… (Laughter) …in opposing, I am a bit concerned that every Bill that comes to Parliament, comes as results of a Cabinet Submission and that Cabinet submission goes to the office of the Chief Parliamentary Counsel. So I am just wondering whether or not, my friend, when he was a Member of the Cabinet then…

Mr. PICKERSGILL: You don't have to wonder, I said yes.

Mr. E. SMITH: …whether or not he was absent.

Mr. PICKERSGILL: And I mentioned it.

Mr. E. SMITH: I said absent, I didn't say opposed.

(Inaudible comment by a Member)

Mr. E. SMITH: The Member was absent from the Cabinet meeting because all the reasons that he has advanced in opposition to this Bill - with the greatest of respect to him, as a colleague at the Bar, are of no moment.

Mr. PICKERSGILL: No.

Mr. E. SMITH: Well, what yuh think I've been dealing with?

Mr. PICKERSGILL: No.

Mr. E. SMITH: Now he speaks about no time is going to be saved. That's the biggest mistake that he makes. As someone who practices every day, apart from Saturdays and Sundays, when I….

Mr. PICKERSGILL: You establish…. You cannot.

Mr. E. SMITH: Because the Magistrate has so much work to do, not only is it almost physically impossible for her to get around to hear preliminary enquiries…

(Inaudible comment by Mr. Pickersgill)

Mr. E. SMITH: Will you please…. Madam Speaker, I would invite my friend as a member of the legal profession to recognize that when Counsel is on his feet, Counsel sitting is silent.

Mr. PICKERSGILL: No, not when counsel….

(Laughter)

Mr. E. SMITH: And it is because my friend has not practised law for so long that he has forgotten the niceties of the profession.

(Laughter/Cross talk)

Mr. E. SMITH: So number one, preliminary enquiries abolish committal proceedings. It means, in effect, that the learned Resident Magistrate will be able to send a matter to the Circuit Court to be heard and determined within - looking at this Bill, possibly within a month, two months or less depending on the particular case. It's not every case that needs forensic evidence.

Mr. PICKERSGILL: You getting backward, you know.

Mr. E. SMITH: It is not every case that needs forensic evidence. And if my friend does not know this it means that he has never practiced law in the criminal courts. So now, within a month or less the matter is submitted to the Circuit Court. It does not, therefore, lend the opportunity to potential witnesses to lose interest, to be influenced by - let us say the other side for want of a better phrase. Cases will be heard and determined much faster. There are preliminary enquiries before our courts right now where the case started two, three years ago…

Mr. PICKERSGILL: Why?

Mr. E. SMITH: …and they are not reached in the particular day set for Hearing because the Magistrate is overwhelmed with other work.

Mr. PICKERSGILL: So then that is not the accused fault.

Mr. E. SMITH: The question of the accused does not arise here. And not only that the mistake that my friend is making when he speaks about to abolish preliminary enquiries is, in fact, to go against poor people. Let me tell you something this thing on that side bout poor people, poor people the question of poverty has nothing to do with the principles of law. Whether yuh rich or yuh poor the same principle apply. And if my friend is saying that only poor people are charged for criminal offences then that is a serious indictment against the police force.

Mr. PICKERSGILL: I neva say that.

Mr. E. SMITH: But you keep saying that preliminary enquires abolition going to affect poor people. But that's what you said.

Mr. PICKERSGILL: No, I neva say that.

Mr. E. SMITH: I made a note of what you said.

Mr. PICKERSGILL: I said a majority of criminal cases come from the poorer people.

Mr. E. SMITH: That's what you said?

Mr. PICKERSGILL: Yes.

Mr. E. SMITH: Okay, fine. If the majority of cases come from the poorer class of the nation then it means in effect - is that the rich people are not being indicted for the offences that they commit?. That's a reasonable inference from what you have said. Impossible? So, Madam Speaker…

Mr. PICKERSGILL: Stay over your side wid the contention.

Mr. E. SMITH: …when you look at the provisions of the Gun Court Act, the Gun Court Act, Madam Speaker, is a replica of the Committal Proceedings Act, 2011.

Mr. PICKERSGILL: Good, and -

Mr. E. SMITH: Mr. Gentleman, will you please be quiet, and listen and learn. Whatever your name is. You were allowed free latitude to talk whatever you were talking. Please do not - you see...

Mr. PICKERSGILL: Rubbish! There is a backlog in the Gun Court. You missing the point I'm making… (Inaudible comment follows).

Mr. E. SMITH: Look here, Madam Speaker - no, no, I would never make the point you make, yuh nuh, because you know and I know that you don't have much sense.

Mr. M. PEART: No, no, that's unparliamentary.

Mr. E. SMITH: No, no, but he just said I'm talking nonsense. Rubbish, that's even more unparliamentary. Anyway, House Leader, you are a sensible person, so just listen and learn.

All right, Madam Speaker, the only offence that is triable under the provisions of the Gun Court Act where a firearm is alleged to have been used that is the subject of a preliminary enquiry is murder, yes. The only offence that becomes the subject of a preliminary enquiry where a firearm is alleged to have been used is the offence of murder. So if it's a case of shooting with intent, if it's a case of wounding with intent, if it's a case of rape, if it's a case of incest, if it's a case of carnal abuse, every other case that is alleged to have been committed by the use of a firearm under the Act - even an imitation firearm is triable in the Gun Court. Not as a result of any preliminary enquiry but on the basis of statements collected. And all those offences before the Gun Court Act came into existence they had, Madam Speaker, to be the subject of a preliminary enquiry. So if the Member from St. Catherine is going to make objections to this Bill then it means, in effect, that as far as he's concerned the Gun Court Act, an offence - is triable whether it's in the Gun Court in Kingston or the regional Gun Court in Montego Bay, or the Gun Court Division of the various Circuit Courts then what he is saying is that he's opposed to that.

So, in effect, Mr. Minister, this Bill does not, in fact, bring anything new to the table in relation to what exists already in relation to Gun Court crimes. Nobody is saying that they are dissatisfied with that system. And, indeed, if the Gun Court Act was never in existence based on the number of crimes which has been committed in this country over the years, and, in fact, the number of crimes increasing every day it means, in effect, that our Constitution would have to change - we would probably have to have ten Magistrates for every parish. In fact, we'd have to a have a Magistrate in every parish only to hear preliminary enquiries.

So we must deal with the reality of the situation that we face. In fact, it is my opinion, based on the reasonable grounds and based on the fact I practise law every day, that more matters come before the Gun Court committed on statements alone, without preliminary enquiry, than in fact appear before the Circuit Court everywhere in Jamaica today.

In fact, the numerical evidence and data is such that Gun Court, unlike the Circuit Courts that meets periodically, in some instances, the Gun Court sits even in the legal vacation in August not only in Kingston, but at the regional level in Montego Bay and the Chief Justice in recent times has had to be having special sittings in the Gun Court in parishes where the Circuit Courts are normally held. So there is absolutely no basis to oppose this Bill. No basis!

So the considerations which my friend has mentioned they are of no moment. And when he speaks about forensic evidence, forensic

evidence arise for the most part in matters that come before the Gun Court, ballistic report, *et cetera, et cetera*. If it involves rape, from time to time the question of DNA evidence comes up. I don't think we're overwhelmed in that regard. I don't think so. In fact, the forensic lab is overwhelmed not with matters of a serious criminal nature, like matters of rape and so on, it is overwhelmed with testing ganja. Because ganja has become so common place in Jamaica today in the fourteen or fifteen parishes that we have every day at least three hundred-four hundred persons are charges for ganja.

Mr. KELLIER: Every day?

Mr. E. SMITH: Ever day! Yes, every day. Whether it's for possession of a spliff, which is the majority of offences before the Court or smoking ganja. In fact, if you go to a return day in Half-way-Tree, Member, go to a return day in Half-way-Tree Court - and a return day I think is every Tuesday - go to return day in Half-way-Tree and the Minister will tell you in Half-way-Tree alone when you go to a return day every week look at the court sheet, pages and pages. And guess what, they still go to the lab for testing. What has saved the day is the fact that most persons come before the Court with a spliff so charged and plead guilty, and as a result the testing does not take place. But once you plead not guilty the process and the certificate, *et cetera*, *et cetera*, has got to be prepared additionally. So, so we must not be emotional about these things, we must face the reality of what exists in our country.

If the abolition of preliminary enquiries, you know, Madam Speaker, was a bad thing do you think that the United Kingdom, the Motherland, from whom we take our lead in matters of law and other things, do you think that they would have abolished preliminary enquiries from as long ago as 1980 or before? We don't take any lead from Trinidad I have my views about them but they abolished it in 2000. In Australia it's abolished, and subject to confirmation I have information that it's abolished in New Zealand. Most countries of the world, particularly our Commonwealth brothers and sisters, they have abolished it. It is time consuming, people lose interest and then clients complain that they're being asked to pay two times in the same case. Because let me tell you something, for the preliminary enquiry is X amount, for the trial, if the person is convicted, it is X plus X plus Y.

Now, if you have a system whereby a client is looking at one figure - because at the preliminary stage during the committal proceedings, oh, that's a mere retainer, because no action is there so.

(*Sotto voce* comment from a Member)

Mr. E. SMITH: No, no! You now, don't say nutten!

So, Madam Speaker, it is my opinion that this Bill should be supported, must be supported.

But before I take my seat, I have to mention something that the Member alluded to. Not you. You are a sensible person, you know, that's why you are my friend.

He made mention, Madam Speaker, you know, of the constitutional powers, Madam Speaker, of the learned Director of Public Prosecutions, in relation to bringing matters from the Resident Magistrate's Court into the Circuit Court or the High Court, as it's sometimes called, for the purpose of a trial. Where the learned Director of Public Prosecutions enters what is called, and

correctly so, a *Nolle Prosequi,* and the matter – no order is made in the Magistrate's Court, and the matter goes directly to the Circuit Court for hearing.

Let me remind my friend, who has not practised, as I said, for over twenty years, that the learned Director of Public Prosecutions exercises that constitutional authority in special circumstances. For example, where the accused in the Magistrate's Court has demonstrated through his attorney-at-law, that he intends to enter a plea of guilty in the Circuit Court in order to save time, then the matter goes by way of a *Nolle Prosequi*. Where the victim of the offence, for example, suffers from some serious form of illness where the parties involved may be foreign nationals, and in order to speed up the trial she enters the *Nolle Prosequi*. But it is not a constitutional provision that the learned Director exercises willy-nilly, there must be special circumstances existing. There must be special circumstances existing, Madam Speaker, for the learned Director of Public Prosecutions to exercise that authority.

Therefore, Madam Speaker, I urge, I urge my colleagues in this House to support this Bill. And let me remind my colleagues here that it must have been in the contemplation of the Parliament that this Bill would in fact become law within this time, why a few years ago there were certain constitutional changes increasing the number of Judges of the Supreme Court, as also the number of Resident Magistrates.

I therefore, in every respect, support this Bill. (Applause)

Mr. HOLNESS: Madam Speaker, we really could not expect to do anymore business today. We will continue the debate on the Bill next week.

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, I therefore move that the House do adjourn until the 4th of October, that will be next Tuesday, when we will resume our business.

The SPEAKER: The question before the House is that we do adjourn the sitting until next week Tuesday, the 4th of October.

Put to the House and agreed to.

The SPEAKER: This House now stands adjourned.

The Honourable House of Representatives was adjourned at 6:05 p.m. to resume on Tuesday, October 4, 2011, at 2:00 p.m.

TUESDAY, October 4, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 2.28 p.m.

PRESENT

THE SPEAKER

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

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

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

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.

DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, Minister of Justice.

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

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of Agriculture and Fisheries.

MINISTERS OF STATE

THE HONOURABLES:

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

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.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, Minister of State in the Ministry of National Security.

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.

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

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.

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:28 p.m.

The SPEAKER: Please sit.

CALL OF THE ROLL

(As Listing)

The SPEAKER: Members, I want to welcome us all again to another sitting of the House. And just want to comment that although we are not in our usual place of residence I am concerned that each week we seem to start later and later. And so I am asking us all to make an effort to be here for 2.00 o'clock. I am concerned.

ANNOUNCEMENTS

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

- **Ministry Paper No. 75**
  Operational Police Maritime Agreement (MOU) Between the Government of Jamaica and the Government of the Republic of Cuba
- **Ministry Paper No. 76**
  Coffee Industry Board
  Annual Report and Audited Financial Statements for the year ended July 31, 2008
- **Ministry Paper No. 77**
  International Monetary Fund (IMF)
  Ratification of the 2008 and 2010 amendments to the IMF Articles of Agreement and 14th General Review of Quotas

- **Ministry Paper No. 78**
  Corporate Governance Framework for Public Bodies
- **Ministry Paper No. 79**
  Cabinet Agenda issues for September 5, 2011
- Housing Agency of Jamaica Limited Annual Report and Audited Financial Statements for the year ended March 31, 2011
- Report of Special Investigation conducted into allegations of impropriety and/or irregularity in the award of certain contracts to Strathairn Construction Company Limited by the St. Catherine Parish Council, the National Works Agency and the Ministry of Transport and Works

(To be placed on Parliament's website)

CERTIFIED APPROPRIATION ACCOUNTS

Head

1800 Ministry of Local Government 2007/2008

1800A Ministry of Local Government 2007/2008

1800B Ministry of Local government 2007/2008

4200 Registrar General's Department 2005/2006

Rev. THWAITES: Madam Speaker, may I point out once again that not all of those things that have been announced are either before us, nor are their whereabouts been indicated. I remind you…

(HON. DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Industry, Commerce and Investment, entered and took his seat.)

(MRS. SHARON MERLE HAY-WEBSTER, (IND), St. Catherine, South Central, entered and took her seat.)

The SPEAKER: Can you indicate to us which ones are missing now, Member.

Rev. THWAITES: Maybe I could do that privately with the Clerk. But I do think she knows.

The SPEAKER: No, she is not aware this afternoon, Member. I am assuring you she is not aware.

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

Rev. THWAITES: All right, so I will point them out.

Secondly, Madam Speaker, may I ask again for early advice as to when particularly Reports of public bodies, can be discussed. I read carefully those distributed last week. I notice that FINSAC, for example, seems to be treading water, appears to be on the financials insolvent. The Firearms Board doesn't have a clear rationale for the issue of its licences and it's a charge on the budget. The PetroCaribé Fund the repayment capacity is unsure and there are twenty per cent (20%) of arrears reported in the Students Loan Bureau Report. These are major issues of public moment and probably of public cost. And I implore an early response to when these can be dealt with.

The SPEAKER: Member...

Mr. HOLNESS: Madam Speaker, outside of setting up a new arrangement for addressing

these Reports, which probably we may have to at some point in time, but as an interim measure we could very well move, Madam Speaker, that all these Reports be referred directly to the Public Administration and Appropriations Committee and I think that would solve the problem. However, of course, Madam Speaker, we would have to augment the resources available to that committee because we do have many Reports to review.

If that is satisfactory to the Member we could very well do that within this session.

Rev. THWAITES: Madam Speaker, that would be a major step forward. Of course, the committee would have to report back to the House so that it will not escape the attention of the entire Parliament. But I would agree to that.

The SPEAKER: Very well.

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

NOTICES OF MOTIONS GIVEN ORALLY

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

The SPEAKER: You have the motion? Where is the motion?

A MEMBER: Have you seen it?

The SPEAKER: Yes, I have seen it.

(Cross talk)

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

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

CUBA – LIFTING OF BLOCKADE/EMBARGO

Mr. HYLTON: The resolution on the lifting of United States blockade of Cuba. And it reads:

WHEREAS last year this Honourable House approved a motion in support of Cuba's resolution submitted in the United Nations General Assembly, titled:

"The Necessity of Ending the Economic, Commercial and Financial Embargo Imposed by the United States of America against Cuba";

AND WHEREAS last year some 187 Member States of the United Nations, including Jamaica, voted in favour of that resolution;

AND WHEREAS on September 14, 2009 the US administration by Presidential Order decided to extend the application against Cuba of The Trading With the Enemy Act, thus keeping in place the legal framework in which the policy of blockade against Cuba of 1962 are based;

AND WHEREAS recent events confirmed the intensification of enforcement measures of the blockade policy by US authorities against Cuba's economic and commercial interest;

AND WHEREAS the expectation by the international community that the accession to the presidency of BARACK OBAMA would bring about fundamental

change in the implementation of the blockade policy against Cuba;

AND WHEREAS this economic, commercial and financial blockade imposed by the United States against Cuba continues to be the main obstacle to its economic and social development of Cuba and to its recovery from the effects of the global recession and natural disasters resulting from the intensified hurricane activity;

AND WHEREAS the blockade is a violation of international law and is contrary to the purposes and principles of the UN Charter and to the norms governing international trade and freedom of navigation as well as constituting a transgression of the right to peace, development and security of a sovereign State on which in its essence and its aim continues to be an act of unilateral aggression and a permanent threat against the stability of a Member Country of the UN;

AND WHEREAS Jamaica's national interests are being adversely impacted by the continuation of the blockade and the extra territorial application of US laws regulating transaction between Jamaica and Cuba directly and indirectly:

BE IT RESOLVED that this Honourable House express itself on the morality, legality and desirability of this decade old blockade against Cuba and give support to a dialogue between the US and Cuba and to the Government of Jamaica in putting forward Jamaica's position on Tuesday the 25th of day of October, 2011 in support of the anticipated draft resolution. (Applause)

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Just before we go into Questions and Answers to Questions, at last week's sitting of the House Minister Mullings in answer to Question 2, Member Davies rose on a point of order and I think for the records for clarification he wants to bring to the attention of the House the facts as they are attached to this. Member Davies.

Dr. DAVIES: Thank you very much, Madam Speaker.

I am sorry that the Minister is not here but I feel that it's very important that the issue be placed on the record.

Madam Speaker, as you mentioned, Minister Mullings in responding to questions from the Member of Parliament for St. Catherine South, he and this is *inter alia*, I am quoting he said, "after almost two decades of decline the economy is now showing growth". I rose on a point of order, Madam Speaker, on the basis that the official statistics published by STATIN clearly demonstrate that the Minister misled the House in making the statement I have emphasized.

You will recall that when I rose on a point of order the Minister challenged me, asking me to provide the data and I sought the information from the Clerk as to whether the relevant documents were here. They weren't. I've researched the matter, Madam Speaker. I wrote to you. I copied it to the Minister, to the Clerk of the Houses, to the Leader of Government Business, to the Leader of Opposition Business and to the Member from St. Catherine, South, I feel obliged, Madam

Speaker, to read into the record the following pieces of data. These data - and can be checked - are taken from the publications of the Statistical Institute (STATIN).

In 1989 the growth was 7 per cent, '90 - 6.3 per cent, '91 -0.5 per cent, '92 – 2 per cent, '93 - 2.2 per cent, '94 - 1.9 per cent, '95 - 2.5 per cent, '96 – negative 0.2 per cent, '97 negative 1.6 per cent, '98 negative 1 per cent; '99 – 1 per cent; 2000 - 0.9 per cent, 2001 - 1.3 per cent, 2002 – 1 per cent, 2003 - 3.5 per cent, 2004 - 1.4 per cent, 2005 - 1.1 per cent, 2006 - 3 per cent, 2007 - 1.4 per cent, 2008 - minus 0.9 per cent, 2009 - minus 3 per cent, 2010 - minus 1.2 per cent.

Madam Speaker, every year…

(*Sotto voce* comment by Mr. D. Peart)

Dr. DAVIES: Madam Speaker...

(Cross talk)

Mr. KELLIER: Putting the record straight.

Dr. DAVIES: Madam Speaker - I am not counting the Canine Division now – Madam Speaker, the data demonstrate that over the period 1989 to 2007 there was decline in only three years: '96, '97, '98. Madam Speaker, the data demonstrate that there has been decline every year, with published data, since 2007.

A MEMBER: Only three years.

Dr. DAVIES: In three years he is batting perfectly, three for three. Three strikes and you are all out.

Madam Speaker, because the data…

(Cross talk)

The SPEAKER: Members, Members on both sides of the House. Dr. Davies is on his feet. I can't hear what he is saying.

Dr. DAVIES: Madam Speaker, there is a place for ignorance. I'm allowing the Member to demonstrate adequate amount.

Dr. DAVIES: Madam Speaker, I therefore have now presented the data which would refute totally and comprehensively the Minister's claim and I feel that he should be given the opportunity - the record of the House should note - but he should be given the opportunity to withdraw. (Applause)

The SPEAKER: Questions, we are at Questions and Answers to Questions.

Mr. HOLNESS: Madam Speaker, we have three questions prepared for answer. The Member from Westmoreland Central had asked a question of the Minister of Agriculture. That question is ready for answer. The Minister of Agriculture is here and he is ready to answer.

Question No. 16. The Member from St. Andrew Southern has a question on the Order Paper asked of the Minister of Transport and Works. Member, I understand that you agree that the answers to your question will be tabled.

Dr. DAVIES: I have follow-up questions.

Mr. HOLNESS: And Question No. 26, again for the Minister of Agriculture, asked by the Member from Central Kingston.

There are other questions, Madam Speaker. The Minister of Finance is not here as yet and Questions 12, 22, 25, 28, 30 and 31, I am asking, Madam Speaker, for extension.

Mr. JACKSON: For how long?

Mr. HOLNESS: Usual, one week.

Mr. JACKSON: In the first instance.

Mr. HOLNESS: Well many of these questions are only one week out. We probably will have to regulate the questions because we have six questions outstanding that would take the entire time of the Parliament.

The SPEAKER: Minister….

Mr. R. CLARKE: Madam Speaker, I would like the Minister of Agriculture to answer Question 15 listed in my name.

I must say, however, Madam Speaker, that there are three series of questions which are all interlinked. Some have been asked by the Member from South West St. Catherine and there is another set again asked by me. They are all inter-related, Madam Speaker. Could I ask that we delay the answering of these because time has overtaken some of the answers that you will give in this one? Could I ask that we delay the answers, for this one because it's only going to be part answered in terms of all the questions that have been asked, until you come with a comprehensive answer for all the series of questions which have been asked?

Mr. PICKERSGILL: Wha happen, Chris, why you never answer the question?

The SPEAKER: Member….

Mr. R. CLARKE: If he so desires, Madam Speaker, he could deal with these and then afterwards he goes through with the others or if he wishes to wait. That's an option he has.

Dr. DAVIES: Take two bites at the cherry.

The SPEAKER: Minister.

Mr. MONTAGUE: Madam, I will wait and I am appreciative of the Member.

The SPEAKER: The Minister will wait and….

(Cross talks)

The SPEAKER: (Gavels) You know, Members, there is a lot of cross talk in here and we are not really going through.

Mr. M. PEART: Madam Speaker, the Minister of Agriculture didn't indicate when he will be prepared to answer the questions in full?

The SPEAKER: Minister, when would you intend to answer the questions?

Mr. MONTAGUE: At the shortest possible time, Madam Speaker.

The SPEAKER: Can you give us an idea? No, no, Member, no, no….

Mr. MONTAGUE: Within two weeks, Madam.

The SPEAKER: Two weeks, very well.

Mr. R. CLARKE: I am not giving him an advantage over….

Mr. GALLIMORE: Madam Speaker, we next have the question listed as No. 16 from the Member from St. Andrew Southern to the Minister of Transport and Works.

Dr. DAVIES: I have some follow-up questions.

Mr. HENRY: Obviously, Madam Speaker, these are very technical questions with a lot of figures and if you have a follow-up thing with it, I will have to have the officers here or make sure I get the right answers. These are the answers provided to me by the JUTC and it's broken down into a lot of figures. If I read them I am not sure that they are going to be able to be fully digested, so I did meet with the Opposition Spokesman and we agreed. So if he gives me the follow-up questions I commit to answer them next week.

Dr. DAVIES: Madam Speaker, I have no fundamental objection to the proposed *modus operandi*. However, at some stage I must be in a situation where I can ask, on my feet, follow-up questions which the Minister should answer because I can't always promise that I will write another set of questions as follow-up. So I am willing to send him and I

undertake to send him, not officially, the follow-up questions which I have in advance so that he can prepare himself. My difficulty is that next week when he responds to those follow-up questions I may have points of clarification and I am hoping that he will be able to deal with them. This is not a very efficient way to proceed. I take the point that these are a whole set of numbers, *et cetera*, but some of the issues relate to policy and then in that situation the Minister is perfectly positioned to respond in that regard.

Mr. HENRY: I give an undertaking that anything that relates to policy I am prepared to answer on my feet and respond to them. In terms of it, if its figures, however, either questions of correctness, incorrectness or more details, I would like to know that to ensure that I have the proper responses and you have my commitment to that.

Dr. DAVIES: Madam Speaker, if the Minister is ready I could ask some issues related to policy.

Minister, the data which you have provided me indicate that the ridership of the JUTC has declined, 2008/2009, $26.3 Million; 2009/2010, $29.8 Million; 2010/2011, $25.8 Million. Minister, this suggests that we are going in the wrong direction in terms of the JUTC playing the critical role as the main means of public transportation. What accounts for this decline and what actions are you planning to take to reverse this?

Mr. HENRY: Madam Speaker, the first issue is that JUTC continues to be plagued with the illegal operations that run not on any timely basis whatsoever and speaks therefore to that challenge which relates to the neglect of an element of the society which has to find its own way of living overall, issues that I have spoken to in plans that should be approached. Indeed, if you are allowed to be able to just go down to the corner, pay 10% on a vehicle, apply for a route licence, you don't get it, you operate illegally. That is, the illegal operation has increased dramatically over the period of time.

But in terms of whether it is going in the right direction, I brought with me the ridership date up to date January 11, February through 'til June 11. Because indeed that realization is taken into the planning now that relates - and indeed from January to June we are on target in terms of the rider ship projected in the revenue that is projected for it for this year. So that relates to ridership overall. But until we can really rise to the challenge of the illegal operators which is also a subnote on some of the areas here, we face the great challenge because you try to run your buses on time, you try to run that in a traffic congestion that is not properly structured. And in that context, therefore, you face the fact of where the illegal operator and indeed the taxi operator, they run according to how they wish. What? And the absence, however, including the railway and the structure of transport, which is the one medium that operates on time, has created its own problem in what is required for the improvement of the travel.

If you wanted me to go into policy as to colour coding, zoning, I can come with all of these answers, the multi modal linkages too. But, the basic point is that these are issues which have to be addressed. I don't know how far we want to go. It relates equally to the Rural/Urban Transport Plan, the fact that you only cater to the KMTR region, that in fact, the children in Kingston are travelling on a $20 fare, where every child outside of the

KMTR region is paying, $100/$200, up to $400 a day. Therefore, the whole aspect of transport has to be re looked at. So, we are looking at licence plate change, what is a taxi, how do you describe that. We are looking at city taxis, and I could go on. And I will provide those issues.

But, in terms of the ridership, January 11 - the adult fare and concessions is split, and we are looking at we are on target with the budget for that and I can provide you with more detail next week on that.

Dr. DAVIES: Minister, the data you have provided me indicate that your operating losses exceed the cash transfer from the Ministry of Finance to the JUTC, how is the differential being financed?

Mr. HENRY: Firstly, I don't use the words operational losses, because if you require a bus service to cater to persons who are not able to afford travel, that is why you have what is called a subsidy. And, if you are asking the bus operators to operate at a lower cost per mile than they have requested, or that has been recommended by OUR, then you are going to have a gap between your income and expenditure. And therefore, the losses that you refer to, we are operating on the basis of almost… not losses, but on a balance of income and expenditure. And the subsidy that is provided in the yearly subvention speaks to closing that gap.

Dr. DAVIES: Minister, I can only go by the data you have provided me. And, if we take 2010/2011, for example, your operating expenses were $3.667 Billion and I am quoting your numbers - your revenues were $2.838 Billion, and your transfer from the Ministry of Finance was $600 Million, which means that you were over $200 Million, in terms of expenditure over the combination of revenues, and the direct transfer. How did you meet that gap? You don't like to word losses - operating losses, whatever you call it, that difference between the one and the other, how was that financed? Is it that you owe people?

Mr. HENRY: 2010/2011, in terms of - of course you have a carry-over of owing people, and of course you have issues that relate to that, and claims that relate to that. I can provide you with the exact turnout for 2010/2011 which for the audited figures to come, to show you how that is closed. Usually, of course, you go back to Central Government for any support you wish to make up that gap, in addition to your subvention. But we have not done so for 2010/2011.

Dr. DAVIES: Minister, I must confess, I am not clear how this is done, because for each year you don't want me to use the word losses but each year, there is a negative difference…

A MEMBER: Shortfall.

Dr. DAVIES: There is a shortfall. So, how do you meet the shortfall if you carry over? It must be financed somehow, so there must be some people that you are owing if you are to remain in operation. Or, has the Ministry of Finance agreed to take on board this shortfall?

Mr. HENRY: As I have said, you are aware how it operates in relation to it. Any shortfall that is required which cannot be met from cashflow carried over from one year to the next, we would go back to Central Government. We have not done so beyond the subvention because we have been able to operate on that credit gap too. For instance, you are aware that Jamaica Ultimate Tyre is a subsidiary. It is making a fair profit now, but it

does give some extended credit to the JUTC. And you are fully aware of those issues as we go along.

Dr. DAVIES: Minister, I seem to be struggling here. Minister, let me just point out to you. Fiscal Year, 2008/2009, the operating expenses were $3.3 Billion, the revenues were $1.9 Billion, that's $1.4 Billion difference, whatever, and the Ministry gave you $933 Million, so there is a $500 Million which you are carrying. Then we go to 2009/2010, the expenses were $3.1 Billion; revenues were $2.1 Billion; that is $1 Billion difference, and you got $652 Million from the Ministry of Finance. So, you are carrying another, what...

A MEMBER: Four.

(*Sotto voce* comment by Members)

Dr. DAVIES: Four. So then, we go to 2010/2011, the expenses were $3.7 Billion; the revenues were $2.8 Billion, and the Ministry of Finance gave you $600 Million. So, Minister, I am simply reading the numbers you have given me, unless the Ministry unless you have understated what the Ministry of Finance has done, what you are carrying is $1.2 Billion out there. So, just explain to us how you manage to do that.

Mr. BUNTING: Unpaid bills.

Mr. HENRY: I will give you those details next week in relation to it and give you the audited figures where they are audited up to date, and that will provide you with the closing of any gap that exists. You are aware that in many instances, it is carried forward by credit. It is sometimes carried forward by other payments that you should meet, but I will give you those in relation to it.

There are issues that are not quantified in this. We inherited a system, for instance, where you are providing buses to Montego Bay Metro which should be part of your revenue earnings for which the charges have not been transferred. You were, for instance, just recently given four new buses because we inherited a scheme from your previous operation, which relates to Bloomfield operating a service for your employees. And we just gave them four new buses. That pulls out of your revenue overall. So, that basically, all of this can be explained and given to you in more detail, in that respect.

Dr. DAVIES: Final question, Madam Speaker. Given the arithmetic which we have done here, aided and abetted by the Member from Central Manchester, and…

A MEMBER: Westmoreland.

Dr. DAVIES: Both. Over that three year period for which you have provided us with data, the gap has grown cumulatively to $1.2 Billion, how does this mesh with the IMF conditionalities about not increasing arrears beyond 90 days, because obviously something is increasing here.

(*Sotto voce* comment by some Members)

Mr. HENRY: Because, indeed, you come back to the reality of the fact, for instance, the recommended adult fare should be $160, and $60 for children going to school. And we are therefore, reducing those figures to accommodate those persons in the society who are not able to meet the cost. So, you are not running at true cost. And certainly, the IMF Agreement and others have insisted that we look at getting to the true cost per mile for public transportation.

The last fare increase, for instance, was April 2010. That's $80 for the adult, concession for $20. As I said, the recommend figure to close that gap you are referring to is $160 and $40. We only gave $80 and $20. The

previous increase in August 2005 was, adult $50 and concession $15. So, the real cost of transportation and the impact of fuel is not being taken into account. And you are aware that each of us as governments has toyed with that aspect of it. And we are therefore, having to address them more realistically, hopefully, by better planning, and by a better integrated movement of people.

For instance, the railway running right now from Linstead to Spanish Town is carrying some 800 people a day. It went up at one stage to nearly 1,500. So that, in effect, as you do that and you integrate the way of travelling, you can reduce the cost of travel. And as I said, we are looking at, in the country areas, where children going to school in Clarendon are paying $300 to $400 a day as against the $20 which relates to people travelling from here to Old Harbour.

Mr. CHARLES: Yes.

Mr. HENRY: The structure of the details we have. I am trying hard to get from the Ministry of Education, a full registry of students.

Mr. CHARLES: Hear, hear!

Mr. HENRY: That we can, therefore...

(*Sotto voce* comments by some Members)

Mr. CHARLES: Hear, hear!

Mr. HENRY: Then again, as you are rightly if you are rightly looking at it, so that basically all of that will relate. And we hope that with the new system for collecting fares that is being introduced, which does not allow us, for instance, to disaggregate what is between the elderly, the old age pensioner, school children, will allow us to implement a better and more smooth way, and a better costing of how we travel.

Dr. DAVIES: Minister...

Mr. CHARLES: But you are a socialist, you understand. You say you are a socialist.

Dr. DAVIES: Yes, but do you? Minister...

Mr. CHARLES: You help the weak.

Dr. DAVIES: Minister, let's boil the question down. Could you ask your technicians if they could indicate to us and this is not to put you on the spot the points you made so eloquently are known. It is a challenge which all urban centres face. The fundamental question, Minister, is, do your planners in the Ministry, or the JUTC… do you expect the Ministry of Finance to close that gap, and/or, do you expect the IMF to give a special a wink toward the fact that your arrears are growing? That's the sort of I just want to know because this is an issue which the country will have to face, in terms of how do you finance public transportation decent public transportation such that those at the bottom of the economic ladder can move around with some comfort and decency?

Mr. HENRY: That is why we need all the analysis of all of those figures, in order that we can arrive at the right approach. That is why, as I have said and intimated, that is why you have to begin to integrate the movement. You have to look at if you are going to create city taxes, for instance. But, the first such problem that I have to face is and we are the introducing a Rural/Urban Transport Plan. There is none.

Let's look at the area of St. James, Montego Bay Metro. Montego Bay Metro is serving four parishes like the JUTC does in Kingston. And equally, you have three or four parishes in the centre of the island which have to be served. Right now when we introduce the first module for the Rural/Urban Plan,

which we hope to do in another month or so, we will be faced with the fact that the children in Clarendon are going to be paying, probably, three times the figure of what you are being paid in Kingston. It will be less than what they are paying now, moving from one form of travel, that I think is really detrimental to their educational level, and how do we get the country to accept that in the developmental process which we have to put in place.

And therefore, it is a challenge, but that challenge is being analyzed and put into modules that will relate. And I hope, by this kind of discussion, we will let the public know what is the true cost of transportation. We will also let them know of the different forms of transportation. And hopefully, we can link how you travel by rail, how you travel by road, and how you can make that a seamless movement of cost moving from one form of travel to the next.

For instance, if the railway is introduced for school children in May Pen, somebody could take a taxi to catch the train at the right time and come off at the other end and get a bus or a taxi. Certainly, all the schools in St. Catherine can be served by three or four stations along the run in Spanish Town.

Mr. D. SMITH: Very good, very good!

Mr. HENRY: So, basically, it's a matter of planning. I am seeking to do it. And I can close with the final point, because I could go on. If I could get from the Ministry of Education every registered child, we will now have the system where we produce the ticket with their photograph or the pass. Now, in addition, if I get that by an address, it wouldn't be a blanket $20 for everybody. It may be $20 if you are going from Halfway Tree to Cross Roads, but if you are coming from Spanish Town, maybe it should be $35. And I am using arbitrary figures.

But in the absence of all this, when all you are doing is dealing with one collective thing, but indeed the adults are now travelling equally at the - fare of a child within the context of all of that, you have an issue that is a challenge. But I am seeking and I can lay out the plans.

(*Sotto voce* comments by Member)

Mr. HENRY: Pardon?

Dr. PHILLIPS: Expand some more.

Mr. HENRY: In terms of what. I have to keep expanding, you know because if you think it is boring you know, I will stop, but I come with the…

Dr. DAVIES: But we are learning a lot.

Mr. CHARLES: I am learning a lot because my children are paying ten times what yours are paying. You paying $20.00 I am paying $500.00

Mr. HENRY: So the basic point is, that we have not established the true cost of travel and we have not done that against the proper planning. And I close my colleague by saying; you know only last week I saw an ad which begins to say that the housing scheme is close to the railway station. I actually saw an ad for a house, and therefore it is the very different modes that can be.

Dr. DAVIES: Multi-modal comes to pass.

Mr. HENRY: Well, I hope that comes to pass with a just in time delivery for the person because it is a just in time world. (Applause) The ministry is trying and I am doing my best and I welcome any input that you have, because you have had the challenge yourself when you were in Government.

Mr. D. SMITH: Very good, Mike.

A MEMBER: No young boy could do that.

Dr. GUY: Minister, you indicated in your answers that one of the reasons why the ridership as well as the revenues of JUTC has been declining is because it has been impacted by the illegal operators in the Kingston Metropolitan area. But aren't there also legal operators which are impacting on it? Because you see on the road that the Transport Authority has given licences to vehicles to operate, for example, Kitson Town to Papine. How does one conceptualize something like that? Because certainly when you reach Half Way Tree it would impact on the travellership between Half-Way Tree and Papine and certainly in terms of policing a lot of these vehicles do not do the route, they just run where it is economical for them to run. In the new scheme of things as you are proposing, how does one plan to address this so that you can give back rightly what belongs to the JUTC?

Mr. HENRY: When I use the word illegal, I use it to incorporate those who equally have red plates or hackney carriages or the route - the country buses that come in who pick up on the route in-between and they are not operating in accordance with the routes that they are assigned. Now the basic point is, how I am going to deal with that the rather than going into it?

One, new licences plate regime, colour coding by zones and colour coding by areas. The national colour being yellow as you have seen everything being converted, then the colour blue would apply to Montego Bay, right. You will forgive me, the colour green would apply to Clarendon, you know, so you will understand. So basically…

Mr. CHARLES: There will be no red colour.

Mr. HENRY: So that basically, there is nowhere in the world you do not travel by colour. It is almost like how we try to accuse people of driving improperly and saying they can't read and write. You don't drive by being able to spell cat or rat, you drive by symbols, 'right'. What is a railway crossing, what is a pedestrian crossing what lights are there overall? So that basically, what we are doing is I am coming with a new licence plate regime, I am coming with a new colour coding; I am coming with what I am asking the country to look at. We have had a problem recently with taxis where they say you must stick to a route. Nowhere do we have a city taxi service that someone can drive around and pick up and drop off as you want. We must begin to educate people. We are not fighting over one passenger, we should be fighting to get people to move as quickly as possible; so all of these things are being examined.

And again I return, what is a taxi? In any country of major metropolitan city you go to, you know what is a taxi. You know if in Brooklyn it is blue, and you know if it is yellow in Manhattan. And we have to begin to deal with all of that in that approach which has to not come in on overnight. Because if you are introducing a new form of taxi which must seat so many people it must carry have a luggage space, it must be tracked by GPS. You have to now think of what you are going to do with the person who already bought something and how you filter that back into the system. So I am designing all of that to

come to make a presentation of that whole new regime that needs to be addressed.

Mr. CHARLES: Hear! Hear!

Dr. DAVIES: Madam Speaker, Can I I have some questions to lay on the table. Is it the correct time?

The SPEAKER: Yes.

Dr. DAVIES: I beg to give notice that at the expiration of 21 days, I will ask the Minister of Transport and Works the following questions. But I am hoping that I could have an edited version of his responses.

PALISADOES ROAD IMPROVEMENT

Question 1: Will the Minister provide a brief progress report on the above project?

Question 2: Is the Minister in a position to provide details of the causes for the recent slow-down of work on the project?

Question 3: Is the Minister in a position to comment on reports of differences between the main contractor, China Harbour and the sub-contractor, Y.P. Seaton?

Question 4: Will the Minister indicate the original estimate for completion of this project?

Question 5: Will the Minister indicate

(i) the total amount expended to date and

(ii) the amount expended to date in fiscal year 2011/2012?

Question 6: Will the Minister indicate an estimate of the percentage of work on the project completed to date?

Mr. HENRY: Madam Speaker, now that he has made the application, I will bring into fore my publishing standards, and I will certainly make it an edited version and bring it down to the primary school level.

Rev. THWAITES: Madam Speaker, will the Minister of Agriculture answer questions addressed to him by me No. 26 on the Order Paper, please.

LION FISH DISCOVERY

Mr. MONTAGUE: Madam Speaker, the question on the Order Paper, Question 6.

Question: Has the Minister received reports that lion fish are being discovered in the fish sanctuaries and that human predators are decimating many sanctuaries as well?

Answer: Yes.

Question: What is the volume and dollar value of fish imported annually?

Answer: The annual volume and dollar cost of fish imported is just over 28,000 metric tonnes valued at US$93.7 Billion or approximately J$7.8 Million per year.

Question: What is the plan to reduce the level of import?

Answer: The Ministry's plan to narrow the gap between imports and exports is embodied in the draft Fisheries Policy and Strategic Framework which I hope to present before Parliament early next year. The policy outlines measures aimed at improving food security, reducing declining fish production, improved fisheries enhancement among others. Other initiatives include:

(a) establishment of an Agriculture Development Fund and a Fisheries Management and Development Fund both of which are being used to finance projects promoting the sustainable development of the fisheries sector.

(b) taking bold conservation oriented move such as the establishment of nine (9) recent fish sanctuaries with attendant funding to support partner NGO in co-managing the said sanctuaries. The recently declared sanctuaries bringing the total number to 11 across the country;

(c) enactment of new regulations to increase the mesh wire size to an inch and a half, and the banning of all-night fishing using spear guns or other impaling devices.

(d) The enhancement and rehabilitation of sensitive and critical marine habitat through the introduction of artificial reef systems and lobster shelters.

Dr. DAVIES: Condominiums.

Mr. MONTAGUE: Yes, Sir.

Rev. THWAITES: Madam Speaker, will the Minister concede that the very sanctuaries that he speaks of as being part of the initiative to improve the stock of local fish are the very ones that he is acknowledging are being decimated. Has the Minister visited any of these sanctuaries? My own observation and report is that, not only has lion fish invaded them as he concedes, but also there are fisher folks who are in fact active and there is insufficient surveillance in each of these areas. It is out of concern that the effort which is being made is not in fact being properly surveillance that I ask these questions. Writing them down here is not going to let them happen. Does the Minister concede that we have a real problem in those very sanctuaries?

Mr. MONTAGUE: Madam Speaker, the Member well knows that we have a problem with the lion fish and no Government or Opposition can stop the lion fish, it is an invading species, from going into a sanctuary. And we have established through MOUs active partnerships with NGOs to enforce the regulations within the sanctuaries. And yes, Madam, there can be improvements and we are working daily with these NOGs and communities and the fishing cooperatives to improve the regulations and the enforcement. I also would like to use this opportunity to invite all Members of Parliament to join us in passing on the word to their constituents that within the fish sanctuaries there ought to be no fishing.

Rev. THWAITES: Madam Speaker, does the Minister feel that as a nation and as Government, we are taking sufficient steps to apply appropriate science and technology to the task of improving the quantum of fish both in our marine culture and in our near shore mari-culture venture?

Madam Speaker, will the Minister say if he is familiar, for example, with the extremely advanced technologies used by our neighbours

Cuba, Israel and Australia to name but three examples and there are many others, in order to do exactly what we need to do which is to depress this unsustainable level of import and to ensure that we are providing for our own protein requirements?

Mr. MONTAGUE: Madam Speaker, I am happy to inform the Member that we are about to begin for example, a fisheries survey and the conch survey in particular. We are working with other international partners in improving the fish stock. For example, we are doing some work over by the banks to deal with the whole matter of sustainability of the fishery sector.

Madam, this is not a overnight correction of a problem that was created over time and we have to work together in a very sustainable way in order to correct this problem, while we as a nation begin to improve this fish stock so that we can cut the high level of importation.

Mrs. HAY-WEBSTER: Madam Speaker, the Member had asked that I had asked the Member if he would allow me to do a followup on this particular one.

Minister, in respect of giving support to the fishing sector, following through on the Member Central Kingston follow up. Has there been proper consideration of use of in-land means? I speak in particular because of my own constituency in Hill Run and discussions we have had over time and with Moses Lake and the new Caymanas Estate Zone, whether or not there is room to build out that way, use the fish cluster approach. There is need to establish an agro-zone and actually do the value added. But we have not been able to take it any further. Given this new paper and studies that you say you are doing, is there due consideration of that?

Mr. MONTAGUE: Madam Speaker, the answer is yes to the Member.

(*Sotto voce* comments by Mrs. Hay-Webster)

Mr. MONTAGUE: Well, I can't until the surveys are completed and we have empirical evidence and then we can proceed to the next stage. But in order in terms of a goal that is where, as a Minister leading the ministry, this is something I am very interested in and that is why I said yes, emphatically.

Mrs. HAY-WEBSTER: Just as a final follow-up.

Madam Speaker, just as a point of reference; Guatemala has taken our stock and has grown out their inland fish capabilities so significantly that they now provide fish to major franchise within the USA and they used our stock to do that and we are missing opportunities, Minister. And I am really plead that other than focusing on the marine fish culture, we need to come back to our inland fish.

Mr. MONTAGUE: Madam Speaker, I am sure the Member would appreciate that we also suffer from illegal fishing from other countries, and we are challenged by that. But yes, again, we are working towards building out the Inland Fisheries sector.

Miss HANNA: Madam Speaker, Minister this it has been brought to our attention that the compliance rate in terms of licensing of fishermen is declining and certainly the licensing of vessels. I think there was a compliance rate of about 11% in 2008 and it has declined to about 7%. No one wants to see the livelihood of fishermen decline, particularly our local fishermen, if the balance is that we want to reduce exports and increase our local production.

One of the issues that the ministry actually says that it has is the tabling of legislation to make sure that the fines become certainly harsher for persons who don't comply and also to put in fact a regime that has an ongoing system. I know that they are working overtime, but there are two questions. One, when do you think that legislation will actually come to the House? And two, when it does come, one of the issues that I believe that is crippling the overseeing of ensuring that persons remain compliant is the manpower or woman power to ensure that those licences are there. What are the mechanisms to ensure that we have the infrastructure or "the policing" to ensure that we have licensed persons going out into our waters?

Mr. MONTAGUE: Madam Speaker, I am very grateful to the Member for that question because we are currently investigating an allegation, I'll put it at that, of specific persons applying for licence here and then painting another boat the very same colour as the licenced boat. So you have two boats with one licence effectively. So that when the coast guard goes in to inspect one boat would leave and another - the right one is there. So we are investigating that matter and the whole matter of enforcing the provisions of the licence is challenging. And at a recent meeting with the senior fisherfolks - especially those on the deep sea ones, we are working with them in terms of having them become additional eyes and ears, so that if they see anything suspicious they can call into the Coast Guard.

With regard to expanding, we are also developing a radio system - a VHF radio system islandwide, and also to link with the banks so that communications can be enhanced. So that if illegal fishers are in our territorial waters and a fisherperson sees them they can quickly call back to base to report the activity.

With regard to the registration of fisher folks, we are working - just completed a work plan with RADA and we're intensifying the registration of fisherfolks to bring it under one licensing regime rather than you have coffee growers have one ID, fisher folks have one, the RADA man has one, the Irish potato has one regime. We just want to have one licensing regime.

Miss HANNA: What I understand is that the licences are issued according to the resource management i.e. depending on how many fish. But it would be instructive to actually - what I saw in terms of how many registered persons there are, which is something in order, I believe, about seventeen thousand, and eighty-nine per cent (89%) of them are not compliant, and it is actually a declining figure. So if we can actually get that fixed, I think we'd be well on our way to make sure that you kind of balance out that which you're seeking to do.

Mr. ARSCOTT: Madam Speaker. Minister, I noticed item (c) under 3 of your answer, increasing the mesh size. But are you aware of a practice of seining - an extremely fine mesh used by boats to literally trawl the bottom destroying not only the young fish but the coral reefs. It's a growing trend and once one of those boats pass through thousands of young fishes that cannot pass through the size of the mesh are killed. So, therefore, it's pointless of increasing the mesh size and leaving that kind of illegal - well, I don't know if that's illegal, but that activity of seining. So we need to address it. So I don't know if you

have a policy, or are you aware of it? What is the programme and policy in respect of seining?

Mr. MONTAGUE: Madam Speaker, the practice is illegal. And I would like to encourage the Member that wherever he knows that it occurs that a report be made to the police or to the Coast Guard forthwith.

Rev. THWAITES: Madam Speaker, one more. Could the Minister state how soon next year it is anticipated to bring this new policy regarding the repression of imports and the stimulation of local fishing interests?

Mr. MONTAGUE: If I was at another place, Madam Speaker, I would say soon, soon.

(Laughter/Cross talk)

But I would simply say to the Member I anticipate that it would be long before the close of this session of Parliament.

Mr. CLARKE: Minister, the export of conch, the fisher folks were granted a quota of some four hundred metric tonnes of conch to be exported. They went ahead and caught the four hundred tonnes, but the scientific authorities have now indicated that the maximum they can export is three hundred and fifty tonnes. They are now left with fifty tonnes of conch on their hands which cannot be exported. Is anything being done to rectify that? Because they were promised, in the beginning, that some intervention would have been made by the then Minister to facilitate the process. Secondly I ask - I see where we are importing US$93 Million, some J$7.8 Billion of fish into the country. We were exporting tilapia and now we are importing tilapia out of China. What is being done to reverse that trend?

Mr. MONTAGUE: Madam Speaker, if I was at another place -

Mr. M. PEART: You would say soon come.

Mr. MONTAGUE: I remember the Member being at another place with another crop that he would have eaten off all of same. And I know that the former Minister would not, nor was he encouraging the Member to help him to eat down the fifty metric tonnes. But I have good news for the Member, Madam Speaker. An initiative lead by me, we went back to the Scientific Authority and to NEPA; and I'm pleased to announced, Sir, that we have resolved the matter satisfactorily. And I think on Friday we got the official documentation following the meeting that we have resolved the issue with that fifty metric tonnes. So that those that have it in storage will soon be able to export in very short order.

(Inaudible comment by Dr. Davies)

Mr. MONTAGUE: JAS meeting.

Dr. DAVIES: Okay.

Mr. MONTAGUE: With regard to the $7.8 Billion fish imports, yes, I am aware that we used to export Tilapia and I believe that the Tilapia Programme was introduced by the former Prime Minister, Edward Seaga, during his tenure with Percy Broderick as Minister. And I believe that the importation -

(Inaudible comment by Opposition Member)

Mr. MONTAGUE: I believe that the importation of Tilapia and other fish projects exploded sometime in the late 1990s under, I believe, the leadership at the Ministry then of the Honourable Roger Clarke, formerly of St. Elizabeth, now of Central Westmoreland. But as we move to develop and expand the fishing

industry, as I said earlier to the Member from St. Catherine, we are working to expand the inland industry and with that, Madam, we will be aiming to export, once again, fish from Jamaica.

Dr. HARRIS: Minister -

The SPEAKER: Member after… (Inaudible comment follows)

Dr. HARRIS: Sorry, very sorry!

Mr. MONTAGUE: The General Secretary wants to speak.

Mr. BUNTING: Minister, I believe it is incumbent on me, as you know my family is involved in fish farming, to correct you. Tilapia farming was not introduced in the 80s by neither Mr. Seaga nor Mr. Broderick. In fact, we were farming Tilapia on Longville Park from in the 70s. So I would just correct your information.

Mr. MONTAGUE: You were doing it very privately. You were doing it as a hobby.

Mr. BUNTING: No, no, we may not have been doing it on this scale and if that's how you want to refer to small farmers, but we were doing it successfully. But if you want to fast forward to the current time, the Inland Fish farmers were doing very well up to a few years ago. And, apparently, there was some change in the importation policy and the granting of import licences for Tilapia from China; and my understanding is that this was previously prohibited for sanitary and phytosanitary reasons. And this seems to have resulted in a substantial decline in the production of inland fish in Jamaica over the last couple years. Well, you say it has killed it - it has killed the industry. Could you explain what is the policy regarding giving import permits, or what is the regime that covers the importation of this US$93.7 Million of importation of fish? Is it some sort of quota regime? Is it that they're given duty waivers or they require both? Could you just explain the regime and the thinking of your administration in terms of issuing these permits?

Mr. MONTAGUE: Madam Speaker, I'm glad that the Member wishes to elevate a little hobby into commercial entity, but I will…

(Laughter)

Mr. BUNTING: Careful how you speak.

Mr. MONTAGUE: Madam Speaker, the Member asked for some specific information and I'll ask for time to provide the breakout, because you will have different regimes for different items. You may have a quota system; you may have a waiver. So I will break out because you have the salted fish different from the fresh fish. You have different things. There is an import regime - I will break it out and provide at a later date, the necessary information.

Mr. BUNTING: Rather than just at a later date, could you just…

Mr. MONTAGUE: Within fourteen days. In addition, Madam Speaker, with regard to our food security the Member was correct with regards to a number of not only fish, but other food items being brought into Jamaica that do not satisfy the Jamaican standard. And even worldwide a number of countries are moving to enforce food safety rules. And it is only fair, Madam Speaker, that if the food is produced in a facility that does not meet the minimum standard for a Jamaican producer, we must ensure that the food coming here, whether processed or otherwise, must meet the Jamaican standard.

Ms. HANNA: Hear, hear!

Mr. MONTAGUE: And we are moving with the food safety policy very fast, to deal and treat with that. Most processors in Jamaica have to meet a very stringent standard of the Bureau of Standards and the Ministry of Health and we -

(Inaudible comment by Opposition Member)

Mr. MONTAGUE: I won't even go to international standards at first, the minimum standard is the Jamaican standard. And in many cases, Madam Speaker, the Jamaican standard far exceeds what is required internationally. So we are looking. But the Member should also be aware that we are signatories to many trade agreements and we have to be careful as we apply the provisions therein, as we are signatories especially to the WTO. But within that, there is still space to protect the local industry as long as it is effective and efficient. But I will provide the necessary information to the Member within fourteen days.

Dr. HARRIS: Madam Speaker, through you to the Minister. The fishing industry, I would term it, Madam Speaker, is of such importance to the country that I believe we have paid scant regard to over the years. Now, I hear the Minister speak a lot about fishing offshore, fishing onshore, but I think that there is a way we should approach fishing, Madam Speaker, that still eludes the discussion. Fishing is not only about live fish and fish for table. Fishing is about pet fish, ornamental fish, and feed for pet fish.

If we start to look at the whole array of services that we could provide, as a country, it could become an industry that could be as beneficial to the country as bananas were to my community when I was growing up. Meaning, you could have benefit every week, every day of the year, for the rest of the time, because that is the industry that it is.

Now, when it comes to pet fish, ornamental fish, I do not hear us tapping into the market and securing those markets. It could be anything from guppies to the most expensive species.

(*Sotto voce* comment from a Member)

Dr. HARRIS: No, well, you can tell me. But you see, Madam Speaker, if we were to look at the industry only at the top end we would not be earning the maximum from the industry. We have to earn from all levels of the industry.

If we were to look at fishing as a trade now, it would be difficult to provide the kind of table fish that is necessary, from the ocean now, in our waters, and that says that the Government policy must encourage aquaculture, must encourage aquaculture. And we should do it, Mr. Minister. We should do it in a way – the same way we promote potatoes or peppers, we could do inland fishing to substitute a significant chunk of that protein requirement for our population.

The other reason why we need to do this, Mr. Minister, is because we can earn the dollar from whichever way, from – well, I would say from export. When a tourist comes here it is actually export dollar that we are earning. But we will not retain it if we cannot feed that person. And that is the reason why we have to…

The SPEAKER: Member, I appreciate what you are saying, but I don't want us to go into…

Dr. HARRIS: Okay. The question is,

when are we going to see a comprehensive, a comprehensive fishing policy, not only about Tilapia and Shrimp and Lobster, but about the whole industry, and how we can use that industry as another plank on which this country has a competitive and a comparative advantage?

Mr. MONTAGUE: Madam Speaker, I must congratulate the Member for his enlightened view and approach of the fishing industry. And to happily inform him that, as I had said earlier, before the end of this parliamentary year we hope to have the Fisheries Policy here for debate, and I am looking forward to his contribution.

He is correct, Madam Speaker, with regard to the market size of ornamental fish. And through the JBDC there is a programme working with the Fisheries Division, along with the Ornamental Growers Association, to expand the ornamental fish sector.

In addition to that, Madam Speaker, there is an experiment that we are about to conduct at the Ministry to use the guppies or the 'tiki-tiki' we normally know them as, as a biological means of helping to control mosquitoes in drains and in open waters. We are about to introduce some 10,000 fingerlings into a specific drain to help with mosquito control.

(*Sotto voce* comment from a Member)

Mr. MONTAGUE: Yes, it is in Portmore, it is in Portmore. So we will be experimenting with that, Madam Speaker. So yes, there is a lot of scope for development within the fishery sector, and not only as the Member said, for the top end, but right across the sector.

Mrs. HAY-WEBSTER: Madam Speaker, if I…

(*Sotto voce* comment from a Member)

Mrs. HAY-WEBSTER: No, mine is the last now. Just to follow up on the Member for North Trelawny, in respect of value-added and the other – is there any consideration in your new policy, of looking at the value-added in respect of Tilapia? Because that would add in also to the food security and tie us back into the EU market, which we have been exploring. Because much of what the Member from Manchester spoke of, Jamaica Broilers, Caribbean Broilers who had actually gone into inland fishing had to pull out because of those same importation concessions.

Mr. MONTAGUE: Madam Speaker, the answer is yes. Not only are we looking at value-added, but recently, Madam Speaker, at an importers' workshop, a number of importers volunteered to make donations to the Mannings High School. They have a very innovative aquaponics project, using the droppings from the fish in the tank to fertigate vegetables in a closed system. And a number of importers voluntarily gave donations toward the expansion of that project – and I think Mannings is in the constituency of the Member for Central Westmoreland. And those are some of the innovative new ideas we are doing with regards to the fishing industry, and to add value to the industry. Because unless we begin to add value to our industries, the people cannot get the full potential of the benefits therein.

Mr. HOLNESS: Madam Speaker…

The SPEAKER: No more questions?

Mr. HOLNESS: No, Madam Speaker.

PUBLIC BUSINESS

Mr. HOLNESS: Madam Speaker, at Public Business we will continue debate…

Mr. PICKERSGILL: Committal Proceedings. What happen, you have too many things on your mind, man?

COMMITTAL PROCEEDINGS ACT

Mr. HOLNESS: Madam Speaker, we will continue debate on the Committal Proceedings, which we suspended at our last sitting.

The SPEAKER: Mr. Hylton.

Mr. HYLTON: Madam Speaker, with respect to the Bill before us, I wish to say at the outset that I believe that before we focus on the particular provisions in the Bill or the Bill itself, I think a connection must be made between the projected outcomes of the measure and the process of reform of the justice system, as developed in the Chevannes Task Force, which presented its Report in June of 2007.

Madam Speaker, we need to know how does this Bill advance through the process of reform? What is the connection to the other areas of the reform landscape?

You see, Madam Speaker, there is deep disappointment in the approach of the Administration to the implementation of the recommendations of the Chevannes Task Force. The approach, we believe, has been haphazard. The Administration has sought to pluck out elements of the recommendations for implementation, without laying out a coherent road map for taking the process forward. This is exactly what is being done by the tabling of this Bill. The Minister has not explained - I believe, if at all, certainly not sufficiently - the connection to the other elements of the reform process.

Let us recall, Madam Speaker, that the Task Force strongly suggested that the very first act in the implementation process should have been the establishment of a broad-based monitoring committee to do the following things:

a) to allow for the input of all elements of the society by representation on the Monitoring Committee;
b) to remove from the Ministry of Justice a sizeable part of the burden of shouldering the implementation process on its own;
c) to separate out from the wide-ranging recommendations those that could be implemented without much of a burden on the taxpayers, but to add significantly to the face of the Administration of the justice system. For example, how officials and others who man the system, deal with members of the public;
d) to encourage the commitment of the private sector and other influential stakeholders to the implementation process, and by examining how foundations are established in other jurisdictions for sustainable assistance in the funding of the justice system.

Madam Speaker, the Administration continues to fail to show how these measures that are brought to this Parliament contribute to the better administration of the system. Are

they simply cosmetic – are they simply cosmetic exercises designed to hoodwink the public into believing that something worthwhile is being done in this regard?

The Opposition is suggesting to the Minister, indeed, demanding of him that he outlines specifically…

Mr. KELLIER: Yes. Tell us.

Mr. HYLTON: …for the Parliament, the stakeholders, and the stakeholders who in effect are the entire nation, how the abolition of the Committal Proceeding Bill will advance to better administration of the justice system. Will it not create a bulge in the backlog in the Supreme Court?

Mr. KELLIER: Yes.

Mr. HYLTON: Are more Judges, Prosecutors and other Court staff to be put in place? Are the investigation processes to be improved?

We make these suggestions, Madam Speaker…

Mr. KELLIER: Very good point.

Mr. HYLTON: …not out of peak or any nuisance value, but out of genuine concern, and based on the history…

Mr. KELLIER: Withdraw the Bill.

Mr. HYLTON: …of the measures that have been brought to this Parliament by this Administration.

I take one example, Madam Speaker. We are asking the Minister to enquire of the Director of Public Prosecutions, as to how many cases have been influenced by the Plea Bargain Legislation that was brought to this House. I have not heard of one. And I invite the Minister to research the passage of the regulations to that Bill through both Houses. We are looking for a reply from the Minister in short order.

Regarding the Bill before us, Madam Speaker, it would have been extremely – it would have been very helpful if the Minister had provided us with the evidence on which the Cabinet rely in coming to its judgement…

Mr. KELLIER: Purisists.

Mr. HYLTON: …that the elimination of the Preliminary Enquiry in favour of the Committal Proceedings, that it will appreciably address the myriad problems affecting the justice system.

Madam Speaker, as the debate has evolved it is clear that this Bill is controversial, given the strong feelings pro and con the proposal. The Government will no doubt use its majority to pass this legislation whenever the vote is taken.

However, Madam Speaker, the Opposition remains unconvinced as to the improvements to be brought to the effectiveness of the justice system. We, on this side, continue to believe that there are more urgent issues to be addressed in fixing the justice system. For example, has the time not come for us to introduce specialization training within the judiciary?

Madam Speaker, I submit that the judicial system is made far less effective and credible when complex commercial matters are left unaddressed for several years, because new treaty rights and obligations created for the benefit of businesses are left unresolved, as I said, for many, many years.

Similarly, the need for greater use of technology in the court system...

Dr. DAVIES: Microphones.

Mr. HYLTON: ...in the court system...

Dr. DAVIES: Camera.

Mr. HYLTON: ...such as the production of court transcripts could go to contributing

ease of the backlog in the courts and lead to a more efficiently functioning system.

In conclusion, Madam Speaker, I want to say that without links to evidence, we are not certain as to the benefits to be derived by the individual or the system from the passage of the Bill. There will be, on the other hand, the likely increase in legal costs to the working poor and the likely shift in the backlog to the Supreme Court.

We await the articulation, as I said, of a coherent approach and timetable to the implementation of the consensus Chevannes Report in the memories of its author. I thank you, Madam Speaker. (Applause)

A MEMBER: Hear, hear!

Mr. THWAITES: Madam Speaker, what I wish to say is critical of the committal proceedings tabled before the House is intended to support every effort by whichever Minister, by whichever administration for the improvement of the justice system. I believe that inherent in the passage of this thinking that has led us to this particular juncture where legislation is pending, is a lack of appreciation of the critical importance of the role of the State in facilitating the administration of justice. The issue would never arise, Madam Speaker, if we did not have a backlog of, what is it, three to four hundred thousand cases at any one time in our court system.

(DR. ST. AUBYN BARTLETT, (JLP), St. Andrew Eastern entered and took his seat.)

I had the privilege of sitting on the Chevannes Commission some years ago, he of blessed memory now, and it was fully recommended at that time and accepted by all parties that we needed at least two more Magistrates, in each parish in order to be able to deal with the increase in litigation. And I believe that there is an undercurrent, an ideological undercurrent that we have to be aware of also and that is, that fervid in our panic at the instances of crime, very often we believe that in such times and circumstances and with straightened budgets that somehow traditional rights under law and deposits of human rights, guaranteed in our Constitution, can somehow be given less than adequate attention. And I acknowledge that the incumbent Minister of Justice has significant record in defending exactly the principles that we are speaking of here. And it is important that we should not at all weaken from that kind of principle when the albatross of office encompasses our necks.

Now, the situation is very clearly that the Committal Proceedings Act, Madam Speaker, will deny to a citizen of Jamaica one of the most fundamental rights of common law, and that is to be confronted by your accuser at the earliest stage.

Mr. PICKERSGILL: You agree? You agree?

Rev. THWAITES: This is what it is going to do. This is an extension, this is an extension of the erosion of the traditional principles of justice which we - we meaning legislators of various pedigrees - allow when we effectively allow paper trials to come even to the hallowed halls of our Supreme Courts, Madam Speaker. And we did this, not because we were convinced that justice would be done because we needed to get cases out of the way. Because the points made by the Member for Western St. Andrew, and I believe by others on this side and acknowledged elsewhere by the Minister, is that we simply do not have

enough courtrooms either at the Magistracy level or indeed at the Supreme Court to handle the volume and we have not made the proper ranking in priority for public expenditure.

Madam Speaker, it may well be - and I don't wish to be misunderstood - that we need to get more out of the present system. It is a fact that our system perhaps is operating at forty or fifty per cent capacity now. But the net effect is that the outcome is one of congestion and delay, which effectively denies justice. So there is much to be changed in what there is and there is much to be advanced in what there ought to be. And the purpose of this presentation and this consideration is in order that we may strengthen the arm of Government in order to make the necessary allocations. This is one area of life which along with education ought to receive no budget strictures, no budget cuts because it goes to the very heart of that which we guarantee to each other as citizens of this country, that we are going to have a fair and appropriate justice system.

I'd like to draw attention of the Parliament, Madam Speaker, to a motion that sits in my name on the Order Paper as is inevitable for months and months on end, to one of the problems we have which is from the same root, is the inadequacy of allocation to the Director of Public Prosecutions and also to the Chief Parliamentary Counsel.

The issues there lead us along paths that we should not take. It has led us in other pieces of legislation to try and get around the constitutional provisions of exclusive prosecution relating to the Director of Public Prosecutions, rather than fixing that office and giving it the necessary enablement to deal with the workload that it has. And, Madam Speaker, you know in this Parliament, the way in which progressive efforts to change the circumstances of our people within our existing resources are often stymied because the legislation has a bottleneck at the Chief Parliamentary Counsel. And therefore the very utility of Parliament and the efficacy of government, so much under public criticism, is fueled by that fact over which I can say that many of the Ministers in whatever administration have really no control whatever. A random poll I'm sure of any administration would list four or five important measures emanating from any ministry that they'd love to see passed but they can't get the draft through this turgid system that we have. The point to be made, Madam Speaker, in the consideration of this. It is not an abstruse argument. It is one very pointed, that we must not take shortcuts before - because we refuse to do the essential thing.

Mr. PICKERSGILL: Hear, hear!

Rev. THWAITES: ...And we must organize and we must fund the justice system properly.

Mr. PICKERSGILL: That's what needs doing. You are right.

Rev. THWAITES: That is the important thing for us to say. Madam Speaker...

Mr. PICKERSGILL: Put up the phone and listen, man. Where you gone?

Rev. THWAITES: ...in relation to the Bill under consideration, one is sympathetic of the long delays that affect everyone, notably accused, victims, witnesses and the entire society in respect of indictable offences.

Madam Speaker, the tissue of this Bill has to do with the taking of statements and the acceptance of them by the Resident Magistrate as being sufficiently credible to warrant a

committal of an accused person or his discharge.

Madam Speaker, I can't get out of my brain the case, was it last year, certainly no earlier than the year before of that issue in Montego Bay, where a policeman fabricated a statement which was put up - under the Evidence Act - was admitted under a spurious excuse that I fear is going to be replicated by section 12 of the proposed Bill, whereby you come into court and you say, I've taken all reasonable steps to find this person, ah caan find him and therefore his uncontested statement is entered as evidence against the citizen?

No, Madam Speaker, this is a direction we must not go in. And our distress at the number of adjourned preliminary enquiries and of the long delays that sometimes are foisted upon the existing system in its inadequacy, must not lead us to that kind of disregard, disregard for that which has been fought for and struggled in our common-law jurisprudence for centuries.

I worry about section 12, Minister. I believe that it is going to become the norm, for you can write up a statement and sign it when the time comes and just put it in. And that's the basis of sending it up to Circuit?

Mr. PICKERSGILL: If a trial. Stay for trial... (Inaudible)

Rev. THWAITES: And the Magistrate, the Magistrate is placed in an invidious position, which I don't know will even ease the congestion that we are anxious to allay, because the Magistrate is now going to have to hold something called a committal proceeding. And the accused person - the Act in a rather lame fashion provides - can indicate that there is another statement or some challenge that the Magistrate may take into consideration when coming to a judgment on the matter. Madam Speaker, does this meet the bar of the presumption of innocence which is the first principle of our jurisprudence?

My own view therefore - and I could go into further detail. I want to ask, for example, Madam Speaker, during these committal proceedings would the Minister in his reply tell us whether in fact the legal-aid which is now available to persons who undergo preliminary examination, will it be available for committal proceedings? I suspect not. And if it is not, look at the further jeopardy that the majority of our people who are so charged are going to find themselves in. And if legal-aid will be kept, under what terms and tariffs? I note the provision. How, indeed, are we going to be sure that the statements are served on time? Notably the person is in custody. And indeed, what would be the savings to the system if in fact the basic ingredients of it are going to remain largely the same?

And for the purposes of the committal proceedings section 9 says:

> "*Steps shall be taken by the prosecutor, as the case, or the accused, as the case may be, to make available to any other party to the proceedings copies of the statement".*

Steps shall be taken... I'm not sure that's adequate at all you know, Madam Speaker. This goes to the very heart of the liberty of the subject.

What else are we in this place to do but to protect the liberty of the subject? The purpose of law is not to railroad criminals as we designate them prior to their conviction through the system. Our purpose, our solemn duty is to defend the liberty of the subject.

That is the deposit of his inalienable God-given liberties that he cedes to us to protect. And I fear that we are skirting a situation here.

I am unmoved, Madam Speaker, when I'm told that this Bill, which I do know about, has a long beard to it and has passed through the consideration of many administrators. The difficulties of the past do not give me any comfort for us to continue their mistakes into the future.

Mr. PICKERSGILL: Hear, hear!

Rev. THWAITES: And I do believe that what we ought to do is to be very cautious about passing this one. I think it needs additional work, even if it has lain for long. And I believe that the way that we are dealing with, for example, the Special Prosecutor's Bill and others, this would do to be reserved to a small committee of the Members of this House for consideration of some of those sections which I believe are too - I don't want to say careless - but far-reaching in their encroachment on traditional liberties. And I believe we could come back with a revised Bill which would achieve the objectives of giving alacrity to the process but at the same time fully protecting the rights of accused persons. I trust that that recommendation will be given some consideration. And I thank you.

(Applause)

Mr. CHUCK: Madam Speaker, I'm really extremely disappointed by the persons who spoke on the other side. When the last speaker from Central Kingston spoke, I somehow believed he had forgotten that he was a member of the Chevannes Committee, even though he admitted it...

A MEMBER: What!

Mr. PICKERSGILL: He said it.

Mr. CHUCK: ...and strongly, and strongly urge in the report that PE should be removed and committal proceedings should take over.

A MEMBER: Age!

Mr. CHUCK: This is just a recent report of a couple years ago where a major recommendation was to ease...

Mr. PICKERSGILL: Where is this?

Mr. CHUCK: ...was to ease the process in the Court...

Mr. PICKERSGILL: This was '07.

Mr. CHUCK: The Chevannes Report. Right? The Task Force Report. The Task Force Report.

Mr. PICKERSGILL: '07?

Mr. CHUCK: Yes.

Mr. PICKERSGILL: Then how ah didn't see that?

Mr. CHUCK: '07, as recent. In yours and my lifetime that's recent. We not young people. In yours and my lifetime that's recent.

A MEMBER: (Laughing) That's a new one!

Mr. CHUCK: Now, here is a situation. When I listen to the Member of Central Kingston, you would think from he was a party to that Report! So, is there a change of mind?

And, Madam Speaker, when I listen to the Member from North West St. Catherine, he sat in Cabinet in 1993 and in 2005, when they recommended the removal of PE and the implementation of Committal Proceedings. Where were you when you sat in Cabinet?

(*Sotto voce* comment by Members)

Mr. PICKERSGILL: You are forty years so stop you noise!

Mr. CHUCK: And in 1973, your Government, your Government started it in 1973 to remove PE and to put in Committal Proceedings. And on three occasions, your Government tried to put in Committal Proceedings, and for one reason or another you never succeeded. Right.

(*Sotto voce* comments by Mr. Pickersgill)

Mr. CHUCK: All one is saying, all one is saying, Members, we must come to the situation that these committal proceedings have overtaken a long mediaeval practice of preliminary enquiries.

(*Sotto voce* comments by both sides)

Mr. CHUCK: Across the Commonwealth they recognize that preliminary enquiries are really an ordeal.

(*Sotto voce* comments)

A MEMBER: Waste of time.

Mr. CHUCK: And let me just assist the Members of the House, who are not lawyers, to explain why these Members have not really given this good consideration.

Mr. PICKERSGILL: Tell us how?

Mr. CHUCK: Well, listen.

(*Sotto voce* comment by Members)

Mr. CHUCK: The fact that you repeat it over and over, you know.

You have a situation, Members, where preliminary enquiries start after the police have taken statements from witnesses. Having taken statements from witnesses, they set a mention date when matters are called up, witnesses are brought, they set dates for the hearing. And believe me, Members, maybe 12 and more time before this preliminary enquiry is actually completed.

Mr. PICKERSGILL: Why?

Mr. CHUCK: Because, sometimes the witnesses don't come, sometimes because of the backlog of PE cases, fine, and all of this, all of this, is just choking, choking the justice system at the preliminary level.

(*Sotto voce* comments by Rev. Thwaites)

Mr. CHUCK: Now…. You had a chance, you know, give me a chance no, to respond to you.

(*Sotto voce* comments by Mr. Pickersgill)

Mr. CHARLES: Keep quiet man!

Mr. CHUCK: And what, Members, we are saying on both sides, you have a situation where in the preliminary enquiry is actually conducted - and I have been to many, I have done many - the Magistrate basically allows the witness to say everything that was in the statement, 99.9% of what the witness had in the statement, given at the Police Station, is said at the preliminary enquiry level, so it's just a duplication of efforts. And in 99.9% of the cases, because they are serious crimes, the preliminary enquiries, the Magistrate says, leave it to the Jury.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. CHUCK: Send it. Send it! Well, I can say that oftentimes, the accused person has Counsel there, but rarely - and it is not in the interest of Counsel to even cross-examine, because Counsel feels that they will be giving away what their defense is.

So what I am saying to you, Members, listen to the situation. Statements are taken of the witnesses. These are witnesses who have voluntarily come forward. They may well have been victims or the victim's families, but these are eyewitnesses who have come forward. So far, they sit down and they have given full statement to the police. When they come to the preliminary enquiries, they are oftentimes briefed as to what they said to the police.

Mr. PICKERSGILL: That's why you must get rid of..... no eye witnesses.

Mr. CHUCK: So they now have....
So they now…

(*Sotto voce* comment by Mr. Pickersgill)

Mr. CHUCK: Give me a chance no! Give me a chance no!

(*Sotto voce* comments by some Members)

Mr. CHUCK: So they now come and so they detail the same things that were actually said in these statements. Fine. And all that is happening, is that we are saying, Members, rather than go through this three times, first to the police, then to the Magistrate and finally before the Jury, eliminate that second process because it is unnecessary, totally unnecessary.

And I am amazed, absolutely amazed, that the Member from North West St. Catherine can say this is a poor man's court. How is it a poor man's court. All serious, all serious offences…..

(*Sotto voce* comments by Mr. Pickersgill)

Mr. CHUCK: Well, if they commit a crime, they get a voluntary bill to take is straight?

Mr. PICKERSGILL: Yes!

Mr. CHUCK: That's what - they ask the DPP to go straight?

Mr. PICKERSGILL: Yes!

Mr. CHUCK: Well, then there is definitely something wrong if the DPP - and you are making an accusation, which is unbecoming of you to say that, if it's a rich man, the DPP with a voluntary bill to forego the PE, is that what you are saying?

(*Sotto voce* comments by Mr. Pickersgill)

Mr. CHUCK: Is that what you are saying?

(*Sotto voce* comment by Members)

Mr. CHARLES: That's what him saying, you know.

Mr. CHUCK: Is that what you are saying?

Mr. PICKERSGILL: You a try put words in a me mouth.

Mr. CHUCK: But… (Laughter)

Mr. D. SMITH: That's what you said! That's what you said!

Mr. CHUCK: What we are saying, Members....

Mr. D. SMITH: That's what you said!

Mr. CHUCK: …let us try to think this out carefully because it's a straightforward issue of justice.

The SPEAKER: (Gavels) (Inaudible) No microphone being used.

Mr. CHUCK: This is a straightforward issue. Once there are serious offences for preliminary enquiries, rich or poor, you go there, fine, rich or poor. So, the point I am making is that this second process, where you go simply to repeat what you have said to the police, we are saying that it is unnecessary. What is being asked now, Members, is that those statements that are given to the police, oftentimes with duty Counsel, with a JP present….

Mr. PICKERSGILL: (Laughter) Wha! where you get that from?

Rev. THWAITES: Where are you?

Mr. CHUCK: Well, what is important, is that a JP should be present and a duty Counsel should be present.

Mr. PICKERSGILL: What, wha.... (Laughter)

(*Sotto voce* comments by Opposition Members)

Mr. CHUCK: Fine. Fine. And all that one is saying is, when that is done....

The SPEAKER: (Gavels) I am not going to allow this.

Mr. CHUCK: …..when that is done, when that is done, the statements are taken. And moreover, even if you come at the Committal Proceedings, the accused is there and he will get legal aid and he can make his statement there and then that I was coerced in giving this statement.

Mr. PICKERSGILL: You remember Shortie?

Mr. CHUCK: Fine, whatever. At the end of the day, when it goes to the Supreme Court, he can make his point as to what, how the statement was given or how it was taken from him.

The point I am making to all of you, that we are wasting good judicial time in going through the 12 and more instances of mention dates, coming to preliminary enquiries, doing over the same thing, and then you have to go to the Supreme Court.

But the worst part of it, Madam Speaker, the worst part of it, is that many of these witnesses feel that it is really not only inconvenient, but a real burden to be coming to the Preliminary Enquiry over and over, and when the case is committed to trial, they actually believe that that was the trial, they never knew that they really have to come up to the trial again to go and repeat again what they said at the Preliminary Enquiry.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. CHUCK: Now, I am a defence lawyer, and I can tell you, the only people, he only people that Preliminary Enquiry assists are defence counsel, because defense counsel gets the opportunity - two bites at the cherry.

(*Sotto voce* comments by Mr. Pickersgill) To watch the witnesses at the Preliminary Enquiry, get a payment at the Preliminary Enquiry level, the poor accused doesn't know that this is the first process. Many times they believe it can be stopped there, and then when it goes to trial they have to pay another fee.

(*Sotto voce* comments)

Mr. CHUCK: And I am saying to you, is it…

Mr. PICKERSGILL: That is why it can be stopped.

Mr. CHUCK: But it rarely happens, ninety-nine point nine per cent (99.9%) of the time it goes to trial.

Now, Members, what we are trying to do and I ask all of you to bear in mind. In the Jamaica of today, oftentimes when the accused person is at the preliminary level and all the witnesses come, we expose the witnesses, we expose the witnesses and oftentimes their security is undermined, they are threatened.

(*Sotto voce* comments by both sides)

Mr. CHUCK: They are threatened.

(*Sotto voce* comments by both sides)

Mr. D. SMITH: What you mean by that?

(*Sotto voce* comments by some Members)

Mr. PICKERSGILL: But that's what they do.

(Heckling)

Mr. CHUCK: Member, could you give me a chance?

(*Sotto voce* comments by Mr. Pickersgill)

Mr. CHUCK: Madam Speaker, Madam Speaker, Madam Speaker, it is clear to me, it is clear to me that my colleague from North West, from North West St. Catherine.... Catherine...

The SPEAKER: (Gavels) Member, Member.

Mr. CHUCK: I am coming to that. Let me just say to the Member from North West St. Catherine. There is no doubt that scientific evidence is important, but rarely, rarely can you proceed with most cases without the eyewitness. The eyewitnesses are some of your best witnesses.

Mr. PICKERSGILL: And some of them worse!

Mr. CHUCK: Could be.

Mr. PICKERSGILL: Yes.

Mr. CHUCK: Fine. The point I am making, and it is important, that these eyewitnesses, we have to secure them. And the truth of the matter, Members, is that these witnesses feel a sense of ordeal when they have to give statements, first to the police, then to the Preliminary Enquiry, and then, and then a trial, it is not fair to the witnesses. Having given their statements to the police, let them go to trial and present their case properly to the Jury, and then it can be decided on.

What is happening, Madam Speaker, is we are saying, at the Committal Proceedings level, you look at the statements, you examine what has been said, and if in fact there is not enough evidence for the case to go to trial, you can cut it then and there. But in the majority of cases, they will be sent to the Supreme Court.

Now, the Member from Western St. Andrew asked a number of relevant questions. The truth, Member, it is not appropriate for me to be responding to how far we have gone in the reform process.

I would be happy if you could just put in a question asking, how many cases have been dealt with by plea bargaining, so I can just get the answers and give it to you. Then, you can also ask another question, how far has the reform process gone of the two hundred and odd recommendations or one eighty-three (83) recommendations, how many of them have been implemented? I'll be happy to come and boast what the Ministry has been doing. Fine.

As far as I can see....

Mr. PICKERSGILL: Cherry picking.

Mr. CHUCK: if you want to wait to get the information....

(*Sotto voce* comments by both sides)

Mr. PICKERSGILL: Shut up!

Mr. CHUCK: …I can get that information, but it makes sense for you to ask them by way of questioning.

And let us face it, Member from Western St. Andrew, a number of things have been implemented. Very important recommendations have been implemented and there can be no doubt that when you get the answers to the question hopefully that you have put, you will see that we have gone a far way in the implementation process. More Judges have been granted, more Magistrates have come forward, and even now, we are asking for more. In truth, the justice system undoubtedly, needs more resources. It needs a complete change, overhauling.

(*Sotto voce* comments)

Mr. CHUCK: All of that, all of that. If you listen to me I have been urging more JPs who can assist in Petty Session cases. We have the National Parish Boards where the Custodes are involved in case management at the Resident Magistrate's level, at the national level. Because, unfortunately, a lot of this information has not come to Parliament - with respect, you don't know - but a lot is being done.

And I must say, Madam Speaker, one of my greatest surprise ….

The SPEAKER: Yes, I was just going to incite you to address me and the Chair and probably you will get through your presentation.

Mr. CHUCK: Yes, Madam Speaker, I must say, one of my great surprise when I went to… how much has been done, but regrettably, it has not been revealed to the public. And in due course, I am trying to get all of these Reports to Cabinet, so that they can be laid in Parliament.

You are going to see a Report on the National Restorative and Community Justice, a good Report, which has been implemented in several communities and it's going across. How the Dispute Resolution Foundation is a marvellous activity, where all of the cases referred by the Supreme Court to them, 45% and more, are settled at the DRF level. You are going to see the Victim's Charter and the process where we are setting up a Victim Compensation Act. You are going to see the Child's Justice Division. You are going to see a lot of Reports coming shortly of things that have been done so that you can see immediately the number of compensation under the reform process and a lot of them are still being worked on.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. CHUCK: You are going to see, for instance, something that was recommended that the court management service where the courts will now be totally responsible for themselves away from the executive. They are now doing it. All of that is being implemented right now and when the Report comes to Parliament you will be amazed as to how much has been done over the last few years. (Applause)

A MEMBER: Very good.

Mr. CHUCK: Madam Speaker, there is no doubt that questions have been raised by the Member from Central Kingston. Just out of an abundance of caution I would like to discuss with him what changes he would like to make to section 12, because I am a very receptive Minister. And so, Madam Speaker, before we go to committee I would like to discuss with the Member what proposal he has. So I would ask for suspension, Madam Speaker, so I can discuss what you have to change. Because I want this thing to be passed because I know it is useful. The delays in the system can be eased and if we can get co-operation - I know I won't get the North West St. Catherine but I might get it from Central Kingston. And therefore, Madam Speaker, I am going to ask for suspension at this time. When we come back, hopefully at the Committee stage, we can agree what changes you have. That being so, Madam Speaker, I ask for suspension and when we return we will go to the Committee stage.

Put to the House and agreed to.

Mr. PERALTO: Madam Speaker, I beg to move:

> BE IT RESOLVED that the Inter-American Development Bank (Amendment of the Appendix to the First Schedule) Order, 2011 under the Inter-American Development Bank Act, which was laid on the Table of the House on the 20th day of September, 2011, be referred to the Regulations Committee for consideration and Report.

Mr. HOLNESS: Madam Speaker, I now move for the suspension of the Standing Orders to enable us to take Private Members Motion.

The SPEAKER: Members, the motion has stated by the Deputy Speaker, the question before the House is that it be so approved.

Put to the House and agreed to.

Mr. HOLNESS: Madam Speaker, just for clarity sake I again as for the suspension of Standing Orders to enable us to take Private Members' Motion. The Member from St. Andrew Western has Motion 31 which he will open today. We will not close the debate today.

The SPEAKER: The question before the House is that the Standing Orders be suspended to allow us to take the Private Members' Motion on the Order Paper.

Put to the House and agreed to.

JPS – METERING SYSTEM

The SPEAKER: Member Hylton.

Mr. HYLTON: Madam Speaker, I rise to open the debate on the motion standing in my name at 31 - No. 37 standing in my name at Item 31.

Madam Speaker, this motion was filed on the 1st of March of this year. Since then, Madam Speaker, quite a bit has happened. A lot of water has gone under the bridge.

I want to state for the record that the issue on the matter of the timeliness of these Reports coming on for debate is one that has occupied our attention for quite some time. And when you look at the time when this was tabled on March 1st and come now to debate where a lot has happened, including the fact that similar motions have been raised elsewhere, the fact is that a committee has been established by the Government to look at aspects of the system and how the system operates, particularly the regulatory aspects of the system, the OUR and its functioning. My information is that that Report is due very shortly. If my memory serves me correctly a time line was given for the Report to be concluded in the early period, in the first two weeks of October, if my memory serves me correctly, so that we are on the cuff of that Report.

In the meantime, Madam Speaker, a number of the issues raised in the Report beginning and focusing on the introduction of the metering system by the JPS, is a specific aspect and mandate of the committee. So I just say to you, Madam Speaker, that the conditions under which the metering system was introduced and implemented remains one of concern. The anomalies that were introduced as a result of the system is part of that mandate. And therefore I wouldn't want to go into - it may not be appropriate to go into that aspect of it, but it seems to us constructive to await the outcome of that technical evaluation as to the proper functioning of the metering system.

Because one of the concerns raised by the community that I represent, in Seaview Gardens where this was first instituted, and the outcry from the citizens as to the increased billing as a result of the introduction of the system remains the case. And the relief that has been sought by this resolution is still of some moment, of some urgency. But again I am a bit constrained because I am aware that the report - the investigation is being done, that the Report is due very shortly and I am wondering whether in continuing the debate it might not be wise to wait until the Report is

concluded and invite the Minister to submit that Report to the House for further consideration.

The prayer of this Motion, Madam Speaker, did ask at the time that having regard to the wide-scale implication of the energy problem and the impact of that, that than any one agency or any one ministry, looking at this and taking what would be piecemeal decision that it would be submitted to a Committee of Parliament. At the time I proposed the Economy and Production Committee. I was not the Chairman of the Committee, as I now am, but it seems to be still practical that the Report, when it comes, should be debated and submitted to that committee for further hearing or that it be submitted to that committee.

Madam Speaker, there is one aspect of the mandate that has been given to this Committee that I am not sure, and I will be guided. I notice the Minister is not here to give some guidance, but perhaps other Members on that side could say definitively whether the other aspect of the concern about the Government's policy, particularly as it relates to the charges, the JPS Co bill, and that aspect of the bill, both the fuel charges on the bill and the Government's policy in relation to pricing mechanism and how that impacts, as well as the taxation policy, the GCT portion of the bill, how that impacts on the bill and whether, as is sought by the motion, that a discussion be had about the correct policy and how that might impact on those who are now suffering the high costs, both businesses, as it relates to businesses and individuals.

Whilst I was moved to bring this Motion because of what was happening in my community with the expansion and the roll-out, the continued roll-out of the metering system in other communities - and as a matter of objective to do it nationally, the matter remains a concern to all of us in this House I would submit. We simply wish to say that the regulatory aspect which is properly concerned with the committee perhaps would not address the concern about Government's policy as it relates to taxation, as it relates to pricing mechanism and, of course, the issue of the fuel source which remains a critical part of the efficiencies and the reduction that we hope to achieve in the energy sector.

So perhaps, Madam Speaker, I hesitate. I am a little constrained by the scope of that investigation, the result of when the Report is expected to be tabled and the implication for the discussions that we should have. So even as I open the discussion, perhaps we should await the outcome of that to then decide what else, the coverage of this debate and what should be submitted to the Economy and Production Committee, if that be the decision of this House.

So the problem still exists as has been seen from the hue and cry from the nation as a whole. It affects businesses and it affects individuals. In these communities, the particular aspects of persons who are in these communities who are working poor and the impact on them as to that aspect of disposable income that is being allocated to the energy sector, which causes them to make a choice between light and other expenses that are incumbent upon them, still remain a constraint. I still get reports of persons who have to make very, very difficult choices. And this in a context where they are engaging in conservation measures, so that persons would not profligate, they are not using the

energy willy-nilly, they are taking steps to constrain their use but I think it's a reality and it's a fact that the bills continue to be extremely high. And the reasons for that are not simply the heat efficiency and the heat losses, the technical losses of the JPSCo and its distribution system, it also relates to some of the policies being pursued by this Government as it relates to taxation measures, as it relates to the failure at this stage to implement an alternative supply energy source for generating cheaper electricity. And also the question of the monopoly status of JPSCo and whether addressing that issue can contribute in any sustained way on a structural basis going forward to reduce cost in electricity, to ensure that we have a competitive price in electricity to engender the growth and development that this country desperately needs at this time.

So there are some fundamental issues that have to be addressed. I would like to reserve, House Leader, and with the indulgence of the Members, that I would want to rest at this point but to say that as and when the Report is available the expectation would be that, that Report would come to this House at an appropriate stage and we can then examine the prayer of this Bill, that it be submitted as part of that wider discussion to the Economy and Production Committee, or some other appropriate committee in Parliament to be pursued for the debate and the discussion to be continued. With that, Madam Speaker, I wish to rest, or to reserve, or to suspend the debate on the motion until such time.

Mr. HOLNESS: Madam Speaker, the Minister had indicated that he would have wanted to speak. Unfortunately, he is overseas on Government business. We will resume at our next sitting and the Minister will respond.

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, it is not proposed to do any further business today. I therefore move, Madam Speaker, that the House do adjourn for a date to be fixed.

The SPEAKER: The question before the House is that the House do adjourn for a date to be fixed.

Put to the House and agreed to.

The House accordingly adjourned at 4:46 p.m. for a date to be fixed.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2011 – 2012

TUESDAY, October 18, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 2.41 p.m.

PRESENT

THE SPEAKER

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

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

OLIVIA ATAVIA GRANGE, (JLP), St. Catherine, Central, Minister of Youth, 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 Industry, Commerce & Investment.

DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, Minister of Justice.

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

CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, Minister of Mining and Energy.

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

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of Agriculture and Fisheries.

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.

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.

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, Minister of State in the Ministry of Education.

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

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

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.

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.

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Mrs. Sharon Hay-Webster.

The House resumed its sitting at 2:41 p.m.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, I want to welcome us all back to another sitting of the House.

Please remember to keep your cellphones off.

Mr. HOLNESS: Madam Speaker, before we go to Statements by Ministers, the House...

(Interruption from Opposition benches)

The SPEAKER: Members, please!

PASSING OF OT WILLIAMS – FORMER DEPUTY SPEAKER

Mr. HOLNESS: Madam Speaker, the House will want to note the passing of one of our former Members, the former Deputy Speaker of the House, O.T. Williams. At this time, Madam Speaker, I believe we should invite Members to say a few words in his memory. I, Madam Speaker, would want to start that process. I knew OT, as we would call him, affectionately, very well. We were neighbours in terms of constituency. And I

think everyone will recall OT, he was always very well dressed as the Deputy Speaker, but what we will most recall about OT is his particular use of words. (Laughter)

The SPEAKER: I am humiliated.

Mr. HOLNESS: Madam Speaker, you will recall one.

OT was a gentle human being, a caring human being, someone, Madam Speaker, that Jamaica can be proud of as a Parliamentarian. He truly loved the people of Western St. Andrew.

I had occasion to benefit from his kindness; and it is not something that is normally done. But OT had some work in his constituency and he was kind enough to call me as a neighbour, not just as a neighbour but as someone in an opposing party, and he called me and he said, Andrew, I know you have it hard in West Central but I have some work going on in Western and he gave me some of the work. He gave members of my constituency the opportunity to work on the programme that he had in his constituency. And I thought that that's the highest level of political representation.

(HON. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health, entered and took his seat.)

Mr. HOLNESS: Madam Speaker, I had the occasion, of course, of seeing one of the sad moments in the former Deputy Speaker's life and that was in the gas riot of 1999, when his business place was burnt to the ground. We were in Parliament and he came over to myself and Minister Chuck at the time, in whose constituency his business was located, and Minister Chuck I am sure would recall the despair that OT felt at that time in going to his business place and seeing it razed to the ground. But he never lost hope and he never complained and he never lost his fervor for representation.

Madam Speaker, I learnt with great sadness of his passing and I would want to extend to his wife and his children my condolences. May his soul rest in peace and light eternal shine on him. (Applause)

(DR. THE HON. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, Minister of State in the Ministry of National Security, entered and took his seat.)

Mr. M. PEART: Madam Speaker, I had the distinct pleasure and honour of working very closely with the late OT Williams. We were associated with the People's National Party for many, many decades and we became very close when he served as Deputy Speaker between 2002 to 2007.

He was a unique politician because he took care of himself in every way imaginable. He was keen on physical fitness and he made regular trips to the gymnasium where he would do his exercises. His diet was meticulous, because he specialized in dietary matters when he studied in England. In fact he once used a word in Parliament that I was not acquainted with. (Laughter) So I made a note of the word and I did some research and I found that the word did in fact exist but came out of use in the 19th century. (Laughter) I confronted him on the matter and he said, when I was doing my research in England studying the language, I was acquainted with many words and in the course of my speaking I have to use them. So he wasn't aware that

that was a redundant word.

A MEMBER: Which word was that?

Mr. M. PEART: I cannot recall. (Laughter)

Many people don't know that OT had a taste for fancy cars, classical cars, and I discovered it by chance. I saw him in Mandeville looking about a classic sports Volvo that he had in Mandeville. Somebody special was working on it. And he had a number of them. His sartorial elegance is something that was unmatched in the House of Parliament.

Madam Speaker, he was a committed and dedicated Parliamentarian. He loved the Parliament and he loved to participate in it. He wasn't rambunctious like some of the young Turks we have here now. (Laughter)

(*Sotto voce* comment by some Members)

Mr. M. PEART: He used plenty words. I wouldn't try to match him. But I say he was a sobering force. He never got into any fuss. The most times I saw him get agitated was with matters relating to his constituents, that he was very concerned about their welfare and his work for their improvement.

We will miss OT Williams. We will miss him. He was a unique individual and I doubt we will ever have anybody like OT in this Parliament.

May his soul rest in peace and light perpetual shine upon him. Thank you. (Applause)

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

(MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, entered and took his seat.)

Mr. HAY-WEBSTER: Madam Speaker, I rise to speak in support of our departed colleague. I had the pleasure of sitting beside him and also the pleasure of working with him on the back bench alliance. Why you see me smiling is because I am recalling his use of language. And if Member Samuda would remember one particular day we can remember several occasions but I distinctly remember the Member almost ending up under the table because of the use of a particular word on that day.

But the good thing about OT's spirit, was his openness and willingness to engage. And, Madam Speaker, I met him first when I came to work with the government of the PNP in 1989, as the member for Western St. Catherine then. My very first task as the former Member of North Clarendon's assistant at that time, was to arrange a tour of his constituency. That's how I got to know Riverton City and sections of West Central which were then part of his constituency.

And as the Member from Southern Manchester has pointed out, he was very, very committed to the representation of his constituents and that has always been his hallmark, but even more so, his commitment to helping younger parliamentarians grow and develop, which was why for us in the governing party at the time when I became MP then, and we had back bench alliance, why he offered his residence as our constant meeting spot to sit, go through policy and determine how we were going to approach government on some issues that we had. And he was very much a guiding force in terms of interpretation of the Standing Orders, how we would use committee and he really provided a lot of guidance for us.

We enjoyed his company, I know that we did, especially because of the lectures we would have also about our diet, as the Member from South Manchester said, because he would remind us how much we needed to lose and what kind of exercise we needed to do, and why he shouldn't be eating what we were eating that evening at that time, and how we should improve our diet the next time a time around. But it was good to share time with him.

And I, on behalf of myself and my own constituents who had worked with him, I want to extend condolences to his family and appreciation for the time that he gave us as member of this House, and as a colleague and friend. (Applause)

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

Mr. MULLINGS: Madam Speaker, my acquaintance with the late Deputy Speaker was prior to politics. In fact I fancied myself some years ago as a car buff, and I noticed firstly this metallic blue Volvo Sport that the late Member had. In fact I would say to him that the only other place I saw such a car was on this famous TV series, The Saint on Simon Templar, and he would laugh heartily at that and said, well, I am one of a kind. And then I came to know him even more when I was elected to this House in 2002.

But one thing stands out for me, Madam Speaker, is the utmost respect he had for this Chamber. The late Deputy Speaker took great pride in studying the Standing Orders and indeed to be free-flowing in his praise if he thought you contributed something of worth, notwithstanding what side of the aisle you were on. And indeed, OT represents to us, I believe, that true Jamaican who holds aloft the institutions; who, yes, would provide great mirth when necessary, but took great pride in being a Member of Parliament and Deputy Speaker.

I believe we have a lot to learn from this legacy, this legacy of holding high our institutions and indeed this Parliament, being the highest court of the land.

And so on behalf of my own constituents, on behalf of my own family I would like to extend condolences to the late Deputy Speaker's family. And may his soul rest in peace.

Mr. JACKSON: Madam Speaker, I could not allow this occasion to pass without registering my own remarks and commendation to our former colleague Parliamentarian, my friend and I say, my comrade. I knew - I came to know OT initially during my selection as a candidate in South St. Catherine, and from that day onwards we had a very close relationship. From then to now, to when he parted this House, we did 13 years together in this House.

As others have said, Madam Speaker, one thing that is beyond question, one, he loved his constituency. I can recall the passion with which he represented the interest of his constituency in this House and outside of this House. And I will say against many odds, many will not know that even during the period of the PNP administration many personalities in the Government have felt the wrath of OT Williams in defence of his constituency and the challenges that his

constituency faced. Notwithstanding the fact that they all belong to the same party. He had - as long as it had to do with his constituency and his constituency there is nothing about comradeship that would get in the way of his representation. He loved his constituency with a passion.

One other trait of OT, Madam Speaker, is the institution of this Parliament. He believed in it. He believed in the symbolism of it as representing all of Jamaica. And as the Member from St. James indicated, when it comes to parliamentary business, it wasn't Opposition or Government; it was about the Parliament and Jamaica. I might just mention, I think, and I stand to be corrected, but I think the very chair that is now the permanent chair in our permanent place was one donated by OT Williams to this House. As we all know, his business, one of his primary business was one of antique furniture and he loved quality furniture. And I remember when the previous chair was falling, getting a little tattered, he could not accept that the Parliament had a chair of that condition and offered to provide one of elegance and quality for his Parliament, for our Parliament.

Jamaica has lost a great devoted servant. I had the opportunity to travel with OT at Parliamentary Commonwealth Parliamentary Seminar and I remember on that one particular trip, the Member from St. James, Minister of Tourism, and we were together, and the truth be told, Madam Speaker, it is funny when we are travelling abroad, nobody knows the difference between Government and Opposition, when it comes to the defence of Jamaica and support for Jamaica. He made our Parliament proud in his representation of it outside the shores of Jamaica. He was an outstanding ambassador for our Parliament, for our people and for our country.

And it for those and many other reasons, I hope, that his soul rest in peace and light shines perpetually on him. (Applause)

The SPEAKER: I will ask the Clerk to communicate with his family - I am sorry.

Mr. SAMUDA: Madam Speaker, I take this opportunity to pay my respects to someone who I regarded as a friend, quite beyond any political - partisan political considerations. I got to know OT very, very well. I found him to have those traits that differentiate just a casual political player to one who is steeped in the commitment to service. He was fearless in pursuit of an objective which he perhaps never realized, but sought perpetually to achieve, and that is, to have a constituency with reduced political tribalism and violence.

I will never ever forget in the elections of 1997, I think it was when three persons were murdered brutally. In that section of Seaview Gardens that was considered a strong area for the Jamaica Labour Party, and it was, with all the rumors and what have you, it was felt that it would not be a place where he would be welcome. Notwithstanding that, OT turned up and he spoke with feeling to the people and gave them the assurance that they could call on him for his full support in apprehending those who committed the crime. That is the kind of fearless dedication that he displayed.

You know, when the young Member from West Central St. Andrew, went through a gruelling campaign, I will never forget when OT came into the House and he said to me, my brother, there is a young man that has just

been elected, the boy, he is just good. He said I like the way the boy walks, you see the way he walks… (Demonstrating) ….similar to kind of how he walks. You see the way the boy walks? I said - I have to say this in honour of OT because if he were here today he would say the same thing he did then. OT was - most people don't recognize the extent to which…

(*Sotto voce* comments by a Member)

The SPEAKER: We are in fact paying tribute to someone who served this nation well and that comment is a little distasteful.

Mr. SAMUDA: The fact of the matter is, most people don't recognize or did not know that he was an absolutely phenomenal host. And as Omar would say, I think he could be classified as a musicologist, because he really enjoyed music especially Jazz. And many a times I would visit with him and would enjoy so much, his hospitality.

He brought to the industry that I had I was a participant in the furniture industry - a sense of dignity. Because I'll never forget in another life when I was made Minister of State, in the Ministry of Industry and Commerce, and the Member from Eastern Kingston will confirm, that OT visited with me and he said - he always like to use the word 'my brother', he said, my brother, the office needs a little dignification. (Laugher) As a matter of fact, I said, but what that means OT? He said we need to get you some nice furnishings. And he was commissioned to make some furniture for the office, which I used right up until I left recently. When I got back there I retrieved it, Phillip gave it away, but I retrieved it partly because I liked it and partly because of sentimental value.

So I will simply close by saying, this Parliament and country has lost a genuine Jamaican; someone who cared for the people, someone who was committed and someone who took the job of Deputy Speaker of the House seriously and carried it as a badge of honour wherever he went and whomever he spoke to. He raised that office to a higher level than had previously been done in my opinion.

So, Madam Speaker, I think I speak for all those who have been involved with him from my constituency and to some extent North West St. Andrew where he did business on the border. When we say, may his soul rest in peace and light perpetually shine on him, he was a fine Jamaican man whose memory we must cherish.

Thank you. (Applause)

Mr. PICKERSGILL: Madam Speaker, I rise to pay a special tribute to my friend. I was at his wedding on the 12th of July 1980 when he got married to Joy. We all studied together. And Joy, as she still is, was a beautiful lady, and it was a memorable wedding.

I remember distinctly Milton Weise was the best man and Mr. Perkins was the Master of Ceremony. I proposed a toast to the bride.

A MEMBER: We cannot hear you, talk loud so that people can hear you.

Mr. PICKERSGILL: I can tell you, you missed a lot but there will be no repetition. (Laughter)

OT - for you, I was at his wedding on the 12th of July 1980 when he got married to his beautiful wife, Joy, and I said we studied together, and we encouraged Joy to join hands with OT. Well politically, Madam Speaker, we know he was a fourth term man and the

compliments have been paid. All I want to add to that is his loyalty to Michael Manley, his loyalty to PJ Patterson and his loyalty to the present Leader of the Opposition, a very loyal party man.

But separate and apart from politics he was a man for all seasons, and there were many facets to the man. Medallion furniture, you heard the Member from North Central and Williamsburg. Medallion was the parent company but then it metamorphed into Williamsburg. In fact, my friend mentioned the chair in Parliament and I think it is more than a chair. The Queen and the Duke sat on two chairs made by O.T. And I was speaking to his brother yesterday and his brother has those two chairs at home. He was remarkably proud about his achievements in that regard.

He was interesting in farming Willsborough, the farm in St. Mary, and the Williams Brothers they had a construction company. So, a man of many parts whether it is farming, construction, he was in the hotel business T-Waters with his brothers, you name it OT was involved in it. As you heard there was always a contest between PJ - Most Honourable PJ Patterson, I should say - and OT as to who had the better Jazz collection and he was very, very proud of that. Of course, he fancied himself, as well, Madam Speaker, to be a great dancer. As a result, we had to call him the Great O.T. And the interest he took in his physical health. He owned a gym, Holbourn Gym. Well you know, I am speaking about the things OT was involved in. And he was also a great entertainer, a great host.

So, Madam Speaker, I know Onel as a friend. As a friend, I'll miss him. And, you spoke about the Volvo, he had a bullet proof Benz. Yes, he was a classic car collector. OT was really a man of many, many parts.

Madam Speaker, I visited him during his illness, on a number of occasions. And when it became clear that he wouldn't make it, I said to Joy, you know, I didn't want to see him that way. Not the OT that I knew, sartorial elegance, that gait, famous gait of his. Really all of those things combined to make the fellow, as Nat King Cole said, 'unforgettable'. And to his friends who I would like to consider myself as one, OT has made an indelible mark on us. And he is a member – he is a Baptist and a member of Bethel, good member because that is where he will be buried. And I know he is held in high esteem there. And I know that, as far as he was concerned, he made proper provisions for the life hereafter, as a result. And, Madam Speaker, he never felt any pain, he never felt any pain although the illness was very serious. I won't go into that, but very serious never felt any pain.

And let me say thanks. I think protocol services have been offered, I don't know, I don't know if it will be taken up. And certainly, the pallbearers going in and out of the church will come from us over here. And we look forward to that.

I have no doubt that his soul will rest in peace. (Applause)

Mr. KELLIER: Thank you, Madam Speaker.

I wish to place on record a few words of sympathy and condolences to the family of Mr. OT Williams former Member of Parliament and indeed a dear friend of mine. And I want to remember one occasion, Madam Speaker that I think some of the Members of this House who have been here

for some time now will recall. I believe in the last 20 years or so, it was only on one occasion that the Mace was removed from the House by somebody other than the person who was supposed to remove it.

(*Sotto voce* comments by a Member)

Mr. KELLIER: That would be an occasion, Madam Speaker, when there was great - a lot of energy being displayed in the House.

I remember that Mr. Williams who was the Deputy Speaker was presiding as the Speaker of the House and some matters came up that could not be resolved and there was a lot of noise in the House, the House got very boisterous. And I remember that he quoted from the Standing Orders where it gave him as the Speaker the power to adjourn the House without a question being asked. And he adjourned the House without the question being put and seconded and promptly walked out. Immediately as he did that, Madam Speaker, a Member of the then opposition who will remain nameless got up and took up the Mace...

(Inaudible comments)(Laughter)

Mr. KELLIER: …got up and took up the Mace and walked out behind the Speaker, to, you know... It was really a lot of drama. But that was the kind of man that OT Williams was. He was a man of very high integrity, and he prided himself in his integrity. He always believed that when he was in the chair he was in control and that the Speaker must at all times be respected and heard in silence. He stood up for what he believed in. He was that kind of person. He always used the term, you know, 'a man of my verbosity, who prepared his work methodically and systematically'. But it was those kinds of terminologies. He was very dramatic and we enjoyed his presiding over the House on those occasions - in those years. I think we will cherish and remember those moments for a long time to come.

May his soul rest in peace. (Applause)

Mr. CLARKE: Thank you, Madam Speaker.

I, too, would like to join colleagues in paying tribute to OT Williams. Indeed, what you saw in the man, OT, is what he was at Mannings School where we both went. He was some years ahead of me, but for some unknown reason he really did like me. I was so quiet and unassuming and it seemed then that I needed protection.

(*Sotto voce* comments)

Mr. CLARKE: Yes! I was just a stripling but he was this muscle man and he always gave me protection. He used to drive a VW to school.

A MEMBER: To school?

Mr. CLARKE: Yes! And boys like us rode bicycles, so, you know, we had to look up to this great OT. Because you had to look up to him from school days because his presence was always there,. He was awesome. And then after school, I lost track of him until in the early '80s we got back together, belonging to the same tribe, as we are called in this House.

He was a very, very serious political campaigner. He feared no one. What you saw was what you got. He would run away from no fight but he wouldn't pick a fight. In terms of his representation for his people, I would say he was a consummate politician. When he asked for anything he wanted to make sure that he got it. I can't forget him taking me into Seaview and into the City Dump...

A MEMBER: Riverton dump.

Mr. CLARKE: Riverton - and he took me there just to frighten me, because country man going into those areas, when he showed me the roads and what was happening in there, and the fellows who came around, I had to say to him, OT, I'm surely going to fix you up, because he put me on a spot before all the people who were there. I was terrified. But he didn't mean me any harm. All he wanted was to get what the constituency needed. And so today as we come to pay tribute to him we will remember him as a great politician, kind, generous, a man, as the Party Chairman said, a man for all seasons. To his family, my deepest and sincerest condolences and I know that OT will rest in peace.

Thank you very much, Madam Speaker. (Applause)

The SPEAKER: Thank you very much, Member. Members, I think we're closing off on this now.

Mr. HYLTON: Madam Speaker, thank you for... and I thank my colleagues for indulgence. Much has been said here today about Othneil Lawrence, affectionately known as OT...

A MEMBER: Williams.

Mr. HYLTON: OT Williams, sorry, Onel Lawrence.

Mr. KELLIER: Onel Williams.

Mr. HYLTON: Sorry, Onel Williams, popularly known as OT. OT, Madam Speaker. The constituents would want me to say on the record that OT was special to the constituents of Western St. Andrew. Since his death and even before, to be honest, the constituents were aware that OT was not enjoying the best of health. And there came a time when in discussion with the chairman of the party I was told that things were not looking good, that he was not likely to recover from a long illness. We were told as well when we expressed the view that a delegation from the constituency, including myself was to see him that at that point there was a restriction by doctors as to the number of persons who could see him. But the constituents nevertheless expressed their strong wish to see him before his departure. Unfortunately, that did not happen and I think it has made their pain that much more difficult.

Madam Speaker, as the person who is the direct inheritor and beneficiary of the work that OT Williams has done in West St. Andrew, I want to express my own gratitude on the record of Parliament to OT Williams and the epitome that he has made in developing that constituency and particularly the more challenging areas of that constituency, namely, the Riverton City area. That remains, Madam Speaker, I think perhaps for him the major - his most outstanding contribution.

Madam Speaker, OT Williams, I remember, I served the House as well as a colleague. At the time, I represented another constituency and I would remember the passionate pleas on the part of OT for something to be done to transform Riverton City from a dump into something liveable for the many inhabitants and the people who actually reside in Riverton City but were marginalized and in very vulnerable situations. And over the years, Madam Speaker, and because of the tireless representation by OT Williams, in the fullness of time something was done to Riverton City to transform or to certainly enhance that community and to provide what is now very liveable conditions

for a good number of the residents of Riverton and across the road in Callaloo Mews.

MEMBERS: Hear, hear!

Mr. HYLTON: And I think that stands as a landmark and a testament to the effort of OT Williams. And I believe, Madam Speaker, that it didn't come easy. It came out of a passion and a caring for those who are most vulnerable and the least fortunate among us and a focus that he had on representing the people to the best of his ability.

Madam Speaker, I will have the opportunity also to speak more extensively. But I believe that I would be remiss and the tribute here this afternoon would not have been complete were I not to say on the record that the people of Western St. Andrew are grateful. They are grateful to OT Williams for his many years of service as a four-term member of Parliament for the contributions that he has made to the upliftment of the lives of the people as a whole in that constituency. And they look forward to the opportunity to say a final goodbye to him which we shall do on Thursday when the constituency will host a…

Opposition MEMBER: Set-up.

Mr. HYLTON: …set-up or a wake for a fallen comrade.

Thank you, Madam Speaker. May his soul rest in peace and light perpetual shine upon him. (Applause)

The SPEAKER: I want to thank the Members for the contributions made.

I, myself, never had the opportunity of meeting the gentleman, but what is certainly clear from all the tributes paid is that he was a man who valued his integrity, his sincere concern for Jamaicans, and his deep respect for this Parliament. And it is something as politicians and as parliamentarians, we could all emulate.

And so, I will ask the Clerk to send our condolences to his wife and other members of his family. And in so doing, may we just stand as a parliament, and observe a minute's silence in his memory.

(The Members of Parliament stood and observed a minute of silence in memory of Mr. Onel Theobalds Williams)

The SPEAKER: May his soul rest in peace and light perpetual ever shine upon him.

ANNOUNCEMENTS

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

- **Ministry Paper No. 80**
  Cabinet Agenda Issuses for September 19, 2011.
- **Ministry Paper No 81**
  Cabinet Agenda Issues for September 26, 2011.
- **Ministry Paper No. 82**
  Cabinet Agenda Issues for October 3, 2011.
- Office of the Contractor General
  Twenty-fourth Annual Report of the Contractor General for the calendar year 2010.
- The Port Authority of Jamaica Annual Report and Audited Financial Statements…

The SPEAKER: Members! (Gavelling) Just a moment, Madam Clerk. Members, I cannot hear the Clerk! Go ahead.

(The Speaker leaves the Chair at 3.33 p.m. and the Deputy Speaker presides)

- The Port Authority of Jamaica Annual Report and Audited Financial

Statements for the Financial Year 2008/2009.

- The Airports Authority of Jamaica (AAJ) Annual Report and Audited Financial Statements for the Financial Year 2008/2009.
- Water Resources Authority (WRA) Annual Report and Audited Financial Statements for the Financial Year 2009/2010.
- Jamaica **Hansard** Parliamentary Proceedings of the House of Representatives
  Session 2007-2008, Vol. 33
  No. 3 for the period January 15 – March 18, 2008.
- Certified Appropriations Accounts for Passport, Immigration and Citizenship Agency (PICA)
  Head 2653 for 2010/2011.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. HOLNESS: (Microphone not working)

Mr. Speaker, I beg to give notice that at the next meeting of the House - this is in fact from the Minister of Agriculture – I will move to introduce and have read a first time, a Bill shortly entitled The Protection of Plant Genetics Resources for Food and Agriculture, Act 2011.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Mr. Speaker, it is past the time for Questions, and I am not going to ask that the Standing Orders be suspended for Questions. And I am doing that, Mr. Speaker, not because we want to avoid the questions, but there is a matter that will be taken by the Member from Western St. Thomas, which would require some amount of time, so it is just a time management issue. So I will not ask for the suspension of the Standing Orders.

The DEPUTY SPEAKER: Okay. Member Davies.

Dr. DAVIES: Mr. Speaker, I heard the proposal from the Leader of Government Business – that's something for you to rule on. But I have had difficulty, Mr. Speaker, in getting answers, complete answers to questions I posed. Last week I – the last time we met, the Minister of Transport and Works was to respond to some questions I had posed. And then I posed some follow-up questions, and he said he needed to consult with his technicians and get back to me.

(Microphone now on)

(*Sotto voce* comments)

Dr. DAVIES: Mr. Speaker, I heard the proposal from the Leader of Government Business, and that's something for you to rule on.

However, I need your guidance, in terms of questions I had posed. I posed some questions for the Minister of Transport and Works. The last time we met he partially responded. I had follow-up questions and he promised – he said he needed to consult with his technicians and then he would be in a position to give a complete response. How do I elicit this complete response? And if I might jog your memory, this was about the JUTC and the issue of the operating losses, how were they funded year to year.

Since I am on my feet, I posed a second one. This relates to a response – responses to questions…

Mr. HOLNESS: Respectfully, Mr. Speaker, we are not at Question Time, we have passed Question Time. And I think the Member has made his point regarding the fact that he has posed questions and they have not been answered. But…

Dr. DAVIES: I didn't yield, Mr. Speaker, so I would like to now go on.

Mr. HOLNESS: …the Member, Mr. Speaker, to be asking the questions again would be inappropriate.

Mr. BUCHANAN: That's the dictator side of you coming out, man!

(*Sotto voce* comments)

Mr. D. PEART: Already?

Dr. DAVIES: Mr. Speaker, can you rule? Can you rule? Do I have your permission?

The DEPUTY SPEAKER: Well, the time for Questions and Answers has passed.

Dr. DAVIES: No. He made a proposal, and I said you would – I got up and…

Mr. HOLNESS: Just to be clear, Member, just to be clear, it's not a proposal. The way in which the Standing Orders operate, if by 3:15…

The DEPUTY SPEAKER: That's right.

Mr. HOLNESS: …a resolution is not moved in the House by the House Leader, then we pass to other matters. So I would – I appreciate what you are saying, Member, but having regard to a resolution that is brought by a Member of your side, that we give preference and precedence to…

Dr. DAVIES: I heard you the first time.

Mr. HOLNESS: …we would want to be able to take that resolution…

Dr. DAVIES: Minister, I heard you the first time. I was seeking – can I be permitted to get the guidance from the Speaker? That's all I am seeking.

Speaker, I am just indicating…

The DEPUTY SPEAKER: I will see, Member, I will…

Dr. DAVIES: I am just indicating to you, sir, that I would…

Mr. HENRY: On a point of order, then, Mr. Speaker.

The DEPUTY SPEAKER: Member, point of order?

Mr. HENRY: The questions have not been formalized and sent to me. The Ministry had sought to get from **Hansard** an analysis of the questions that were raised by the Member, we have not been able to get those. And if he wants to formalize the answers, write them out now, and I will respond to them fully next week.

(*Sotto voce* comments)

The DEPUTY SPEAKER: Member, I think the Minister is certainly willing to respond, and so he is asking that you formalize those issues so that he can respond to them clearly.

Dr. DAVIES: With all due respect, Mr. Speaker, we have been down this road before. I do not know if every time - it has happened with the Minister of Finance and Planning, where he says I am not in a position to complete answers, I will come back to you; and if you want I can give you specific date, time, number – and he hasn't. So we have – we are turning Question Time in just a way to avoid responding to questions.

Mr. BUCHANAN: Hear! Hear!

Dr. DAVIES: Now, if, Mr. Speaker - when the Minister or any Minister gets up to respond to questions, we would have assumed that he has been briefed so he can answer to follow-up questions. Now, is it that you are ruling that whenever the Minister is unable,

incapable or unwilling to respond, the onus is on the person posing the questions to go back through the same ritual? Is that your ruling?

The DEPUTY SPEAKER: No. The ruling is simple, really.

Dr. DAVIES: Yes.

The DEPUTY SPEAKER: What it is, is that the Minister himself does not have the requisite questions to resolve what you are asking of him, and he has said that once he receives that, then he will respond to you.

Dr. DAVIES: So what would stop him giving me the same answer the next time?

The DEPUTY SPEAKER: Member, Member, please, please!

(*Sotto voce* comments)

Mr. SHAW: Not enough time.

Dr. DAVIES: So you should answer yours, too.

The DEPUTY SPEAKER: Because if I recall from that, he had provided answers, but it was additional issues that you had raised, and on the basis of that, he said he would come back once he had received them. And what he is saying is that he has not received them, and therefore, he would respond once he receives them.

Dr. DAVIES: Receives them from whom?

The DEPUTY SPEAKER: Formally from yourself, as the person posing the question.

Dr. DAVIES: But, with all due respect, Mr. Speaker, he said definitively that, 'I will consult with my technical people and respond to you', he said that the last time we met. So now, is it a changing…

The DEPUTY SPEAKER: Well, he will respond, and that's what he said. So that's the position the Minister has put, and he will respond to it once he has it. Okay.

Dr. DAVIES: You can run but you can't hide.

But, Mr. Speaker, there is yet another matter, and again I seek your guidance. Some weeks ago the Minister of Mining and Energy, in response to questions, made an assertion, and I rose on a point of order and challenged him. He asked for me to submit data. I did. And the data which was submitted showed conclusively, that the Minister's statement was incorrect. Now, where do we go from there?

The DEPUTY SPEAKER: We - Minister, Minister, we will take that matter, as it had been raised and the Minister was not in the Chamber - and ask that the Minister respond to that the next time we have the Question and Answer issue raised. Minister!

Mr. MULLINGS: Thank you, Mr. Speaker. I am indeed obliged that I have been given this opportunity to respond to the assertions from the Member from South St. Andrew.

(*Sotto voce* comments/laughter)

The DEPUTY SPEAKER: Minister! Minister! Minister!

(*Sotto voce* comments)

Mr. MULLINGS: Might I, might I, if I may. Mr. Speaker, the Member from South St. Andrew has provided data which establishes conclusively that I was right.

(Laughter)

Firstly, my assertion that after almost two decades of economic decline, Madam Speak – Mr. Speaker, I am sorry – the Member seeks to suggest that there are certain years – three years where there is minus growth, or negative growth. But that, unfortunately, does not

answer the assertion. And I will show you why.

If you are going to establish a case of economic growth or decline, you must examine one period as against another. So, for example, in 1989, where my friend shows that there was a seven per cent (7%) growth, in the succeeding year of 1990 the growth was six point three per cent (6.3%). Therefore, if you are going to establish whether there is growth or decline, you simply take the year 1990 from 1989, and what you will find is a point seven per cent (.7%) decline.

(*Sotto voce* comments/laughter)

Dr. DAVIES: On a point of order! On a point of order!

Mr. MULLINGS: Mr. Speaker - no, no, I have not yielded! I will not yield!

Mr. Speaker, Mr. Speaker, it goes…

(*Sotto voce* comments)

Dr. DAVIES: Can you rule? I have never heard that! Don't embarrass yourself, Clive. Clive, don't embarrass yourself! Don't embarrass yourself!

The DEPUTY SPEAKER: (Gavelling) Member! Minister!

Dr. DAVIES: I have never heard that, ever!

Mr. MULLINGS: The fallacy of my friend's reasoning is exposed, thus.

Dr. DAVIES: (Beckoning to Mr. Shaw) Audley, help him!

Opposition MEMBER: Please help him. (Cross talk)

Mr. MULLINGS: He asserts that that in the years 1980 -

(Laughter)

Dr. DAVIES: Help him!

Opposition MEMBER: Oh God.

Mr. MULLINGS: He asserts in the year 2000 -

Dr. DAVIES: No, somebody help him!

The DEPUTY SPEAKER: No, Member, please, please, please!

Mr. MULLINGS: Mr. Speaker, please! This matter was raised in my absence and I will now deal with it because my friend has failed to employ the rudiments of economic analysis to this thing.(Laughter) For instance, he asserts that the only years that you had economic decline…

Dr. DAVIES: Somebody help him!

Mr. MULLINGS: …was -3 per cent in 2010, - 0.9 per cent. What my friend has done was to look at individual….

The DEPUTY SPEAKER: Minister, please. Minister, Minister, just let me just bring back this Chamber into some semblance of order, Minister.

Mr. MULLINGS: Thank you, Mr. Speaker -

The DEPUTY SPEAKER: Gentlemen…

Mr. MULLINGS: What my friend has done….

The DEPUTY SPEAKER: Hold on, hold on! Just a moment, just a moment!

Opposition MEMBER: Oye, yuh nuh hear fi sidung. Yuh nuh hear fi sidung.

Mrs. NEITA HEADLEY: The Speaker sey yuh must sidung.

Dr. DAVIES: Audley - Andrew, tek charge.

Government MEMBER: Be quiet.

Dr. DAVIES: Andrew, tek…

The DEPUTY SPEAKER: Members, please. Please!

Members, Members. I can't hear myself.

A MEMBER: ….Stand.

The DEPUTY SPEAKER: Members, Members, can we allow the Minister to speak and be heard in silence and…

Mr. M. PEART: But him speaking rubbish. (Standing) Mr. Speaker, Mr. Speaker…

The DEPUTY SPEAKER: No, Member. I'm speaking.

Mr. M. PEART: Mr. Speaker, you have made a ruling. You've made a ruling.

The DEPUTY SPEAKER: But Member, you're speaking and I haven't finished yet.

Mr. M. PEART: Okay.

The DEPUTY SPEAKER: So that in response to his answer will he be allowed to be heard without other Members raising their voices, so that he can't be heard.

Mr. PICKERSGILL: We can't make that promise, Mr. Speaker.

The DEPUTY SPEAKER: Well, then I will rule after that, but please.

Mr. BUCHANAN: It depends on what is said.

The DEPUTY SPEAKER: Member please, continue.

Mr. MULLINGS: Thank you, Mr. Speaker.

My friend asserts that in the year 2007, -1.4 per cent; in the year 2008, -0.9 per cent; 2009, -3.0 per cent; 2010, -1.2 per cent.

Mr. CHARLES: Pure minus.

Mr. MULLINGS: And he declares and asserts that those years when you have minus growth that that is decline. I will show you the fallacy of the logic. (Laughter from Opposition Members) If you look at the year 2009 -

Mr. PICKERSGILL: Andrew!

(Cross talk)

Mr. MULLINGS: If you look at the year 2009…

Mr. CHALRLES: Listen and learn.

(Laughter from Opposition Members)

Mr. MULLINGS: …and the subsequent year of 2010, where you move from -3 per cent to -1.2 that is an improvement.

(Cross talk/laughter)

The fallacy that my friend has put forward is simply this…

Mrs. NEITA HEADLEY: (laughing) Pearnel...

Mr. MULLINGS: …that GDP relates to all that is produced within one year.

Mr. D. PEART: Shut up, man. Sid dung!

Mr. BUCHANAN: Audley… (Inaudible comment follows)

Mr. MULLINGS: …for you to establish growth or decline, you must have a comparison between one period as against a next…

Government MEMBER: Hear, hear!

Opposition MEMBER: Sid dung, you chat too much.

Mr. MULLINGS: …which is why you will have one quarter as compared with another quarter of GDP.

(Cross talk)

Mr. CHARLES: Teach them… (Inaudible comment follows)

Mr. MULLINGS: And if you look at Economics, you'll understand that you cannot determine growth or decline in an economy by simply taking one GDP year. For instance, if that were so, when you had in 1989 you had 7 per cent growth and by year 2010 you have -1.2 per cent growth what would you call that, an improvement or decline? And it's simply because if you look at the analysis, it is

fallacious to suggest that you look at mainly the GDP year. The GDP year, I will tell you, how much you have produce for that particular year. I'll give you an example. Let us say that the line of zero ending above line you're going in a positive direction, below the line you're going in a negative direction. If you're under water by 40 feet and you go up to 20 feet but you still underwater. Have you improved or are you going down?

A MEMBER: Just like you!

Mr. MULLINGS: And that's because what my friend has done…

Opposition MEMBERS: (Jeering) No, no!

Mr. MULLINGS: …is to erroneous look at certain years - you may hoot but you can't avoid logic.

Opposition MEMBER: Rubbish!

Mr. MULLINGS: Is to look at certain years where there is minus per cent growth and suggest that that is economic decline. (Applause) And if you look at the figures, Mr. Speaker, and you analyze the figures, you will see that you have to compare one period as against the next. You know why, Mr. Speaker?

Mr. BUCHANAN: Save him House Leader, save him. (Cross talk) Audley, (Inaudible comment) nonsense, him caan test you!

(Cross talk)

Mr. MULLINGS: Let us say you have a business - you have a business and you earn $100,000 this year. The following year you earn $50,000, are you saying that your business is improving or declining? (Cross talk) Not because you made a profit but the fact is your business is going in the wrong direction. And simply put, the assertion shows very clearly that the economy was moving in the wrong direction by virtue of comparative analysis. If you were to do otherwise, what will happen to you is that your business will continue to decline because you think you're representing mere profits year after year. If those profits are going down, then you are in decline.

Mr. D. PEART: Sid dung!

Mr. MULLINGS: And if you look at the data you see that the GDP for year over year has been declining. Simply that. So when my friend asserts that over certain years we never had negative growth, that that were only years of decline, he's in great error. And, you know, Mr. Speaker, I would have had a quiet word with my friend if I were here last week, but he sought to assert this publicly and, therefore I'll have to expose, quite frankly, the error of his reasoning of economic analysis. (Laughter/ Applause/Cross talk) And that is clear, very clear. For any economist worth their salt will tell you that you have to that look at one period as against another instead of looking and disaggregating each GDP year.

(Applause/Cross talk)

The DEPUTY SPEAKER: Member.

(Cross talk)

The DEPUTY SPEAKER: Member.

Dr. DAVIES: Mr. Speaker, we can handle this in a couple ways. We could just simply look at the faces of the Minister of Finance, of the Leader of Government Business and understand the deep embarrassment because that which the Member has said makes absolutely nonsense.

Mr. MULLINGS: No, but if you can, prove it.

Mrs. NEITA-HEADLEY: Hello, listen. Listen!

Dr. DAVIES: No, but Mr. Speaker, I'm just saying this for the record. The national accounts…

Mr. MULLINGS: Yes.

Dr. DAVIES: …which provide the GDP numbers, they are deliberately structured to respond to the concerns which you have. And, hence, if you say you're at a hundred this year and in´89 you grew by seven points something per cent, the growth in´89, the GDP would be 107 - whatever it is. If the then record growth again of 6 per cent, it's 6 per cent of 107 and you add to that; so that would give you another 7, so you would be at a 114 per cent. They have taken those - with all due respect, Minister, they have taken those basic issues into consideration or else the whole discussion of GDP growth would be your definition or someone else's definition, they have worked this - so when they give the numbers…

Mr. HOLNESS: On a Point of Order, Member. Point of Order.

The debate is interesting, Mr. Speaker, but there is no point on this Order Paper in which this debate can properly be had.

(Cross talk)

Mr. M. PEART: Nowhere in Jamaica.

Mr. PICKERSGILL: So why yuh neva sey this before.

Mr. M. PEART: Nowhere in Jamaica, man.

Mr. HOLNESS: Mr. Speaker, you have allowed a great deal of latitude for the Member to respond and for the Member to respond again, but I think it is now time, Mr. Speaker, that we close this debate.

(Cross talk)

Dr. DAVIES: Mr. Speaker, Mr. Speaker.

The DEPUTY SPEAKER: Member.

Dr. DAVIES: Mr. Speaker. Mr. Speaker, it cannot be that we could have a debate as to whether today is Tuesday and then we spend a whole time and say we caan resolve it. It can be resolved. What the Member sought to convey to the House is—

Opposition MEMBER: Is rubbish!

Dr. DAVIES: Well, let's put it this way, it is not filled with sense.

Mr. MULLINGS: No, no, no! Oh, no, no! (Laughter/Applause by Opposition Members) Oh, no, no!

(Cross talk)

Dr. DAVIES: It is not filled with sense. But beyond that, Mr. Speaker…

Mr. MULLINGS: No, no. no!

The DEPUTY SPEAKER: Member. Gentlemen. Both Members, please.

(Cross talk continues)

Mr. MULLINGS: Point of Order.

Dr. DAVIES: I can't be interrupted.

The DEPUTY SPEAKER: Please, both Members.

(Cross talk continues)

Government MEMBERS: Is a big disrespect.

A MEMBER: Sidung, man. Sidung!

(Cross talk)

Dr. DAVIES: But why is it that every time you put me down.

The DEPUTY SPEAKER: No, no, Members. Members. Minister, please!

Opposition MEMBER: See, him must retract that.

Other Opposition MEMBER: Rubbish yuh talking.

Dr. DAVIES: I can't accept that.

Mr. MULLINGS: Withdraw that! Withdraw it! How dare you!

(Cross talk continues)

The DEPUTY SPEAKER: Gentlemen, gentlemen. Members (Gavelling) Members.

(Laughing/Cross talk)

Mr. BUCHANAN: Audley, why are you laughing at your colleague?

The DEPUTY SPEAKER: Member Buchanan, please! please, please!

The Order Paper specifically deals with this item under Questions and Answers to Questions. I allowed some latitude in relation to the Minister's response and some latitude for you to respond.

Mr. M. PEART: You went overboard.

The DEPUTY SPEAKER: But unless there is a resolution now to reintroduce this item, we cannot continue....

Mr. M. PEART: This don't need a resolution this need a hospital…..

The DEPUTY SPEAKER: …on this debate. Okay? So I'm going to move to the item following, okay.

MEMBERS: No, no!

The DEPUTY SPEAKER: Yes, and we have to move on.

(Cross talk)

Mr. BUCHANAN: Boy, Clive, yuh saved by the….

(Cross talk continues)

MOTIONS FOR LEAVE TO INTRODUCE BILLS

Mr. GALLIMORE: Mr. Speaker, on behalf of the Chairman of the Private Bills Committee, I beg to seek leave of the House to introduce and have read a first time a Bill shortly entitled, "*The Baptist Mid-mission in Jamaica Incorporated change of name Act, 2011".*

The DEPUTY SPEAKER: The question is that leave of the House be granted to allow the Minister to introduce the Bill and have it read a first time.

Put to the House and agreed to.

Bill shortly entitled:

"The Baptist Mid-missions in Jamaica Incorporated change of name Act, 2011"

read a first time.

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

PUBLIC BUSINESS

Mr. HOLNESS: Thank you, Mr. Speaker.

At Public Business, today, I will be moving for second reading of the Building Act and having that Bill referred to a Committee. And then the Minister of Finance will take number items 8 and 9, the Casino Gaming Act - the Regulations relating to those Acts, and then we will move for the suspension of Standing Orders to take Resolution 55 standing in the name of the Member from Western St. Andrew. The items 8 and 9 are fairly short, and we should complete those quickly.

Mr. Speaker, it is my intention to have the Bill shortly entitled, *"The Building Act, 2011"*. This is on behalf of the Prime Minister referred to the Joint Select Committee for consideration and Report.

Opposition MEMBER: Who going to replace you? We have to know… (Inaudible comment follows) ….and you won't be here.

Mr. HOLNESS: Just - Mr. Speaker, if you let me just finish…

The DEPUTY SPEAKER: Go ahead, go ahead.

Mr. HOLNESS: But let me just finish the housekeeping matters, nuh.

(Laughter)

Opposition MEMBER: This is too mundane for you. Put down that and leave it.

Mr. HOLNESS: Mr. Speaker, It is the intention of the Prime Minister to have the Bill shortly entitled, *"The Building Act, 2011",* referred to a Joint Select Committee and Report. However, before the Bill can be referred to the Committee it must be read a second time. Mr. Speaker, I, therefore, beg to move that the Bill shortly entitled, *"The Building Act, 2011"* be now read a second time.

The DEPUTY SPEAKER: The question is that the Bill be now read a second time?

Put to the House and agreed to.

Bill entitled,

"*AN ACT to repeal the Kingston and St. Andrew Building Act and the Parish Councils Building Act, and make new provisions for the regulation for the Building industry to facilitate the adoption and efficient application of national building standards to be called 'The National Building Code of Jamaica' for insurance in the building environment, enhancing amenities and promoting sustainable development and for connected matters",*

read a second time.

Mr. HOLNESS: On behalf of the Prime Minister, once again, Mr. Speaker, I now beg to move:

BE IT RESOLVED that notwithstanding Standing Order 76(1) this Honourable House of Representatives appoint a Joint Select Committee comprising the following Members:

The Honourable Dr. Horace Chang (Chairman)
Honourable Clive Mullings
Honourable Shahine Robinson
Honourable Othneil Lawrence
Mr. Phillip Paulwell
Mr. Anthony Hylton
And Dr. Morais Guy

to sit jointly with a similar Committee to be appointed by the Senate and Report on the Bill shortly entitled, "*The Building Act, 2011*".

The DEPUTY SPEAKER: The question is that this Bill be put to a Joint Select Committee.

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, earlier I said that the Minister of Finance would only do the items 8 and 9 on the Order Paper and but the Minister of Finance has also indicated that he will do item 6, which is the Civil Service Establishment Act. They are short matters and we should dispatch them quickly.

The DEPUTY SPEAKER: Thank you. Minister of Finance.

THE CIVIL SERVICE ESTABLISHMENT ACT

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

Items 6 on the Order of Government Business is the Civil Service Establishment (General) (Amendment) (No. 2) Order, 2011.

In accordance with the Civil Service Establishment Act of 1975, the Civil Service Establishment (General) (Amendment) (No. 2) Order, 2011, has been prepared and is

presented to indicate changes to the Civil Service Establishment (General) Order 2010.

The Amendment Order reflects changes, Mr. Speaker, to the establishment of the Debt Management Unit, or the re organization of the Debt Management Unit of the Economic Management Division of the Ministry of Finance and the Public Service.

In Part I, it shows the creation of 32 new posts in the Debt Management Unit, and in Part II, this section of the Order shows 27 posts in the Debt Management Unit which are to be abolished as soon as they become vacant.

Essentially, Mr. Speaker, it is considered necessary to reorganize the Debt Management Unit to make it - the management of our national debt to be more streamlined. And, as a result of a Cabinet decision in April of this year, and the subsequent restructuring and recruitment of personnel that has taken place, 32 new posts were created for the new unit, which covers portfolio management, debt strategy and analysis, risk analysis, policy research and analysis, debt operations, debt recording and system support, debt reconciliation, and, monitoring and disbursement. These have been listed, as I indicated. And there are 29 new posts in the General Management Group, Senior Executive Group and three new posts in the General Management Administrative Management Series. I have also indicated that there are some 27 posts that will be abolished as a result of this organization.

The Affirmative Resolution is therefore sought for the Civil Service Establishment (General) (Amendment) (No. 2) Order, 2011.

Mr. JACKSON: The Opposition has no issue with the matter before us. However, as we all know, Mr. Speaker, this Report by the Minister is in keeping with the statutory requirement for the changes in the Composition of the Civil Service to be so tabled here. And we are aware of those changes in a fixed duration.

It would be welcome, Mr. Speaker, if the Minister could indicate - given at the beginning of the financial year when the restructuring of the Public Service came before this House, it was contemplated for this financial year - it would be very useful if the Minister could indicate any reconstructions, in terms of the composition of the Civil Service, given where we are in the cycle of the financial year going forward, and in light of the budgetary reconfiguration that we all contemplate.

Mr. SHAW: Mr. Speaker, I am to indicate to the Member that, outside of the recommendations of the Public Sector Transformation Unit, which has been accepted by Cabinet and which has been implemented, in terms of re assignments and re organization of certain portfolio assignments, which have also been reflected in the Supplementary Estimates the First Supplementary Estimates, I have no further changes to announce at this time, but to simply to indicate that the Transformation Unit continues its work and there are additional steps to be taken. But these will be consistent with discussions that we are having with our Public Sector partners that is being led by the Minister with responsibility for the Public Service. And, we can assure the Member that we will keep the House advised of the developments in those discussions and further changes that are pending in the future.

The SPEAKER: Thank you. Member Davies.

Dr. DAVIES: Thank you, Mr. Speaker.

Would the Minister... First of all, let me indicate that the restructuring of the Debt Management Unit is something to which the Opposition has no objection, we support - I was wondering if the Minister is in a position to indicate what is the net increase, in terms of staff positions that these changes will bring about. That is one.

Two, is there are the present staff members what is the approach? Should… Do they resign and apply for the new positions, or are they automatically transferred? And, is there an upgrade of the in terms of the position of the Head of the Debt Management Unit, is this position being elevated within the new structure?

(Mr. Shaw makes consultation)

Mr. SHAW: Mr. Speaker, my understanding is that they are required to resign and apply for the new posts. I have indicated to the Member that I indicated to him that there is a net five (5) new positions, 32 new and 27 that are being abolished.

In terms of the position of the Head of the Debt Management Unit, the Director has been elevated to a Senior Director position. It is also the Director has been elevated to a Senior Director position, but it is also the intention that at a point in the future that the Debt Management Unit will, in fact, be separated from the Economic Management Division. It is going to be a process, but that is the eventual objective.

The DEPUTY SPEAKER: Thank you.

The question is that the Resolution, Civil Service Establishment (General) (Amendment) (No. 2) Order, 2011, be affirmed.

Put to the House and agreed to.

CASINO GAMING, REGULATIONS, 2011

Mr. SHAW: Mr. Speaker, the other matters relate to and I will take them together - they relate to Items 8 - 9 on the Order Paper, relating to the Casino Gaming (Prescribed Games) Regulations, 2011, and the Casino Gaming (Application for Declaration of Approved Integrated Resort Development) - This is a typo.

The SPEAKER: I see that too.

Mr. SHAW: In here it says, Report Development. Correct that to read: Resort Development Regulation, 2011.

Mr. Speaker, as you are aware, the Honourable House has already passed into law, the Casino Act. And, in order for the promulgation of the process of approving casino licenses, we had also established a Casino Commission. And now we have been obliged to promulgate the Regulations that are associated to allow for the smooth process of the management of casinos.

So, in relation to the Casino Gaming (Application for Declaration of Approved Integrated Resorts) Regulations, 2011, this was laid before the House and it is guided by provisions of Section 9 of the Act which stipulates that the Minister of Finance must take into account, the development a number of things:

- the development must include one or more hotels consisting of at least 2000 rooms;
- the applicant must stipulate that at

least 1,000 rooms will be available for occupancy before the commencement of operations of any casino in the Development.

- The manner in which the developer proposes to operate the Integrated Resort Development;
- The adequacy and particulars of the financing to be applied to the establishment, operation and maintenance of the Integrated Resort Development, and
- The economic effects of the operations of the Integrated Resort Development.

Accordingly, these regulations include:

- the form of application for declaration of an approved Integrated Resort Development with guidance notes as to required content;
- a personal history disclosure form which is to be completed by each individual holding five per cent or more, of the voting capital of the applicant;
- the Chief Executive Officer of the applicant;
- each Director of the applicant;
- every other officer and senior employee of the applicant;
- any individual who is expected to operate any major component of the Integrated Resort Development; and,
- a Business Entity Disclosure Form which is to be completed by each business entity holding five per cent (5%) or more, of the voting share of the applicant;
- a business entity that is a third party operating any major component of the Integrated Resort Development.

And in relation, Mr. Speaker, to the Casino Gaming (Prescribed Games) Regulations, 2011 I am taking both of them together under Section 72 of the Casino Gaming Act, the Casino Gaming Commission is empowered to make regulations for the licensing and operation of casinos with the approval of the Minister of Finance. The Casino Gaming (Prescribed Games) Regulations, 2011, are made by the Commission to indicate to prospective applicants for casino gaming licence, the games and the manner of their operations that will be deemed to constitute casino gaming.

These Regulations are presented to the Parliament at this time in order to provide an early indication to prospective applicants for the declaration of an Approved Integrated Resort Development to facilitate their forward planning.

The Regulations, when passed, will signal to prospective developers and investors that we are now ready to receive their applications, and it is intended that not more than three Orders I want to stress that not more than three Orders for Integrated Resort Development will be issued.

These three approved developers are expected to go on to apply to the Casino Gaming Commission for a casino gaming licence, and their operations will be regulated by the Commission to ensure strict adherence to the international regulatory guidelines and local financial regulations.

The Ministry of Finance will also, through the relevant departments and agencies, be examining the operations of the Integrated Resort Development to ensure that the

expected economic benefits to the country are realized. So, Mr. Speaker, this is a tidying up affair providing these Regulations to make everything orderly and predictable in the promulgation of the casino gaming industry in Jamaica. And I ask for the approval of the House for these Regulations.

The DEPUTY SPEAKER: Thank you. Member McNeill.

Dr. McNEILL: Could I ask the Minister, through you, Mr. Speaker, a few questions?

The Minister has indicated that it's not intended to have more than three (3) integrated resorts. How will those three integrated resorts, how will those be determined? Number one. And number two, are any entities to be grandfathered in under the - at present are any entities to be grandfathered in now or all the integrated resorts, all persons applying to start from….

Mr. SHAW: Mr. Speaker…..

The DEPUTY SPEAKER: You want to just answer all the questions? Go ahead, Member Paulwell. Member McNeill, can you turn off your mike please?

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

I was a Member of the Joint Select Committee of Parliament that dealt with the Bill which is now law. And at the time of the sittings of the committee, Minister, we got the distinct impression that at least two companies had, as it were, been given tacit understanding or assurances, the Tavistock Group and there was a group also, Palmyra in Montego Bay. And I had made a special appeal in anticipation of the major project that is to come in Port Royal, but that the requirement that 2000 rooms be a part of the assessment, a part of the criteria, that would certainly humbug that project and I thought that we had room for some modifications, and also that the three licence limits would also be reconsidered. And I certainly believe that it is time now for that to be reconsidered so as to allow for other developments. It is my own view, Mr. Speaker, that we are not seeing it, we are not seeing any activity in this area largely because of that requirement of making it a condition on investors for 2000 rooms to be part of any such arrangement.

In the context of the international investment experience, the recession that has been ongoing, it is hardly likely at this time that we are going to be able to entice investments to that extent and certainly not in Port Royal. And I think that casino gaming would be quite suited for that type of heritage tourism project which will take into account the historical nuance of Port Royal as being, at one time, the richest and wickedest city in the world. So, Minister, again I am seeking some assurance that this does not foreclose on the opportunities that exist for Port Royal as a heritage tourism site.

Dr. HARRIS: Mr. Speaker, this issue could be approached from different angles and you can hear the different angles from which it is being approached.

When casino gaming was discussed at the first time, Mr. Speaker, my position was that we should not limit the amount of numbers, in terms of numerical numbers, the amount of casinos that there should be. And I remember saying then, as I will repeat now, that a person building a 2000-room facility and investing that amount of capital inside of a country and wanting a casino licence, in my view, we

should consider it.

Casino gaming, Mr. Speaker, is not about a panacea. It is not going to solve every problem. It is only an offering. But there are many persons that would use this casino as a means to enticing persons to visit. And the analogy I spoke to then, Mr. Speaker, and I will repeat now, because time has passed, it was about a food court, Mr. Speaker. When you have a food court, Mr. Speaker, a person does not go to a food court to buy hamburger or pizza, they go to a food court to buy food.

A MEMBER: Hamburger is not a food….

Mr. JACKSON: Real food.

Dr. HARRIS: When it comes to casino…. No, no, no! Mr. Speaker, from the laughter I understand that some persons do not understand the concept of going to a food court or going to a cluster of restaurants, or going to a cluster of casinos. Because that is how the business works. That is how it works. And that is why it is imbecilic, Mr. Speaker, to at this point in time talk about limiting numbers to one, to two, next year we are going to put it to three, the next year to four or to five. Absolute nonsense, Mr. Speaker. If we want to attract persons and we put additions . .

(*Sotto voce* remarks)

Mr. JACKSON: No, it's a debate.

Dr. HARRIS: If we want to put conditions to that investment and the person is willing to put up that *ante,* to put up that amount of money to qualify, I believe that person should qualify, whichever location. I speak personally because I know that we are going to have more than one applicant from my constituency and they are going to be qualified.

A MEMBER: What!

Dr. HARRIS: And I speak passionately, Mr. Speaker, because these persons - also in the legislation there is a qualification that the geographic location stipulates that you should be within a particular radius.

We believe, Mr. Speaker, that it is a redundant part of legislation and we believe that that portion should be deleted completely. And once a person qualifies for the licence he, or they should be granted.

The DEPUTY SPEAKER: Member Jackson.

Mr. JACKSON: Thank you very much, Mr. Speaker. I have a bit of concern which I would love for the Minister to assist me with. I have had some earlier interaction with this matter, given certain responsibilities I had at some point.

As was indicated by the Member from Eastern Westmoreland, when the Prime Minister addressed this House he indicated that there were two interests for which some undertaking was given, one during the previous Administration and one subsequently, made for two. And I have heard the Minister made mention of a third.

My interest or concern in respect to the third, Mr. Speaker, is to get some clarification of the criteria on which the third or even the fourth or the fifth might be considered.

Dr. HARRIS: Or the 100th.

Mr. JACKSON: During my relationship with this matter - well let me preface that point by indicating that it was an accepted approach that the granting of casino licence would be used to leverage expansion in the tourism sector and to develop the tourism infrastructure, both in terms of the offering of

entertainment and attraction and also in terms of the physical infrastructure. Hence the requirement of a minimum number of rooms as part of the mix, is to ensure that there is an addition to and simultaneously precluding any stand-alone casino operation, in that whoever would be granted a licence would be adding new stock to what is there.

The Harmony Cove, of course, automatically qualified because of the significant number of rooms that that investment took with it. And the one in Montego Bay made mention of by my colleague from Westmoreland, associated with the Palmyra, would be additional rooms, and note I emphasized additional rooms. So an entity that already had rooms that could not count to your application it would be additional rooms as of when you sought application.

But what is of greater concern to me in seeking to have some clarification on the matter, Mr. Speaker, is that I was advised by the people in the Gaming sector that for any substantial casino operation there is a critical number of rooms that each casino would require, which was in the region of 8,000 rooms and it's for that reason why there had to be some almost exclusive geographic area to ensure that there is no encroachment on that number of rooms that are required for each licence that you granted.

Mr. SHAW: So what's the question?

Mr. JACKSON: No, no, no, no! You don't have to be in any hurry.

The third one - my understanding is that the redrawing of the boundaries for Harmony Cove which allowed for the second one in Montego Bay, would then extend the boundary to the east and would incorporate hotel rooms existing to meet that critical number of 8,000. So against that background - your question why I am asking the question, where is the room stock to support the third application that was made mention of? Because based on the count that I was aware of, and I stand to be corrected, you would not have enough then to support a third if there was a critical number of hotel rooms that you actually require. So I would like….

Mr. SHAW: Can you repeat the question?

Mr. JACKSON: In respect of the third application - well, first of all, is my understanding of that critical number of 8,000 rooms to support a major casino operation holds in the calculation, if not, what is the formula by which the Government determines the number of casinos or the carrying capacity of the island based on the number of room stocks that are available? It is for that reason, for example, why a licence for Kingston was not considered because the number of rooms that are there and the additional ones that you would require is a prerequisite to support one year. So I am curious to know and to understand how the Government arrived at a justifiable basis for a third casino licence, given that requirement for that critical room stock.

The DEPUTY SPEAKER: Member Thwaites.

Mr. PICKERSGILL: The debate can't finish and you don't talk enough because is about 10 times you go Cuba. (Referring to one of the Government Members)

Rev. THWAITES: Mr. Speaker, this debate this evening is a supreme act of Jamaica's own independence. A generation

ago we might have found ourselves in difficulty and had water in our mouth to make the declaration of support that comes from both sides of the aisle.

Isn't it a sign of healthy irony, Mr. Speaker, that three (3) States with which Jamaica is so connected and committed these days are Cuba, having regard to the history, Venezuela and China. Mr. Speaker, the Cold War is over

(*Sotto voce* remarks by some Members)

Rev. THWAITES: …yes, and it is of great importance that we should say with the greatest of respect...

Mrs. NEITA-HEADLEY: Maturity!

Rev. THWAITES: ...to our friends in the United States, with whom we have had unbroken relationships with solidarity that, in fact, they are to use power to liberate and not to control. (Applause) It is a lesson that we can learn also, Mr. Speaker, both in our domestic relations, in the affairs of a Chamber such as this Parliament, but also it is the message that a small and respectful and independent State like ours, just like the Cuban State, have to offer to the world. Those who have authority must use it to liberate, not to obfuscate and certainly not to oppress.

Mr. Speaker, the Cuban people have an elevated notion of human solidarity born interestingly - and I don't miss the theological point - out of the suffering that is being imposed upon them. They have been able, out of their limited resources, yes, to sacrifice what they themselves might have used - might have needed in greater abundance, and offered it to those who have been afflicted with disaster and need all over the Caribbean and, indeed, to further shores than that. To me this is a lesson of how humanity must come to cooperate and to understand itself.

Mr. Speaker, there is another lesson that we should well learn, especially in these times of economic austerity which shows no sign of relief. We must learn to use that which we have to do more. The existing dollar of taxation, of earnings must be used to multiply and do simple things that are of improvement to the people of our nation. I believe this is a lesson which has been underlying many of the contributions that have been made today. And it is with a sense of pride that one recognizes the tremendous linkage that has developed between the Cuban people and ourselves.

Mr. Speaker, do you realize that the Petrocaribé Agreement which provides so much of a surcease of worry and anguish for the use of foreign exchange to buy our oil supplies, do you understand, Mr. Speaker, can we all appreciate that that same Fund which allows us such a level of development of flexibility was largely engineered and had as a major contributor, in its original arrangement, the Cuban Government and the Cuban people? For this we are grateful and it is to do no more than to affirm our own humanity and to trumpet that before the world that we as a Parliament, year after year, and we have never ceased until it is redressed, support the Resolution brought by the Member for Western St. Andrew and, as an undivided whole, speak of the essence of our own humanity and our own nationhood to strengthen that of the Cuban people.

I thank you. (Applause)

The DEPUTY SPEAKER: Member McNeill.

Dr. McNEILL: Mr. Speaker, I am going to be very brief because so much has been said already.

Mr. Speaker, Cuba is a very small country, relatively speaking. It has withstood so far 50 years of the Blockade and this has had tremendous negative effects in terms of its economy, the people of Cuba, what they have had to go through. And despite all of this, the people of Cuba have gone out of their way to show brotherhood to the rest of the world through their education system and through their health care which have been pointed out before. I myself, like my colleague, had been the beneficiary of this largesse.

Mr. Speaker, I think that more and more the world is coming to the realization that this Blockade is wrong. It has been brought to the United Nations and the majority of countries have supported it.

And our Member from East Kingston and Port Royal made the point, why is it that we keep rising and supporting this motion.

Simple, Mr. Speaker. Back when we were supporting the fight against apartheid, it's not something that disappeared in one day; it's a fight that goes on, but at some point you are going to win the battle. I think that we here are standing up, on both sides of our House, to support the fight against this Blockade. We never got it done, put down last year, maybe not this year, but we will continue, Mr. Speaker, until the Blockade is lifted. So I am happy to see both sides of the House coming out in support of this Resolution. And I would like to just add my support to this motion, Mr. Speaker.

Thank you. (Applause)

The DEPUTY SPEAKER: Member Holness.

Mr. HOLNESS: Thank you, Mr. Speaker. The Minister of Foreign Affairs and the Minister of Justice would have adequately expressed our support for this motion and I, too, rise to lend my support for the motion.

(Applause)

A MEMBER: Youth!

Mr. HOLNESS: The Cuban people, Mr. Speaker, are a great people. They have survived and flourished under great adversities.

Opposition MEMBER: Jobs, jobs, jobs!

Mr. HOLNESS: Recently, Mr. Speaker, I had occasion, not to benefit personally but to benefit from the kindness of Cuba. There is the case of a young man who was shot in Jamaica and paralyzed. He is now a paraplegic. And we couldn't get the requisite medical care and attention for him in Jamaica and I called up the Cuban Ambassador, after trying other sources and was unsuccessful, and the Cuban Ambassador came through for this Jamaican youngster within a matter of weeks. (Applause) He is now getting the needed care and physiotherapy in Cuba and he will be there for, I believe, six months of therapy at the expense of the Cuban Government. (Applause) So, Mr. Speaker, I could not allow this Resolution to go forward without acknowledging and saying on behalf of the people of Jamaica thanks, to the people of Cuba, for at least helping us as you have helped on many other occasions.

As it relates to the Blockade, you know, time has a spanner to fit every nut and in time this Blockade will be lifted. The Blockade does not make economic sense. The Blockade does not advance any of the parties' interest. It is there primarily as a relic from an era that is

past and gone. Cuba is modernizing. Cuba is growing. Cuba is changing.

Mr. HYLTON: Has grown.

Mr. HOLNESS: It is changing. The United States will have to come to the realization that continuing this Blockade makes no sense. Their businessmen want to do business with Cuba and, indeed, some of them are doing business with Cuba. We saw a glimmer of hope in statements made by President Obama when he won. I believe that the political process in the United States is probably a little bit more favourable towards that. I believe if we continue to do what we are doing now in the Caribbean region, in Latin America, I am certain that the Blockade will eventually be lifted.

The lifting of the Blockade is in Jamaica's interest. Cuba is a market, a potential market for Jamaica, 90 miles away. If that market grows and explodes - as I know it has the potential to do - it can only be for the benefit of Jamaica. So I believe that it is in our interest to add our voice, as small as our voice may be in the international world, but to add our voice to the lifting of the Blockade. It is indeed my great pleasure, Mr. Ambassador, to add my own voice to the call for the lifting of the Blockade. (Applause)

Mrs. SIMPSON MILLER: Thank you. Mr. Speaker, I rise to support the Resolution moved by the Member from Western St. Andrew.

It is well known and documented across the world that every People's National Party Government gave very strong support to the removal of the Blockade against Cuba and the Cuban people, (Applause) and we continue to give strong support to Cuba and the Cuban people and continue to give support. And I want to commend the Minister of Foreign Affairs for also taking the same position internationally in terms of the removal of the Blockade. (Applause)

I think that the fact that Cuba, in terms of resources, it's so limited but they have and are still giving so much support to other countries across the world. And I speak, particularly of countries in the CARICOM region, of training, of medical assistance to the people who cannot afford the kind of health care in their own country for surgery or for some specialized care.

It would be so good if Cuba would be able to access the kind of medication and equipment necessary, because they have trained so many doctors for countries in CARICOM. We have heard two doctors here this afternoon who spoke, who are beneficiaries of the assistance from the Cuban Government and people, and many more working in hospitals in Jamaica, and I am sure that the Minister of Health can attest to this. And so I want to associate myself with the - and certainly from the Opposition - and we continue to give support in opposition and will continue to give even greater support when we are returned to power as Government of this country. (Applause)

Mr. E. BARTLETT: Mr. Speaker, I arise, in fact, to support the measure that is before this House, particularly in relation to the provision of the regulations which will now give effect to the laws that have been already promulgated to bring into being casino gaming by way of enabling the Commission to give licences to qualified applicants.

The issue of Casino gaming to Jamaica, Mr. Speaker, is one which is not intended to create an exponential development of room-

stock *per se*, but rather to add a critical component to the offerings of the destination to make it more attractive and obviously more competitive in the final analysis in the region and indeed the world. The thinking, therefore, behind all of this is to do two things; one is to create capital expansion, to bring foreign exchange in, to create jobs, and to enable important foreign direct investment into the country. And the second, of course, is to create a value-added to the tourism product.

And while we thought `this through it was very clear that casino would not be an end itself, but rather it would be a portion of the experience that was being provided within the Integrated Resort Development Programme. In fact, we went further to say that that experience should not be more than 20% of the value of the total experience from the development. So that, we were looking at something more what we call an embedded casino and we therefore shun away from stand-alones. Because we also said that we did not intend Jamaica to be a casino destination, but rather a destination at which casino gaming was available.

Against that background therefore, Mr. Speaker, we never and do not anticipate a proliferation of casino hotels all across Jamaica. And this is why we were very careful in saying that in the first instance we would legislate for three. And we wanted to ensure that those three represented significant development, and the criteria establish was that there should be an investment, additional investment of US$1 Billion to provide some 2,000 rooms in additional stock.

Now, the question the Member asked, and if my colleague would allow me, as to how, for example, having looked at the first which was - although my friends denied that they did in fact give it to Harmony Cove in another time…

Mr. SHAW: They denied it.

Mr. E. BARTLETT: Yes, they denied it, I remember very clearly. And even though they also made the point that what they gave was for mega gaming lounge and not casino. But the Member did say that casino was offered, I mean, you heard him didn't you. But be that as it may.

The other issue which I wanted to bring out was the fact that for a mega gaming lounge you were prepared to give a geographical delineation which took the entire North Coast almost - that covered Ocho Rios, that covered Montego Bay and took you almost to Negril. So that in real terms what was being offered for in exchange for a mega gaming lounge was a monopoly across the entire North Coast of Jamaica. But we changed that and that is what the legislation which was brought to this House earlier did, and we were able to get an understanding, a sensible understanding that we could not lock up the entire North Coast to a mega gaming facility. But rather that we would agree that once we had completed the legislative activity that a casino licence would have been offered, so that Montego Bay would be able to have one also for itself and a third to be determined based on what offers came to us.

So, what we are saying then, is that, if indeed we are looking at two already, that would have met the criteria, the arguments for a third would relate in a similar way to the criteria for the first and the second. And to my best knowledge, all the enquiries that have come to me, to my attention and I know some have gone to the Ministers of Industry and

Investment and Finance - have sought to qualify within those terms. And indeed, if there are any existing facilities that seek to get a licence now, it would be on the basis of - the level of expansion that would qualify them within the criteria established, i.e. an addition of at least a thousand more rooms and the investment in relation to the amount stipulated. And I wish to assure you, Member, that to my best knowledge, all that has come to us already fulfil that criterion. As a matter of fact, one that came to us already has existing facilities is looking at 3,000 more rooms with Convention Centre, with Golf Course, with all kinds of marine activities, right. So that would more than qualify.

I just wanted to make the point that we are careful about the criteria that we have established. And to answer the question of our friend from Port Royal, the constituency of East Kingston and Port Royal, I want to make the point that I believe that we need to leverage the key historic and heritage value of Port Royal. Port Royal is a gem that I do not wish to see contaminated by any other kind of activity that may derogate from its pristine beauty and quality as an attraction in tourism; I would never like to see that. And so that, to me, as I made the point, Jamaica must never become a casino destination. So I don't want to see it all over the place. I want to see a good mix….

(*Sotto voce* comments by Mr. Shaw)

Mr. E. BARTLETT: Exactly. A good mix of important key experiences that will make people come to Jamaica from all walks of life for all the wonderful psychographic values that are so important...

(*Sotto voce* comments by Mr. Shaw)

Mr. E. BARTLETT: There are two, demographic and psychographic, that is Marketing 101 actually.

All we are trying to say, Mr. Speaker, is that I am pleased that the legislation has now gotten regulation, because what the regulation will do for us in Jamaica is to make sure that licences can now be granted so that the business of the development which is waiting and has been languishing in the case of Harmony Cove for nearly eleven (11) years will now be able to happen.

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

Mr. JACKSON: On a point of order. The Minister of Tourism made some remarks which are not factual, and I wish to say that. He made reference to my comments as it relates to the undertaking given to Harmony Cove and giving one offer of licence to cover the entire north coast. The case in point, Mr. Speaker…

A MEMBER: Say the fact, say why?

(*Sotto voce* comments by Members)

Mr. JACKSON: I am going to say it, yes. As I indicated in my remarks, Mr. Speaker, that what was done then and what the government is doing is to leverage the granting of licence for the development of the industry. The undertaking given at the time was not for casino because government never had a policy of granting casino. By virtue of actions that were taken in 2002 to regulate the gaming sector at the time, there were four (4) categories of licensing that were provided for. One, the 1 to 19 slot machines, the 20 to 150 slot machines, in excess of the 150 slot machines or gaming machines which is classified or labelled the mega gaming lounge,

and the fourth being the racinoes which would allow up to 500 gaming machines at the race tracks. At the time, there was no policy, for casinos. What was also indicated at the time should the Government's policy subsequently change to allow for casino gaming that the Harmony Cove people would be given first right of refusal. It wasn't for a casino licence at the time because no casino policy was established. The Government subsequently has changed that and I don't have an issue with that. But just for the record, at the time it was never a casino licence it was for a gaming, a mega gaming lounge. And secondly…

Mr. E BARTLETT: But that is what I said. I don't understand you; I went further to say…

Mr. JACKSON: No, that is not what you said. Let me finish.

The DEPUTY SPEAKER: The Member is on his feet.

Mr. E. BARTLETT: Point of Order.

Mr. JACKSON: Let me finish.

Mr. E. BARTLETT: No, Point of Order. Mr. Speaker, the Member is clearly confusing the House in terms of the factual comments that I made on the matter. I pointed out that they, in fact, did not give a casino licence because there was no casino, exactly. But I made the point that the Government at the time, however, was able to give a geographic area covering almost the entire North Coast in exchange for…

Mr. JACKSON: That is not true.

Mr. E. BARTLETT: …a mega gaming lounge, and that is factual. You know why, Mr. Speaker, you know why I am insisting on this point, I am the person who negotiated with Harmony Cove to have the arrangements adjusted so that the delineations could be changed from Montego Bay, right, to Trelawny/Ocho Rios, I am the person who negotiated it. And that is the basis on which we were able to say to the Montego Bay interests, that yes, you can now begin to discuss it. It took us weeks of negotiations. I went to the location overseas to meet with them in order to do it. So, please, unless you have the facts don't attempt to dispute my comments in this House.

Dr. HARRIS: Mr. Speaker.

The DEPUTY SPEAKER: Is this a Point of Order or information?

Dr. HARRIS: Mr. Speaker, in supporting these Bills, it is going to be quick.

The DEPUTY SPEAKER: No, but you can't speak twice on the same issue. That is why I asked if it was a Point of Order or point of information.

Dr. HARRIS: Clarification, Mr. Speaker.

The DEPUTY SPEAKER: Member, what are you trying to clarify?

Dr. HARRIS: Mr. Speaker, in supporting this Act, I want to say to you, and to the Minister that, on this issue, on this issue, we believe in Trelawny that there should be no geographic areas or boundaries to it.

The DEPUTY SPEAKER: Member, you did say that, that is not a clarification, Member.

Dr. HARRIS: We believe, in our constituency that clustering…

The DEPUTY SPEAKER: Member, the point was made and I am going to ask the Minister to close. Member, please.

(*Sotto voce* comments by Members)

The DEPUTY SPEAKER: Member, you made your point in the first, and I am not

going to allow you to speak any longer.

Dr. HARRIS: But you are not listening, Mr. Speaker.

The DEPUTY SPEAKER: You have not established your point of clarification

Dr. HARRIS: But if you don't listen, Mr. Speaker, then you won't hear, Mr. Speaker.

(Cross talk)

The DEPUTY SPEAKER: Member, please, thank you. Minister, can you close. Minister.

Dr. TUFTON: Mr. Speaker, just a very brief contribution to this discussion in support clearly of the Minster of Finance, as the Minister of Industry and Commerce. From an investment perspective, Mr. Speaker, I just want to say that the introduction of casino gaming which has been long in the making is an important addition to the menu of attractions that are available to the tourism industry, and it has been proven in various studies. But from our perspective, from an investor and investment expansion perspective, particularly in tourism industry, we see where over the next 10 to 15 years, we are likely to see hotel rooms move, Mr. Speaker from approximately 30,000 or so where it now, easily to 50,000 rooms or beyond. The proposed Harmony Cove Development which hopefully will begin implementation in the not too distant future will see as much as 5,000 or 6,000 rooms in one location.

(*Sotto voce* comments by Members)

Dr. TUFTON: Allow us to make that determination.

Mr. Speaker, the point is that, when you speak to investors about investing in the expansion of the tourism product, one of the very common questions that come up from time to time is, when you create the rooms, what are the tourists going to do in terms of the attractions, in terms of the activities that will keep them occupied? It is important for them as an investor, because it impacts the attractiveness of the investment package that they are selling. It is important for us as a country because it is what determines the level of jobs and the retention from the money spent, the dollar spent *per* tourist. And it has been shown in a number of studies that the more you get tourist engaged or involved in a range of activities including gaming, is the more money that is spent and left here. And so when all are considered for us from an investment perspective, given the thrust in services. And this House should recall too that seventy per cent (70%) of our GDP as a country is accounted for through services. So we are a service country…

Mr. PICKERSGILL: Who tell you that. Clive giving you the statistics?

Dr. TUFTON: …and we need to expand and ensure that we get the maximum from that.

So, Mr. Speaker, I support moving ahead with this important regulation. It's critical to moving the process forward. And certainly from agencies such as JAMPRO it is going to impact for us and to the country major announcements in terms of expansion which will be good for the investor but also very important for the country.

Thank you.

The DEPUTY SPEAKER: Thank you. Minister.

Mr. SHAW: Mr. Speaker, I thank the Members for their... (Inaudible)

The DEPUTY SPEAKER: Dr. Tufton, turn off your mike, please.

Mr. SHAW: ...and I also thank the Honourable Ministers for the clarification, in particular the clarification by the Honourable Minister of Tourism.

I don't think I need to repeat, except to say, Mr. Speaker, that when we have the legislation itself the whole concept of limiting it in the first instance to three is that we were fully cognizant of the fact that you are asking for major roll out of substantial investments in terms of capital. So that there would have to be some kind of inducement and protection if you will, to induce the investors to seek to lay out so much resources in their investment. And I think that was the clear thought process behind limiting the number of licences that would be issued.

So I want to make the point that these regulations now, we mustn't assume that licences have automatically been granted. The regulations are clear. They have to fulfil the requirements. And one speaker on that side has pointed out that things, time and circumstances have changed. Sometimes the economic position of a company that pertained before the global implosion in 2008 has now changed so that it is for this reason that the regulations are clear in its prescription and on the basis of qualification that the Casino Commission will have to take into account.

And I want to, before I close, just make one point concerning the comments made in relation to machines, the number of gaming machines of the two groups 1-19 and the other group of 20 to150.

Now the previous Finance Minister had put a hold on the granting of any further lounges of between 20 to150. And I want to indicate that outside of the exclusive zones that have already been determined, I have made the determination and based on several applications that have come to me and subsequently moved to the Betting, Gaming and Lotteries Commission, that there is no persuasive reason that could stop us from allowing the granting of licences for more gaming lounges of between 20 to 150. So that has now been freed up. So those people who wish to operate gaming lounges of between 20 to 150 machines outside of the exclusive casinoes own areas are privileged to make those applications.

Mr. Speaker, with that I ask for the approval of Items 8 and 9, the Casino Gaming Prescribed Games Regulation 2011 and the Casino Application for Declaration of Approved Integrated Resort Development Regulation 2011.

(Applause)

The DEPUTY SPEAKER: The question is that the Casino Gaming (Prescribed Games) Regulations, 2011, and the Casino Application for Declaration of Approved (Integrated Resort Development Regulations, 2011, be so affirmed.

A MEMBER: No.

Put to the House and agreed to.

The DEPUTY SPEAKER: Andrew, I have a no, what do I do.

(Inaudible reply by Mr. Holness)

The DEPUTY SPEAKER: Okay. Next item.

Mr. HOLNESS: Mr. Speaker, we want to take Resolution Number 55 standing in the name of the Member from Western St. Andrew. In order to do that, Mr. Speaker, I will have to move the suspension of Standing Orders. I now, therefore, Mr. Speaker, move

for the suspension of the Standing Orders to enable us to take Private Members' Motions.

The DEPUTY SPEAKER: The question is that we have a suspension of our Standing Orders to take the motion as mentioned by the Minister.

Put to the House and agreed to.

The DEPUTY SPEAKER: Member Hylton.

(Applause)

Mr. HYLTON: Mr. Speaker, I rise to speak on the motion standing in my name at number 68 at Item 55 and the Standing Orders. And as I do so, Mr. Speaker, I wish to recognize the presence of the Cuban Ambassador to Jamaica...

(Applause)

...and to welcome his presence here this afternoon which is of more than passing interest to his country and his people.

Mr. Speaker, for the 20th consecutive occasion, on Tuesday October 25th Cuba will submit for the UN General Assembly, the draft resolution entitled:

> "*Necessity of Ending the Economic, Commercial and Financial Blockade imposed by the United States of America".*

And for the third year running, Mr. Speaker, I have had the privilege of moving a resolution in this Honourable House on the same subject.

Last year, 187 Member States voted in favour of this resolution which is irrefutable proof that the battle for the lifting of the blockade has the recognition and support of the vast majority of the international community.

MEMBERS: Hear, hear!

Mr. HYLTON: The economic, commercial and financial blockade against Cuba, Mr. Speaker, remains in place and is further intensified despite the repeated and almost unanimous demand by the international community, particularly the United Nations General Assembly for its elimination. This results from the September 14th 2009 Presidential Order to extend the application against Cuba of the Trading with the Enemy Act, keeping in place the legal framework in which the policy of blockade against Cuba in 1962 is based.

The measures taken by PRESIDENT OBAMA on the travel and remittances by Cuban emigrants do not change the complex framework of laws, regulations and provisions as a blockade policy against Cuba. Aside, Mr. Speaker, US citizens are still prohibited from traveling to Cuba with very few exceptions and through very strict regulations.

As a result of the strict and renewed enforcement of these laws and other normative provisions, Cuba continues to be unable to freely import or export goods and services to or from the United States, use US Dollars, which is the global reserve currency, in its international financial transactions, have bank accounts in US dollars in banks from Third World Countries.

Mr. Speaker, the extra-territorial application of the blockade has been extraordinarily reinforced, as proven by the strengthening of the sanctions and the prosecution against Third Countries citizens, institutions and companies that establish or intend to establish economic, commercial, financial or scientific and technical relations with Cuba. The US Government thereby, abrogates the right to decide on matters that are relative to the sovereignty of other states.

Mr. Speaker, Cuba continues to be unable to trade with US companies in Third

Countries. Likewise, entrepreneurs from Third nations who are interested in investing in Cuba are threatened and placed on blacklists. The extra-territorial defects of a Blockade have particularly impacted on the monetary and financial spheres. In fact, the increased surveillance of Cuba's international financial transactions, including those coming from multilateral organizations for cooperation with the island has been one of the distinctive features in the implementation of the Blockade policy under the current US Administration.

Mr. Speaker, from March 2010 to April 2011, there was significant multimillion dollar fines on US and foreign banking institutions for engaging in operations connected in one way or the other. These kinds of sanctions have had a deterrent effect and in the case of banks in particular, entailed breaking relations with Cuba and are forcing Cuban transactions to be under more precarious conditions. These include banking arrangements with financial institutions here in Jamaica.

Mr. Speaker, Cuba continues to be unable to have access to bank credits from banks in the United States, their subsidiaries Third Countries and from international institutions such as the World Bank, the International Monetary Fund and the Inter-American Development Bank. No Blockade has ever been as far-reaching. No Blockade has ever been as prolonged and impactful against a people as the one being implemented by the United States against Cuba for half a century.

The Blockade violates, in our minds Mr. Speaker, international laws and is against the purposes and principles of the Charter of the United Nations, as has been said here on previous occasions. It is a transgression of the right of a sovereign State to peace, development and security and in the essence and objectives as an act of unilateral aggression and a permanent step against the stability of a country and I daresay of the entire Caribbean Region.

Mr. Speaker, the direct economic damage to the Cuban people by the implementation of the economic, commercial and financial blockade of the United States against Cuba is incalculable. The blockade is, in our view, a relic of the Cold War Era, and continues to be an absurd, illegal and morally un-sustained policy that has not succeeded, and will not be likely to succeed in fulfilling the purpose of breaking the political will of the Cuban people to preserve its sovereignty, independence and right to self determination. However, it causes shortages and restrains the development of the country, and seriously damages the Cuban economy. It is one of the main hindrances to Cuba's economic and social development.

Indeed, Mr. Speaker, this side has long been of the view that this issue of the blockade against Cuba has long ceased to be a foreign-policy matter for the United States. What else can explain the contradiction in the handling of this matter, but the activist role of the Cuban-Americans in South Florida, New Jersey, and elsewhere in the United States.

I have said as much to the previous Secretary of State, MISS CONDOLEEZZA RICE, when I indicated in a meeting with her, that the difficulty for countries like Jamaica in discussing this matter of Cuba, with our partner and friends in the United States is that a resolution of this issue is being held hostage to US domestic political interests. What else would explain the US rapprochement with communist countries such as Vietnam and China, to name a few, and on the other hand,

the extension of the blockade policy against Cuba?

Mr. Speaker, we view the Blockade as a unilateral and immoral policy, which is rejected both within the United States and by the International Community. We hope that those governments, including our own government, committed as we are to the norms of the multilateral trading system, to the freedom of trade and navigation, and to the rejection of the extra-territorial application of national law, will vote on Tuesday, October 25, in favour of the Draft Resolution, at the United Nations General Assembly, which demands the lifting of the US Blockade against Cuba.

Thank you, Mr. Speaker.

(Applause)

The DEPUTY SPEAKER: Member Paulwell.

Mr. PAULWELL: I am sure the Minister of Foreign Affairs will probably want to have the second to last word, because the Member has to close.

Mr. Speaker, it gives me great pleasure to again rise to speak on this matter, having done so on previous occasions. And the question is, why do we come here year after year to do this? Why do we continue this agitation? Why the UN, the last twenty years, has been passing resolutions upon resolutions on this matter?

And, Mr. Speaker, there is a commitment on our part - and I am so glad that it is shared by both sides of this Parliament - that what has happened to Cuba is wrong, and it needs to be halted now.

MEMBERS: Hear! Hear! (Applause)

Mr. PAULWELL: Mr. Speaker, I think the report on the effect of the blockade is quite instructive, and I think it should be made required reading, not only inside here, but throughout the country, indeed the world, because it reveals a very stark situation about the Cuban experience. The fact that this blockade has resulted in loss of business estimated to be in the region of a Hundred and Four Billion US Dollars (US$104B). And against that background – and of course, the Report goes into some detail as to the various areas of the Cuban economy that has been impacted.

But, against that background – and it's a point I made last year – it is so pleasing, it is such an inspiration to see how in the face of that, the Cubans have been able to withstand and indeed, to do extremely well in some of the critical areas that determine quality of life of human beings.

Mr. Speaker, last year we tried to also insert in the debate another issue that is associated. Because as we all know in this Parliament, there are five (5) Cubans who have been imprisoned for the last thirteen (13) years, in relation to charges against them for terrorism. Cuba has had indeed a spotless record in relation to allegations of terrorism on their part. Indeed, Cuba has been the victim of terrorist activities over the years of their revolution. And so, when these five (5) Cubans, in September 1998, were arrested and were put on trial, a trial that those independent observers agreed was illegitimate, the five Cubans, GERARDO HERNÁNDEZ, RAMÓN LABAÑINO, ANTONIO GUERRERO, FERNANDO GONZÁLEZ and RENÉ GONZÁLEZ, these were Cubans who were sent to the US to infiltrate groups that were plotting terrorist activities against Cuba. They were held, put through this trial and imprisoned illegitimately.

Indeed, one of them, GONZÁLEZ, was released on the 7th of October. But even that release doesn't allow him to – sorry, the 7th of October on parole – that release does not allow him to be able to see his family, after being in prison for thirteen (13) years. And we have to again remember the Cuban Five, and associate them with this resolution, because it speaks to the injustice of mankind against mankind.

Mr. Speaker, last year I commented on some of the positives that we see out of Cuba. And I am pleased that today we can report that there has been some progress. I last year spoke about the deficiencies in tele-communications infrastructure. And this year the Leader of Opposition and myself, we witnessed the landing of the fibre cable from Venezuela to Jamaica, onwards to Cuba. And that is going to enable Cuba to indeed become a part of the information age, them having been preparing themselves. In fact, there is a University in Cuba where they have five thousand (5,000) cohorts being trained in ICTs. And I want to say that in association with all our experience that we have had in the ICT industry, that Cuba and Jamaica can indeed move hand in hand to take and to exploit the opportunities that exist in this area.

I am also pleased that they have found oil in Cuba, and in fact, there is a massive effort now to do other drillings. And again, Mr. Speaker, I think this Parliament should record our support and our hope that what seems to be a possibility of a huge find, will materialize, and that, in no small measure, will add greater comfort, greater financial stability to that country.

We need to ensure that as Cuba - and as impoverished as the Blockade has caused them to be, they continue to lend a helping hand to the Caribbean countries. (Applause) We don't have to recount the years of support and cooperation that the Cuban Government and the people, have provided to Jamaica.

And in this regard, Mr. Speaker, I believe that there must be in some way, reciprocity, not to the extent that they have given, because we are too poor to give, but there is an area that is emerging. And I just want to bring it to the House's attention, and I must put on the Table interest, because in my private advocation I am an attorney-at-law, so I do business, and that's why I put it on the Table. But some years ago, CARICOM entered into an agreement with Cuba for certain items to be brought into the region duty-free. And I think all the governments, including Jamaica, acted in good faith in signing off on that agreement. Some countries have implemented the agreement. And so, for example, in Trinidad and Tobago, all these goods that are on this list are imported duty-free. Jamaica is yet to fulfil that part of the arrangement. And I think it might be an oversight, but I am urging that in relation to this list of goods, that we, with alacrity, implement what was agreed on by CARICOM and Cuba, as part of a trading arrangement that will enable greater trade between our States. (Applause)

There is another matter that we are working on, because there are certain goods that are part of that list, and the Ministry of Health and myself, we are trying to resolve one or two issues, and I am pleased that the Ministry is working to accommodate some of the concerns that have been raised. But I think, Mr. Speaker, it is important for us to

enable Cuba to benefit from trade. They give us things, there is nothing wrong with us buying things from them.

MEMBERS: Hear! Hear!

Mr. PAULWELL: And I can say that the Cuban manufacturers have been able to provide goods and services of world-class standard and quality. Their people are highly trained. They put so much effort into research and development, and we can learn a lot from them in that regard.

So, Mr. Speaker, I totally support this motion. And I am hoping that we can add a sentence or two, in relation to the Cuban Five, who have suffered at the hand of injustice.

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

The DEPUTY SPEAKER: Minister.

Dr. BAUGH: Mr. Speaker, we have no difficulty in speaking in support of this motion before the House, for the lifting of the economic and financial blockade against the country of Cuba. (Applause)

And I would even highlight certain issues that I think are worthy of emphasis, that:

> "Whereas these economic and commercial and financial blockades imposed by the United States against Cuba, continue to be the main obstacle to the economic and social development of Cuba…"

And I would add –

> "…and the Region, and to its recovery from the effects of global recession and natural disasters resulting from intensified hurricane activity";

and furthermore -

> "And whereas Jamaica's national interests are being adversely impacted by the continuation of the blockade and the extra-territorial application of US laws regulating transactions between Jamaica and Cuba, directly and indirectly";

and further -

> BE IT RESOLVED that we give support to a dialogue between the United States and Cuba, and to the Government of Jamaica, in putting forward Jamaica's position on Tuesday, 25th October, 2011, in support of the anticipated Draft Resolution".

Mr. Speaker, the Government is on record in this House last year, for speaking on this issue and giving support. So the position I take today is consistent with the position that we have taken before.

Secondly, the Government is also on record in speaking at the United Nations a few weeks ago, of addressing this issue and speaking to the removal of the blockade against Cuba.

A Government MEMBER: Hear! Hear! (Applause)

Dr. BAUGH: In addition, this Government, on every occasion where there is an opportunity, speaks on the issue. And in the margins of the United Nations General Assembly, we had as our special guest, the Minister of Foreign Affairs of Cuba, who spoke to COFCOR, the Council for Foreign and Community Relations, and he was well received and unanimously supported by all the members of CARICOM. And I spoke on behalf of Jamaica, commending him for the relations that he has in general with CARICOM and Latin America, and for the work that they are doing in so many countries in this region.

Cuba, has indeed been a very generous country, sharing the technology that they have

developed over the years, sharing their expertise, exporting its human capital to give assistance to so many countries, in social and economic development, especially in social services.

I had the opportunity, about two years ago, to lead a team in a bi-national commission discussion with Cuba. I believe we had over thirty five (35) members representing different sectors in our government that were in discussions with their counterparts, and came to an agreement with Cuba in many areas of cooperation - economic and technical cooperation, which are being implemented in Jamaica. Since that time the Minister of Health has visited that country to look at the possibilities of trading in their drugs and they've done a lot of work in developing vaccines and we're very impressed with their work and some developments are unique to Cuba, and we have looked at the possibilities, where those registered with the World Health Organization, for us to trade in terms of the vaccines.

Cuba has worked worldwide, in many countries, in support of peace and security, in support of equity and social services, and also fighting for the oppressed - as it is well known and as they have done, and it is well known that this occurred in southern Africa in the years of Apartheid.

In Jamaica, Mr. Speaker, there has been a crowning achievement in the establishment of the Eye Clinic in Jamaica utilizing the services… (Applause) …of Cuban professionals. And we're grateful for the assistance that we have got and we continue to get and hundreds of Jamaicans have, indeed, benefited from this service. I have no doubt that we will continue to benefit, and that the opening up of Cuba is not a threat as some people fear, but because of the relationship we have in terms of our trading and economic cooperation, I have no doubt in my mind that Jamaica will benefit more than it will lose.

Beyond this, however, Mr. Speaker, there is a larger vision and that vision is that this hemisphere, the Western hemisphere, is falling behind the Eastern hemisphere in terms of regionalization for trade and economic cooperation, for collective development, for security.

The Eastern hemisphere is larger in terms - I know they can't have a larger half, but although it is equal geographical in terms of land mass and in terms of population, the Eastern hemisphere is much larger. We have only 900 million people in the Western hemisphere. But in terms of regionalization there are some impressive achievements - and I would cite two examples: Europe, which is an organization of twenty-seven (27) countries in something that is approximating a Federal union, not yet a Federal Union. But, indeed, have developed impressive super-national institutions such as the Council of Heads, which is the executive leader - a Parliament of 750 members of the European Parliament, and a very active commission. And they have also developed other institutions - the European Court of Justice, which only operates in their original jurisdiction, I would like to remind my colleagues the across the divide.

They have developed a Euro Zone with a common currency, European fund and a bank, a common agricultural policy, and other institutions to deal with home affairs and security. And this is a very impressive organization of some 650 million people with an economy of $15 to $18 Trillion. So

although we boast that in our hemisphere, we have the largest economy as our biggest neighbour, which is the economy of the United States of America, of some $14 Trillion; the economy of Europe approaches $18 Trillion, collectively.

Additionally, in Africa there are at least eight regions - and Africa is now seen as a land of opportunity and growing. And I had a great meeting with them in the margins of the United Nations General Assembly speaking about the African Union and the African Diaspora. And that joint meeting that we're planning to have as a follow up to the meeting that we had here during your administration, and that meeting is to take place in 2012.

Another region I would like to use as an example is the ASEAN region, Association of South Eastern Asian Nations, a group of ten nations; 600 million people and an economy of $1.8 Trillion, not like Europe which is $18 Trillion, $1.8 Trillion, and in Europe, the *per capita* income is US$30,000, but in this one US$3,000. But there is a particular reason why I want to point to the ASEAN.

One of the reasons is that they have not emphasized so much sophisticated institutions, but have emphasized cooperation. They have developed mechanisms of cooperation at a very instrumental and worthwhile level, not enormous super-national institutions but institutions that facilitate certain activities - certain very important activities. Actively promoting full cooperation in infrastructural development, full cooperation in intra-regional trade, in the movement of raw materials from country to country, and intermediate parts - as a matter of fact, parts for manufacturing. They have made sure that the infrastructure and networks in Asia are seamless for the movement of people and the factors of production. They have developed regional supply chains and production networks - as a matter of fact, it is nicknamed "Factory Asia". Shipping raw materials and manufactured parts and components to develop manufacturing assembly - and you mentioned Vietnam, because Vietnam is one of those countries that because of this can develop manufacturing operations.

Mr. Speaker, the energy and the principle of this is to develop a partnership for shared prosperity. And it is important to note that they deliberately are playing down and accepting the difference that exists between their countries because of their great variety in origins, in indigenous people, but also in their traditional associations because of past colonial associations; differences in religion, differences in culture, differences in ethnicity, in constitutional and legal systems, in the structure of government, and differences in ideological beliefs. They are playing down these differences to emphasize and focus on the common interest that they have, and the common challenges that they must face taking advantage of their comparative advantage, exhibiting tolerance in the interest of economic and social development. We need to follow this example in this hemisphere. We cannot exist alone in this world of globalization and regionalism.

In Jamaica, we have 2.7 million people and we have an economy of some US$10 to $14 Billion. As a Caribbean unity we have 15 million people and the economy is somewhere in the region of $64 Billion, and we are committed to expanding CARICOM to include other nations; and we have applications from the Dominican Republic -

11 million people, and by itself, an economy of some $50 Billion. And we're developing other Free Trade agreements - Cuba is one of them as well as Costa Rica. And the lesson is that the more we expand to develop a larger marketplace, with more people, with more income, creating more demand for our products the better off we are. The more opportunities will be there for our industries to grow.

Currently, our industries and enterprises are not very competitive to be able to take part in the globalization process, as we have said so many times and over emphasized. We have so many vulnerabilities, not only to climate but the economic crises. As a matter of fact, the very openness of our economy is a vulnerability because our small enterprises are vulnerable to competition from outside of goods that can enter our market. Because we're so open from so many years ago - from in the 80s, even before WTO was developed.

It is important for us to develop this level of cooperation in the Caribbean and further afield into Latin America to become party to arrangements that give us access to other markets, opportunities for investment, but more importantly, opportunities to develop collectively institutions that can benefit the region as a whole. Institutions in the Caribbean, for instance, we have developed certain institutions that will help intra-CARICOM trade, and help us as CARICOM to trade with the world by developing capabilities to meet international quality standards, something that we're now weak on.

Mr. Speaker, it is quite clear that this embargo is in the way of this kind of collective development of the region. (Applause) And, therefore, Jamaica also suffers, the Caribbean suffers from this embargo and we have made our voices heard. And we want to do it in such a way that we create the opportunity for the United States and Cuba to sit in dialogue. We have offered our services that, if, at any time, we are useful to the Cubans or to the United States of America to facilitate it and to make it happen, we're willing to do so. I believe that the time has to come for us to be more specific as to what exactly are those obstacles to this dialogue, and to deal more specifically in them in these debates.

Government MEMBER: Hear, hear!

Dr. BAUGH: …we can be more practical in terms of setting a goal and embarking on achieving that goal. But it is important to us as it is to the Cuban people.

And in closing, I want, again, to say that we appreciative to the Cuban people, their willingness to share the technology that they have developed, their willingness to trade, their willingness to become partners, and the fact that they have been so generous throughout Latin America and the Caribbean. And we believe that they will be good partners in regional arrangements. And, therefore, we have no hesitation in supporting this motion to remove this embargo against the Cuban people.

Thank you very much.

(Applause)

A MEMBER: Proud of you, Deputy Prime Minister. Proud of you.

The SPEAKER: Member Rhodd.

Dr. RHODD: Thank you.

A MEMBER: You see what old man can do, though.

(Applause)

Dr. RHODD: Thank you, Mr. Speaker.

A MEMBER: Maturity, maturity!

(Laughter)

Dr. RHODD: Mr. Speaker, I rise also to support the resolution moved by the Member from St. Andrew Western, in respect to the necessity to end the economic, commercial and financial embargo imposed by the United States against Cuba.

Mr. Speaker, as someone who has had the privilege to live, study, and work among the Cuban people for seven (7) years, personally I can speak about the effect - the economic and social impact of this blockade on life. And it's against this background that I would like to state, based on my experience, emphatically that the illegal and morally what I call bankrupt policy of sustaining this blockade of our sister State will never succeed in breaking the political will of the Cuban people.

Opposition MEMBER: Hear, hear! (Inaudible comment follows).

Dr. RHODD: The exemplary resilience and struggle of this sovereign and independent nation to pursue a path of self-determination is their sacred right which should be respected and lauded. Regardless of what you may think of the politics of the Cuban government, this is a country whose government and people who, notwithstanding the hardships they face, continue, continue to make significant contributions to several States worldwide particularly in the spheres of health and education.

Cuba has trained tens of thousands of professionals in their universities and colleges… (Applause) ...and has treated millions and continues to treat thousands of patients from every continent. You have heard from the previous speakers whose contributions I support wholeheartedly. You have heard their contributions to our Jamaican people. We can boast in Jamaica of the millions of dollars of support which we have received throughout the many years of collaboration from this island State.

(Inaudible comment by Dr. Harris)

Dr. RHODD: Undoubtedly true. We will always be grateful, Mr. Speaker, for their selfless generosity, and the love they have for us here in Jamaica, and the love also that we, I am sure, reciprocate to them.

It is for these reasons and more, I think, that we should always be seized of the pain and suffering which the Cuban people experience daily, as a result of this cruel and harsh blockade. It is the main obstacle, it has been said, to Cuba's economic and social development. Allow me to highlight a few implications in the Health sector, Mr. Speaker.

The bruises caused by the blockade in this sector are extremely painful, mainly because of the suffering caused to patients and their relatives by not having the ideal medicine to treat a disease. Allow me to highlight a few examples. There are several, but I will highlight only a few.

The Institute of Cardiology and Cardiovascular Surgery had planned some 400 surgeries for 2011 - this year. Of them, 70 per cent are aorta coronary revascularizations, which will use from 24 to 30 mammary clips *per* patient. If Cuba could buy this product from the US Horizon Firm, its price would be between 30 and 40 cents each. However, buying the product from a Third country more than doubles the cost. The cost is at least 78 cents each. And we are talking about, of course, thousands of these, Mr. Speaker.

Likewise, after the St. Jude Medical Company that sells mitral and aortic valves,

closed its operations in Cuba, the Institute of Cardiology and the Cardiovascular Surgery were forced to acquire these supplies in Third countries at a cost of $1,200 each. The same happens with the acquisition of heart stabilizers which are used to carry out surgeries with the cardiac arrest without cardiac arrest. Cuba is denied the right to buy these items from Medtronic Incorporated.

The Frank País Hospital, specializing in orthopeadics and traumatology - and some of our own Jamaicans have been treated there, on more than one occasion - this hospital has been forced to find other markets to buy the components needed as part of maintenance given every three years with their hyperbaric chamber brought from the Mexican company Ramesa, after the US Amron Company with quarters in California refused to sell these parts.

Likewise, the US KAPACK company refused to supply the Frank País Hospital, the only hospital with a bone tissue bank in Cuba, with high-density polyethylene bags used to package processed tissues causing countless difficulties.

And thirdly, Mr. Speaker, the Institute of Oncology and Radiology in its oncopaediatric services has not been able to use extendable prosthesis to replace bone parts as part of CUMA surgery. As a result, it has not been able to use conservative or functional treatments in children and adolescence who suffer from malignant bone tumors because these treatments are sold by US companies. The Institutes' Radio Therapy Department has also faced serious difficulties in acquiring parts and accessories after the US Company, Best Medical, bought the Canadian Company MDS Nordion. And I could go on, and on, Mr. Speaker.

There are several examples of challenges faced by the medical sector in Cuba as a result of this blockade.

Mr. Speaker, no blockade in the history if you were to research across the continents - former colleague who spoke earlier made mention of China and Vietnam - no blockade has ever been as far reaching and brutal against a people as the one being implemented by the USA against the Cuban population for more 50 years.

Due to its cruelty and impact, this policy may be defined as an act of genocide by virtue of Item C of Article II of the 1948 Geneva Convention on the prevention and punishment of the crime of genocide. The severity of the measures of this blockade has served, nevertheless, to unite the Cuban people as well as strengthen their resolve to withstand and overcome the hardships imposed by the blockade.

One of the highlights of this, Mr. Speaker, is the innovativeness and creativity which are more than exemplary creatures of the blockade. Cuban engineers, scientists, and technicians have demonstrated their genius by not only repairing old machines with limited spare parts, but have also invented and made new equipment. Machines in the medical, agricultural and transportation sectors are real examples of these innovations.

Mr. Speaker, the sad irony, you know, of this situation is that, no one is denied medical attention in Cuba, at any level, whether it is at the primary health care level - or in any hospital. Contrast this, however, with several persons who die in the USA daily, because of

their inability to pay for medical care. Interestingly, health policy issues are one of the main factors which divide Democrats and Republicans in the USA as they go into an election campaign.

I would also like to join the Member of East Kingston, who spoke passionately about the struggles of the Cuban five.

(*Sotto voce* comment by Government Member)

A MEMBER: You shut yu mouth, you voted against it.

Dr. RHODD: I appeal also I would lend my voice to appeal also, for the release of the remaining four. Their case is a real case of injustice. I think it was the late DR. MARTIN LUTHER KING JR. who said in one of his great speeches that: '*Injustice anywhere is a threat to justice everywhere'*.

Mr. Speaker, in closing, I would like to express my personal gratitude to the Cuban Government for the opportunity I received to study, and received a medical degree there.

MEMBERS: Other things, other things.

(Laughter/*Sotto voce* comments)

Dr. RHODD: Ambassador, *Me gustaria agradecir por haber recibedo de estudiar y recebir a carrera en medecina en Cuba*. (Inaudible)

(Applause)

I, Mr. Speaker, will always be indebted to the Cuban people for their generosity, their sacrifice and their love. And, I too, experience that love daily since I have a Cuban wife - *mi esposa.* The struggles of the Cuban people have therefore, become my struggles. Long live the struggles of the Cuban people for self-determination and sovereignty.

Mr. PICKERSGILL: Hear, hear!

Dr. RHODD: It is past time, Mr. Speaker, that this immoral and illegal blockade by the USA of our sister State be removed.

I thank you.

(Applause)

The DEPUTY SPEAKER: Member Chuck.

Mr. CHUCK: Mr. Speaker, I rise in support of the motion from the Member from Western St. Andrew.

I support this motion on the basis that Jamaica and Cuba are not only neighbours but good friends. The people and the Government of both countries are very close. I say, Mr. Speaker, that the Cuban Government and people, have been extremely kind, generous and supportive of Jamaica in every way.

(Applause)

And I feel, at the very minimum, in its challenges, we in Jamaica must also support the Cuban people.

Last year, Mr. Speaker, I had the opportunity to lead a delegation with the Member from South St. Catherine and the Member from North West St. Ann, and the Clerk of the House.

Mr. CLARKE: You had a good time.

Mr. CHUCK: We had a great time.

Mr. CLARKE: Yes.

Mr. CHUCK: And in Cuba, many of the myths that I had about Cuba were removed. And indeed, Mr. Speaker, we were able to sign a Friendship Agreement between the Parliaments of Cuba and of Jamaica, which we hope to, not only strengthen this year and the years ahead, but it is also good for both Parliaments to at least see how different tribunals operate in the process of governance and assisting their people at all levels.

Mr. Speaker, there is no doubt that this blockade has failed, and will fail. The resilience that the Cuban people have demonstrated that they will withstand years, if necessary, because they realize the injustice of this blockade. And the sooner the United States remove this blockade the better, not only for the people of Cuba, but perhaps, the people of Jamaica and the people of the United States.

(Applause)

I think the people of the United States are being prevented from seeing and enjoying Cuba. When I visited Cuba, Mr. Speaker, I had the opportunity, not only to see a great country, but the beauty of a country, similar to Jamaica, but from which Jamaica can learn a great deal. And also, if that blockade was removed, I have no reason to believe that Jamaica would hurt in any way. I believe that Jamaica will benefit if the blockade was removed. And that is why we should actively ask for its removal.

(Applause)

I have no doubt, Mr. Speaker, that if the blockade was removed, we could actively support a multi destination tourism, where people coming from the Far East, or from Europe, or from the United States and Canada, can not only stop in Cuba on their way to Jamaica but visit the rest of the Caribbean. That is what we do when we visit Europe, we go to several countries. That is what we do when we go to the Far East, we go to several cities. And I believe that that really could happen if the blockade was removed and people from Europe, Asia, and North America can visit several destinations in the Caribbean. So, Mr. Speaker, and colleagues, I believe that when we actively ask for its removal, we are asking for the improvement of Jamaica's economic condition.

(Applause)

So, it not only say we are supportive of Cuba, we are supportive of improvement in Jamaica's economic condition. And, Mr. Speaker, it can only benefit the United States too, because any amount of movement of economic activity between Cuba and the United States can benefit the United States.

We see this happening, Mr. Speaker, with China. China is a communist country. But China has opened its doors to investors from the United States and the great beneficiaries of opening up China are the consumers in the United States. And although there are many workers who may suffer in the United States, overall, there can be no doubt that the United States have benefitted from the opening up of China to investors from the United States. And I believe the same can happen if the United States allows investors to invest in Cuba.

And I believe, Mr. Speaker, that it is not only illogical, but short sighted and I don't want to use any unparliamentary word, but it is really, a lack of intelligence on the part of those who are supporting this blockade in the United States. The sooner it is removed, the better, not only for the Cuban people and Jamaica, and the United States, but for this region. When 187 countries of the world, as against two or three at most, can see the injustice of continuing this blockade, it is only a bit of pig headedness on the part of the United States to continue this blockade.

And I say, Mr. Speaker, that this Parliament, when we send that message to the United Nations that Jamaica, just like the rest of the world, let us get - let good sense be restored and let us remove this blockade so

that the people of this hemisphere can be one people trading, interacting, travelling amongst ourselves, and let the Cuban people for once, enjoy the benefit of visits from the United States, from Jamaica, from all over the hemisphere without any hindrance.

I support this motion and hope that once this blockade is removed more Jamaicans, more citizens of the United States will visit Cuba and see a really wonderful country.

(Applause)

Mr. CHUCK: I want to commend all the Members who rose to give support and to say to the Cuban Ambassador, convey to his government and people our full support for the removal of the blockade and also to add to that, that the question of Cuban Five be also addressed. And I also want to say to you, Ambassador, convey to your Government and people how grateful we are, despite the limited resources of your country, for all the assistance that you have given to Jamaica. Thank you so much, thank you so much. (Applause)

Mr. Speaker, I want to thank you for allowing me to participate and to say to all the Members and particularly the Minister of Justice, I found his contribution to be a very good one, particularly coming from him. And thank you very much, Minister, very positive contribution to this debate. Thank you very much and thank you for allowing me. (Applause)

Mr. HYLTON: Mr. Speaker, I want to in closing this debate I want to thank my colleagues, everyone who has spoken eloquently to the need for us to address this relic, this historical injustice and this wrong that has been inflicted on the Cuban people.

I want to, in closing, address two points. The point raised by my colleague from East Kingston and Port Royal, that consideration be given to an amendment of the resolution to mention and to include in it as part of this cold war policy, this policy of blockade, the situation involving the Cuban Five. It is for the House to take cognizance of that and to express itself and include in that, I would, as mover of the motion, I certainly would welcome and certainly would like to amend to include that as part of the resolution, if that is the will of the House.

I also say to my fellow Minister of Foreign Affairs, my colleague, that I am particularly pleased by the focus that he brought to bear on the regionalism and the opportunity that is being lost to Jamaica and the region by this blockade in our ability to deepen the cooperation and to deepen relations, trade and economic relations with Cuba.

In moving the motion I expressed broadly the implication of the blockade for national interest. In the many contributions here today persons have identified aspects of our national interest that have been infringed or impinged on by this unwise block - prolongation of this unwise blockade. I would say that the one raised by the Minister of Foreign Affairs, that the regional and opportunities for deeper global cooperation and integration into the hemisphere and into the region is one of the immense possibilities. And in that regard I would hope that at another time this House could find the opportunity to debate the question of CARICOM, its expansion and the role of Cuba and the DR in that endeavour. I believe that would be a useful and enlightened

opportunity, and I certainly look forward to participate in such a debate.

So I want to again in concluding say to the House that as the mover of the motion I consider it a friendly amendment and it is for the House to express itself and the amendment as is, and the amendment in totality - the motion as amended, if that is the wish of the House.

Thank you, Mr. Speaker.

The DEPUTY SPEAKER: But, Member, before you sit, can you give us the wording as it relates to the amendment that you would like to include.

Mr. HYLTON: Okay.

Mr. M. PEART: Propose the amendment.

Dr. BAUGH: Mr. Speaker, I just indicated that I would have included the context in a wider basis, but I wasn't proposing an amendment. It's quite all right as it is. We are not really proposing an amendment.

The DEPUTY SPEAKER: The proposal is for the House to move and vote on the motion as presented by the Member from St. Andrew Western.

Put to the House and agreed to.

(Applause)

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today.

Mr. PICKERSGILL: This is your last piece. Say something man.

(Laughter)

Mr. HOLNESS: No, there will be many, many more speeches to come.

Opposition MEMBER: The last one as House Leader.

A MEMBER: Bring him back next week.

Mr. HOLNESS: Mr. Speaker, I therefore move that the House do adjourn...

Mr. PICKERSGILL: Say something man.

Mr. HOLNESS: ...to a date to be fixed.

Opposition MEMBER: Whoa, whoa!

Mr. CLARKE: We coming back here Tuesday.

Mr. HOLNESS: You are free to come.

(Cross talk)

The DEPUTY SPEAKER: The question is that the House do adjourn to a date to be fixed.

Put to the House and agreed to.

The DEPUTY SPEAKER: This House is now adjourned.

The House accordingly adjourned its sitting at 6:06 p.m. to a date to be fixed.

THE HONOURABLE HOUSE OF REPRESENTATIVES

SESSION 2011 – 2012

TUESDAY, November 1, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 2.10 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, Minister of Justice and Leader of the House.

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

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

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

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

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

DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister with responsibility for Information and Telecommunications and Public Sector Efficiency.

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.

MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, Minister of State in the Ministry of Education.

DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, Minister of State in the Ministry of National Security.

OTHER MEMBERS

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

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

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

MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South 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. PHILLIP FEANNY PAULWELL, (PNP), Kingston, Eastern and Port Royal.

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:10 p.m.

The SPEAKER: Members, welcome to the sitting.

CALL OF THE ROLL

(See Listing)

STATEMENTS BY MINISTERS

Mr. CHUCK: Madam Speaker, there will be one statement from the Minister of Justice.

Madam Speaker, Members of the Honourable House, Members may recall when I assumed office as Minister of Justice in July 2011, I stressed that one of my goals for the duration of my tenure as Minister was to significantly reduce the backlog of cases in the Justice System. As one who has practiced for years in the several Courts of Jamaica, I know only too well that there is a severe backlog of cases at all levels of the Court system, particularly in the Resident Magistrates' Courts and the Supreme Court. In the Justice Ministry we have done a thorough analysis of this perennial problem and have identified some ways in which we can tackle the problem with a view to significantly reducing the present chronic state of backlog.

One of the ways I submit, Madam Speaker, in which a case backlog reduction strategy can yield positive results, is to place those cases involving minor offences within the jurisdiction of the Petty Sessions Courts by moving them out of the jurisdiction of the Resident Magistrates' Courts.

(MS. LISA RENE SHANTI HANNA, (PNP), St. Ann, South Eastern, entered and took her seat.)

In this regard, we have looked at the overwhelming volume of ganja related cases currently before the Resident Magistrates' (RM) Courts and the urgent need to free up the judicial officers and the Court staff so that they can address the more serious and complex matters in their caseload, with a view to reducing the backlog.

(DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, entered and took his seat.)

Based on our analysis of the data presented, a submission was made to Cabinet seeking approval to transfer certain ganja related cases from the Resident Magistrates' Courts to the Petty Sessions Courts. Cabinet has given its approval in principle of the

proposal, and for a Statement on the subject to be made to this Honourable House by the Minister responsible. Let me hasten, Madam Speaker, to make it abundantly clear to all the Members of this Honourable House and to the people of Jamaica whom we represent, as well as to those others with a vested interest in the socio-economic wellbeing of this country, that this proposal is not a signal, either expressed or implied, that the Government of Jamaica is advocating the decriminalization of the use of ganja as was recommended by the National Commission on Ganja in 2001.

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

(MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central, entered and took his seat.)

Our Government intends to continue and to hold steadfast to the hard line it has taken against the use of illegal substances and the attendant *nefarious* and criminal activities associated with it, such as drug trafficking. Indeed, Madam Speaker, we are moving ahead with our proposal to increase the penalties for the more serious drug related offences; and in that regard we are conducting, with the assistance of the Commissioner of Police, research to do a comparative analysis of what obtains in other jurisdictions as far as it relates to penalties for serious drug offences. As soon as that research is completed, I will be making the appropriate submissions to Cabinet with a view to having the necessary amendments made to the relevant laws.

The proposal contained in the Statement that I am now making before this Honourable House today, with respect to the transfer of certain ganja related cases to the lower Courts, is a strategic measure aimed entirely at alleviating the existing burden on the caseload in the RM Courts so that ultimately, it contributes to the reduction of the backlog of unresolved criminal cases which currently stands in excess of 414,000.

Madam Speaker, we are all too well aware that ganja is widely used in Jamaica for recreational and religious purposes as well as folk medicine. Although the drug remains illegal in Jamaica, between 20% to 40% of Jamaicans are users of this substance, among them, members of the Rastafarian faith who use it as a part of their religious sacraments.

The Dangerous Drug Act prohibits the possession and smoking of ganja and prescribes that every person who has in his possession any ganja shall be guilty of an offence and if convicted before a Circuit Court, shall be sentenced to a fine or to imprisonment for a term not exceeding five years, or to both a fine and imprisonment.

(HON. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health, entered and took his seat.)

Alternatively, upon summary conviction before a Resident Magistrate, the offender is liable to a fine not exceeding $100 for each ounce of ganja, provided that the fine does not exceed $15,000 or imprisonment for a term not exceeding three years, or both such fine and imprisonment.

Madam Speaker, the Drug Court (Treatment and Rehabilitation of Offenders) Act prescribes a health related rather than punitive approach to drug use. It provides for the establishment of a Drug Court aimed at

facilitating the treatment and rehabilitation of drug offenders. This court is presided over by a Resident Magistrate sitting with two Justices of the Peace who have jurisdiction with respect to any offence triable in a Resident Magistrate's Court. Every participant in the Drug Court Programme is required to give written consent to his or her participation as an alternative to the imposition of a custodial sentence. Where consent is given and the participant successfully completes the programme, he or she may be discharged either with or without conditions. Additionally, a conviction in respect of the relevant offence does not form part of the criminal record of the offender who successfully completes the prescribed treatment programme.

With respect to ganja, the Drug Court will hear cases involving smoking or otherwise using the substance, possession of utensils in connection with smoking, and possession of up to eight ounces of the drug.

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

The establishment of this Court in Jamaica has set a precedent for the establishment of a similar diversionary mechanism to treat with persons who, by their own admission, are users of ganja.

The proposal to remove these cases involving the possession of a small quantity of ganja from the jurisdiction of the RM Court to that of the Petty Sessions Courts recognizes that the current provisions of the Dangerous Drugs Act do not provide for rehabilitation as an option for persons convicted of possession of small quantities of ganja, but instead prescribes the same penalty as the other offenders who are convicted of possession of larger amounts of the drug.

Persons convicted of ganja possession of whatever quantity, also incur a criminal record, the expungement of which is available only if the offence attracted a non-custodial sentence or a sentence of imprisonment not exceeding three years and the offender does not commit another offence during the period of rehabilitation, as provided in the Criminal Records (Rehabilitation of Offenders) Act.

Madam Speaker, the ongoing clampdown by the security forces on the use, trade and export of ganja and the high volume of cases that have to be heard in the Resident Magistrates' Courts as a consequence, has resulted in clogging up the system, overloading the work of the judicial officers and other Court staff, who must process these cases, and most importantly, contributing to a marked inefficiency and protracted delays in the disposal of other cases involving far more serious offences.

A recent study found that the majority of the more than 6,000 cases involving the offence of possession of illegal substances that were disposed of in 2009 in the Resident Magistrates' Courts were for the possession of ganja in quantities of less than one ounce (28 grams). As of the end of July 2011, more than 1,100 of the 8,700 persons appearing before the Resident Magistrates' Courts were on charges of possession of ganja in quantities similar to those revealed in the study.

The Security Forces, Madam Speaker,

have also been hard pressed to bring all ganja related cases to the RM Courts given the pervasiveness of the indiscriminate use of this substance across the island. It would undoubtedly be more cost effective to bring offenders who are charged with possession of small quantities of ganja to the Petty Sessions Courts, as the processes there are relatively simple and do not occupy the same level of time and resources required for prosecution in the RM Courts.

Even as the Security Forces exercise care in pursuing persons who breach the Dangerous Drugs Act and other anti-narcotics legislation, the potential does exist for police excesses in the arrest and detention of persons on charges of possession of small quantities of ganja.

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

With the proposed transfer of these cases to the Petty Sessions Courts, we expect to see a shortened process that will allow for a swifter disposal of such cases in those instances where the accused persons plead guilty. Of course, if an accused person pleads not guilty then his or her case will be sent to the RM Court for hearing and disposal.

Madam Speaker, there has been some debate as to what is meant by "small quantities" of ganja, and I wish to say that we are referring to quantities not exceeding eight ounces or the metric equivalent. This definition is justifiable as this quantity relates mostly to persons who are found in possession of the drug for personal use rather than for trade. Furthermore, eight ounces is the maximum amount prescribed in the Drug Court (Treatment and Rehabilitation of Offenders) Act for admission to the Drugs Court Programme, and we need to maintain consistency. Experience has also demonstrated that most of the cases relating to ganja which are brought before the Resident Magistrates' Courts involve offenders who have been arrested while in possession of or smoking a spliff - that is a cigarette with ganja.

Persons charged with possession of ganja with the intent to deal, traffic, trade and export, as well as possession of the drug in quantities exceeding eight ounces, will continue to be tried in the Resident Magistrates' Courts as prescribed under the Dangerous Drugs Act. Persons who flagrantly and indiscriminately smoke or otherwise use ganja in public spaces will also be prosecuted in the Resident Magistrates' Courts and the failure of an accused to abide by the ruling of the Petty Sessions Courts, in paying the fine imposed, will also result in the case being placed before the Resident Magistrate's Court.

What are the implications for this transfer of the minor ganja-related offences to the Petty Sessions Courts? Madam Speaker, the proposal being advocated is for the differentiation of treatment between those persons charged with possession of quantities of ganja below a prescribed amount, in this case eight ounces or less, from those charged with possession of larger quantities. This will result in a reduction in the number of ganja-related cases heard each year in the Resident Magistrates' Courts as only those cases involving quantities in excess of the prescribed amount will remain under the jurisdiction of these Courts with the effect that the overall caseload in the RM Court will

diminish to allow the Judges to focus and engage more judicial time on the more complex and serious cases.

Additionally, Madam Speaker, the Ministry is currently reviewing the jurisdiction of the Courts of Petty Sessions with a view to expansion, and so this move will serve the dual purpose of reducing the volume of cases heard in the RM Courts and at the same time increasing access to justice by the ordinary citizen. Consultations with key stakeholders have so far yielded positive support for this initiative.

The possession of small quantities of ganja can be regarded as a summary matter for which the offender often pleads guilty as the evidence against him or he is incontrovertible. The amendment of the Justices of the Peace Jurisdiction Act would, however, be required to make provisions for the offence to be triable in the Petty Sessions Courts. Speedier disposal of such cases will also be achieved, with the concurrent benefit of reducing the backlog, since such matters are usually disposed of within three months of filing in the RM Courts and there is the real potential for an even faster adjudication within the Petty Sessions Courts.

One may ask, Madam Speaker, how does the Ministry of Justice intend to strengthen the capacity of the Petty Sessions Courts to handle the volume of cases when the transfer takes place? The short answer, Madam Speaker, is that the institutional capacity of the Petty Sessions Courts will be strengthened through the appointment of an increased number of Justices of the Peace to serve in these Courts, as well as for the implementation of more intensive training for them. The current estimate is that there are 1,500 Justices of the Peace who serve in the Petty Sessions Courts islandwide. To support an increase in that number of Justices of the Peace serving the Courts, more Clerks of Courts will also be required. Intensive training in the provisions of the relevant Acts, such as the Dangerous Drugs Act, will become necessary and in this regard, the Justice Training Institute, the training agency of the Ministry, will be asked to develop the necessary curricula to provide specialized training for JPs in this and related areas.

As far as it relates to the capacity of the physical infrastructure, the transfer of these cases to the Petty Sessions Courts will call for us to maximize the use of existing outstations as Courts. In addition, alternative venues may be brought into the mix of locations at which such cases may be heard. To respond to the increase in the caseload of the Petty Sessions Courts, the frequency of sittings of these Courts, which currently averages four times per month, may also have to be increased.

Members of this Honourable House should be aware, Madam Speaker, that the proposal to remove cases relating to small quantities of ganja from the RM Courts to the Petty Sessions Courts does not contravene or offend any existing International Convention or Protocol on Narcotic or Psychotropic Substances to which Jamaica is a State Party.

Madam Speaker, Jamaica remains committed to these as well as to any future International Conventions and Protocols in its fight against trafficking in narcotics and substance abuse. This proposal does not represent a softening of this Government's position on ganja but rather a calculated

attempt at increasing efficiencies in the prosecution and treatment of drug abuse offenders.

In addition to the Justice of the Peace Jurisdiction Act, amendment of the Dangerous Drugs Act and the Drug Court (Treatment and Rehabilitation of Offenders) Act will be necessary to give effect to this proposal.

Understandably, the proposal will have cost implications as they relate to the employment of additional Clerks of Courts to work in the Petty Sessions Courts, as well as the costs of preparing and equipping more spaces for court sittings. The necessary follow-up treatment programme provided under the Drug Court Programme, which is also under review, will also involve increased costs to accommodate a higher number of clients who will be referred to the Drug Court from the Petty Sessions Courts.

Madam Speaker, notwithstanding this, I believe we can say, with some conviction, that savings will accrue in the reduction of the costs associated with the prosecution of persons charged with small quantities of ganja, particularly in terms of the costs of judicial time and case preparation.

Finally, Madam Speaker, I want to assure the Members of this Honourable House that the proposal for transfer of these cases will be taken to the key stakeholders for their feedback before the final position is decided.

Dr. DAVIES: Who are the stakeholders?

Mr. CHUCK: The key objective of these consultations will be to arrive at consensus on the proposal and to determine the various amendments to the relevant statutes that will be required to bring it into effect. The Ministry of Finance and the Public Service will also be consulted and their comments taken into account with regard to the proposal and the costs implications.

I thank you, Madam Speaker.

(Applause)

Mr. M. PEART: Madam Speaker, let me just ask for your permission to recognize the fact that today we have the presence of our new Prime Minister and also the new Leader of Government Business.

(Applause)

The SPEAKER: You have permission so to do.

Mr. M. PEART: On behalf of the Opposition I wish to congratulate the Prime Minister on his new appointment and wish him all the best in his tenure as Prime Minister of Jamaica. I cannot guarantee how long he will be in that position, but I wish for you the best, as long as you are there.

(Laughter)

Mr. CHUCK: Madam Speaker, may I just say, on behalf of this side, we would also like to welcome the new Prime Minister and I have no doubt that his tenure will be a long one. (Applause) I want to thank the Leader of Opposition Business for extending the courtesy but also to let you know that, with regard to continuity, the shift, that the Member just moved one seat down and I have moved several seats up. (Laughter) But the good order and decorum of the House will be maintained, Madam Speaker, and I have no doubt that the Prime Minister will be sitting there for a long, long time. (Applause)

Mr. CHARLES: Madam Speaker, it would be unkind, unfair, and unheard of if I were not privileged to say welcome to one of the post-Independence leaders, the youngest

Prime Minister in the Commonwealth. And, indeed, I am sure all of us in Jamaica, those who born since 1962....

Dr. DAVIES: Eighteen sixty-two. (Laughter)

Mr. CHARLES: ….should be very proud that the Jamaica Labour Party has selected one of their generation to carry on the big task that lies ahead of this country. Many of us here have seen two generations in the first 50, and we are now fortunate to see a generation that was born almost in the second 50, that will be taking the task to move this country forward.

I just want to make an appeal because we as politicians have destroyed one another so much that we have lost respect around the world. People from outside look on us with all sorts of problems. And I am saying I want to call on Jamaica, regardless of whether you are PNP or JLP, to give this post-generation Leader an opportunity to carry this country forward.

Opposition Member: Stop campaigning! Sit down!

Mr. CHARLES: I personally want to appeal to those of his age….

The SPEAKER: (Gavels) Just a minute. I am going to ask for the unparliamentary comments that are being made to desist.

Dr. DAVIES: Pearnel, she seh you must stop.

Mr. CHARLES: I want to ask for those of his age to recognize that the task, a heavy one has been put in their hands. As one of the older ones, I am prepared to pull from the outside and to give him my full support. I pray God's blessings on him. I ask for strength for his leadership and ask him to do so with God's guidance.

Thank you.

(*Sotto voce* remarks by Dr. Davies)

Mr. M. PEART: What's wrong with Mutty.

Mr. CHUCK: Madam Speaker, I just want to let the Member from Central Kingston and others, I am prepared to respond to some questions after the Statements, but to allow the Members who would like to….

Dr. DAVIES: That is question 2 down next on the Order Paper.

Mr. CHUCK: I am being generous….

Dr. DAVIES: It's so uncharacteristic.

The SPEAKER: Go ahead Member Thwaites.

Rev. THWAITES: Madam Speaker, in his first letter to Timothy, Paul advises us to respect and pray for all our leaders and so I share the sentiments expressed to the Prime Minister by the other Members.

The questions for the Minister of Justice: Would the Minister state what is the jurisprudential basis of maintaining a law which prescribes a course of conduct, which is disapproved by an acknowledged majority of the persons who the law binds?

And he agrees with you further that the only sensible thing to do to users of small quantities of marijuana is to refer them for mandatory therapy so that they may be weaned from their affectation or addiction.

And thirdly, will he clarify that the amendment which he tells us about in his Statement applies only to those who are going to plead guilty to having in their possession or smoking small quantities of ganja? I have other questions but I think those three would start.

Mr. CHUCK: I am not too sure I understood the first question. I don't hear the

first question, Member from Central Kingston. But in respect to the second – in respect to the last question the answer is yes, only the guilty pleas, the guilty pleas will be taken at the Petty Sessions Courts. And in respect to the second question, the idea is that the accused persons will be recommended for rehabilitation and treatment, but you can't force them. And therefore if they consent they go there. If they don't consent then the guilty plea will be taken. If it is not a guilty plea they have to be tried in the RM Courts. Could you remind me of the first question?

Rev. THWAITES: Madam Speaker, the initial question was one of broad jurisprudence. The basis of sitting here and passing laws is that we are doing the will of the people and that we are doing that which is good for the people in more limited aspects. And it is an established fact, which I invite the Minister to affirm, that the majority of persons in this country do not consider the use of small quantities of ganja to be a criminal offence. I invite him to come to the National Stadium on any of the national events such as football matches that take place there. And I therefore invite him to go much further than he has gone in his statement of resolve on this matter now, (Applause) and to question whether there is a basis for dealing with small quantities of ganja as a continuing criminal offence, rather than as something requiring behavior modification and therapy.

Mr. CHUCK: In response, Madam Speaker, may I just say that we're not going to debate the use and abuse or the removal of these substances at this time, save and except to say we take it one step at a time.

(Inaudible comments by Members)

Rev. THWAITES: Madam Speaker, would the Minister say whether the Government intends to do that which has not yet been done, to the best of my knowledge, which is to offer a close consideration of the **Chevannes Report**? It has sat so long, Madam Speaker - I would ask the Minister of Justice to affirm, that if the chairman thereof has regretfully passed on and yet this legislature and the Government as a whole which commissioned it has not yet given full consideration to the evidence presented and to the conclusions brought forward by that eminent body. And I wonder if the Minister's statement and resolve regarding this issue has taken fully into account the need for the careful consideration of all those recommendations?

The other questions I have, have to do with the jurisdiction of the Justices of the Peace. And I'd like to ask the Minister, Madam Speaker, if it is in his intention to further extend the remit of cases to go before the Justices of the Peace? Because I daresay that while it will be of some significance, the movements of the possession and smoking of under eight ounces of ganja is not really going to nearly meet the congestion of the Resident Magistrate's Court. Whereas there are those cases - and I rely on Madam Speaker's own personal experience - professional experience - which carry a - normally - the imposition of a bind or a term of imprisonment which is of minor duration and which are to do with assaults, threats other things, but things that do not now fall under the RM jurisdiction, which it would seem to me would amplify the relief of the Resident Magistrate, which the Honourable Minister proposes. Is he

considering this? And if not, why not?

Mr. CHUCK: Well in relation to the last question, Madam Speaker, yes, we are looking at the jurisdiction of the Petty Session Courts with a view to increase say the fines from say a thousand to two thousand five hundred where it is now, to a higher figure, and also for them to be able to consider civil disputes, perhaps to Ten or Twenty-five Thousand Dollars. At the moment I think it's Two Thousand Five Hundred. We're looking at that carefully with a view to doing so, the stakeholders are being consulted. And we're also looking at the possibility of putting in Community Justice Tribunals where the matters can be tried, not necessarily in the central courts, but maybe in the outstation court, maybe even in a church hall. Fine.

So in relation to the first question, I'm aware of the **Chevannes Report** which under active - we've examined it, but I think you will appreciate that there are two factors against its immediate implementation. It is ambiguous as to the effects of ganja on the body. In other words, people - the debate is still on. And the second point is that we are party to international treaties which we have to respect and once those international treaties exist we have to respect our participation in them.

Dr. GUY: Thank you, Madam Speaker. Minister, it is a known fact that some of our international partners have gone one step further in terms of the medical use of marijuana, especially as it relates to chemotherapy treatment for cancer patients. We have not necessarily made any provisions for this here. But I find it strange that we would have an individual who is being treated for a condition, and then after being found and taken to your drug court, would have to enroll in a programme for treatment, which is to prevent him from getting what he wants. You see the cycle is what I'm asking about.

The other thing too is that I know that we are signatories to the International Convention, but what I find a bit disturbing, and although we cannot do anything about it, those major partners of ours who have also been signatories or also signatories - are greater producers of marijuana than us here. The State of California produces more than little Jamaica could even ever imagine to produce and yet there seem to be some protection that is accorded and afforded in those jurisdictions, but we here have to be indicating that we are signatories. How do we get around this?

Mr. CHUCK: I always answer the second question first. I mean the point is that most of the areas where they allow for the use, say for medical purposes in the States, there are state laws. Unfortunately, we have to deal with Federal laws which still prohibit, and therefore the international treaties remain. But the various - Drug Treatment Rehabilitation Act, does the law - in fact the - allow for medical use of marijuana and for research in that area, so that there is provision for medical research and medical use. And that is what I know happens in California and to the best of my understanding it is also allowable in Jamaica, especially, it is being done at the University for treatment and also for research purposes.

I have no doubt that one of these days this parliament may well have to debate whether in fact ganja, if it is demonstrated to be of medicinal effect conclusive, that we will have

to look at it very openly and transparently. Because there is a fair amount of information to suggest that, but it is not conclusive and perhaps when it is conclusive there can be no doubt that we must take that into consideration.

Mr. CLARKE: What is the maximum in terms of fine or imprisonment that can be imposed in the Petty Sessions Court? And is that in keeping with the standard fine or imprisonment imposed on people who use drugs in that minimal way? How compatible is this?

Mr. CHUCK: Bear in mind as I said in the statement, for one ounce of ganja it is One Hundred Dollars and the maximum that can be pleaded to in the Petty Sessions is eight ounces, so the maximum would be Eight Hundred Dollars. To the best of my knowledge, for most offences a Thousand Dollars is the maximum in the Petty Sessions Court. Okay.

The SPEAKER: Mr. Arscott.

Mr. ARSCOTT: Thank you very much Madam Speaker.

The country Jamaica pioneer, pioneers like DR. LOCKHART and MANLEY WEST, have indeed led the world in research in both Canasol and probably Asmasol. And as a country, that I'm sure the research came out of the experiences of many ordinary Jamaicans in the whole communities and therefore, I think we should find a way to certainly to widen the research in the uses. I mean when we see on television the various uses in California and so on. With the number of universities we have in Jamaica now, we need to try to find a way to encourage some broader medical research on uses into the thing. So I think we should move rapidly to try to reduce the level of criminality associated with it.

When you go to some of the jails you see the amount of young people pretty much languishing, I don't know if your proposal will alleviate the problem. But certainly, I think we need to take a more enlightened and progressive approach in dealing with this matter. Thank you.

Mr. CHUCK: I agree, I can only say I agree with the Member from South East Clarendon, that it should be looked at...

Mr. JACKSON: South West.

Mr. CHUCK: South West.

In answer to Mr. Clarke, I said I believe the maximum was a Thousand, the maximum is actually Two Thousand in the Petty Sessions Court. Okay that's it.

The SPEAKER: Member Rhodd.

Dr. RHODD: Okay thanks, Madam Speaker.

I really wanted to take issue with the Minister, in respect to the conclusiveness of medical knowledge about certain products such as Canasol which is manufactured by Cannabis. In fact, it is said that the discovery of Canasol really came about when Rastafarians who used to visit the clinics at the University Hospital were found to have lower intraocular pressure, which is one of the signs of chronic open angle glaucoma, and it prompted a research on the use of this product, which led eventually to the development of the drug Canasol from Cannabis.

So therefore, I really want to reiterate the importance of research - broadened research - Minister, and to say that there is conclusive evidence in respect to some medical products and I really think we can maybe benefit from

more research - more profound research - and may be greater commercialization of some of the products of this - of Cannabis.

Mr. CHUCK: Madam Speaker, I can only agree.

Rev. THWAITES: Madam Speaker, that's our final question?

Mr. WARMINGTON: Announcements.

Rev. THWAITES: Madam Speaker, our final question?

Would the Minister consider - would the Minister of Justice consider referring matters of bail...

Mr. WARMINGTON: Madam Speaker, no, no.

The SPEAKER: (Gavels) Members, I cannot even hear the questions. Please go ahead.

Rev. THWAITES: Would the Minister consider referring matters of granting bail to the Petty Sessions on a regular basis, where if there's a refusal, then it's referred to the Resident Magistrate? The applicant - the accused - has a right of doing that, this would ease a tremendous congestion. As you know, the first hour, hour and-a-half sometimes of each day is - certainly on a Friday and on a Monday - are taken up by bail applications.

The Justice of the Peace has an inherent jurisdiction as suggested it be extended normatively to those matters coming in normally - which would ordinarily come to the Magistrate. Would the Minister agree?

Mr. CHUCK: Yes, it's a suggestion to be taken into consideration, Madam Speaker. Thank you.

ANNOUNCEMENTS

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

- **Ministry Paper No. 83**
  Cabinet Agenda Issues
  For October 10, 2011
- Annual Report of the Committee to Examine And Recommend for Approval Proposed Estimates for Constituency Projects Submitted by the Constituency Development Fund by Respective Members of Parliament 2010 - 2011
- 2006/2007Annual Report and Audited Financial Statements of the Jamaica Cultural Development Commission (JCDC)
- Certified Appropriation Accounts Head 4000
- Ministry of Labour and Social Security for 2006/2007

REPORTS FROM COMMITTEES

Mr. WARMINGTON: Madam Speaker, I beg to lay on the Table of the House, a copy of Report of the Special Select Committee, to examine and recommend for approval, proposed estimates for constituency projects submitted to the Constituency Development Fund by respective Members of Parliament for the period 2010/2011.

NOTICES OF MOTIONS GIVEN ORALLY

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

WHEREAS on the 5th day of April 2011, this Honourable House of Representatives gave approval for the Sessional and Special Select Committees, which were appointed in that session of

Parliament to continue in this session with unchanged composition of membership except where necessary, by further motion taken and approved by this Honourable House;

BE IT RESOLVED with reference to the House Committee, that the name Maxine Henry-Wilson be deleted therefrom.

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

Mr. WARMINGTON: Madam Speaker, I beg to give notice that at the next sitting of the House I will move:

BE IT RESOLVED that the Report of the Special Select Committee to examine and recommend for approval, proposed estimates for constituency projects submitted to the Constituency Development Fund by respective Members of Parliament for the period 2010/2011, which was laid on the Table of the House on Tuesday, the 1st day of November, 2011, be adopted.

QUESTIONS AND ANSWERS TO QUESTIONS

KURBITRION/JRC/SCRAP METAL

Mr. HYLTON: Madam Speaker, I beg to give notice that at the expiration of 21 days I will ask the Minister - Honourable Minister - of Industry and Commerce the following questions:

Question 1: Why does the JRC, having been granted a license to export scrap metal appear on the list of fifteen entities facilitated by the Customs Department that purportedly does not require it to have a license?

Question 2: Who was the actual exporter, the JRC, or Kurbitrion Limited? What is the relationship between these two entities?

Question3: If Kurbitrion is an agent of the JRC, does that not violate Section 3(2)(b) of the Order?

Question4: If Kurbitrion is not an agent of JRC, were proper procurement procedures followed for the sale of the public assets of the JRC? Simply put, is this a contract that ought to have gone to competitive tender under government procurement rules?

Question 5: Have the proper accounting procedures been put in place to ensure that the proceeds of the sale of public assets are deposited in the public coffers?

Question 6: Was the Minister aware of the scheme of facilitation of the shipment of scrap metal being implemented by the Customs Department?

Question 7: If not, why not?

Question 8: Under the current system of facilitations being pursued by the government in continuing the export of scrap metal, what safeguards have been put in place to ensure that the

actual export does not include scrap metal purchases from illegal domestic sources?

Question 9: The current exports are being done by agents who were the exporters under the previous regime, what then would be the purpose of the ban and, is the current system just and equitable to the excluded exporters?

Question 10: Are regulations still being considered for the industry?

Question 11: What plans exist for meaningful consultations with stakeholders, including the Opposition?

Mr. CHUCK: Madam Speaker, in respect of the questions, my hope as Leader of the House and Government Business will be that many of these questions will be answered. And I must say that a number of questions were due to be answered today, but on final checking, a number of the Ministers had some queries on the answers, so we don't have all of them ready at this time, but we.....

Dr. PHILLIPS: Let's hope that your performance as House Leader is better than the performance as Speaker.

Mr. CHUCK: ...we are going to answer at this time, Madam Speaker, Questions 31, 33 and 36; 31, 33 and 36. So if we can start with 31, Questions 31, Reverend Thwaites.

Dr. DAVIES: Madam Speaker, Madam Speaker, it's a new Leader of Government Business, but the refrain is familiar.

(Laughter)

I have just had a difficulty in getting answers, and I think you are aware of the challenges of posed questions, and there is this long delay, the Minister has not received the answers, he has received the answers, but he is not satisfied, then he is travelling. When I pose when the day comes and I pose the question, the Minister says he is not able to deal with the follow-up question, and then I am told I am to submit a new set of questions. This is making a mockery of this very important part of the parliamentary system, Madam Speaker.

Mr. M. PEART: Of the House!

Dr. DAVIES: Because we cannot go around.... there has been.... I cannot recall, I can't recall, one time when I have been able to submit questions, have them answered on the due date, and the Minister has been in position to respond to follow-up questions. I throw myself at your mercy, Madam Speaker.

Mr. CHUCK: No, Madam Speaker may I, just in defence of the Ministers.

The position, Madam Speaker, is that when the questions ask, for example, a full listing, a full listing, if the Member comes here and fails to give even one, then the Member will be accused of not being fulsome with the House or misleading the House. And, therefore, the Ministers must check and make sure that the questions are fulsomely answered. And I know, because I have checked with the Ministers, they have prepared questions, they are being checked and when they are checked, the questions - they want to be assured by technocrats that the full listing means the full listing. Because, when you check and you see one or two you did not include, then immediately, Madam Speaker, the Minister may well be accused of not giving a full listing. And all we are asking at this time, Madam Speaker, that in relation to the Member, we are asking for.....

(Inaudible comment by Dr. Davies)

Mr. CHUCK: No, the answers will come. Fine. So I am asking that the....because I really thought, Madam Speaker, that a number of other questions were to be answered today, the commitment was given, but when the answers were checked certain problems were found with them.

Mr. JACKSON: Madam Speaker....?

The SPEAKER: Before you. Member Chuck, I hear you. House Leader, I hear you, but I am looking at the Standing Orders by which we are guided, and I am looking at Section 17. And I must say that we have been extending the time and it has gone on for periods of more than 14 days on more than one occasion. And, therefore, I am going to ask you to have discussions with the Ministers because like Member Davies says, we keep hearing the same thing on each occasion. And we have to be guided by the rules in the way we operate in our decorum and everything, and there has been an extension too often of the 14 days that is there.

Mr. CHUCK: Madam Speaker, let me say, I agree, and I am in constant touch with the Ministers with a view - I thought we would have had about seven to be answered today. I know we have at least three and maybe a few more. But, let us start with these three while I check how many more will be coming.

Mr. M. PEART: Madam Speaker, when you look at the Private Member's Motions, the number 55. And whilst the Leader of Government Business might say that, say they have a difficulty in scheduling….. (Inaudible) ...there have been many occasions when they come to Parliament here and have left very early when we could have addressed some of these matters. And I think we'll have to approach this thing that we keep the Order Paper tidy, it's a very untidy Order Paper, motions and questions sitting on it for months. So I hope the new Leader of Government Business will work with me. We have a good relationship, Madam Speaker, and I hope it will bear fruit.

Mr. CHUCK: It will.

The SPEAKER: Member Thwaites.

Rev. THWAITES: Madam Speaker, would the Minister of Health kindly answer Question No. 36 on the Order Paper in my name?

TOBACCO CONTROL

Mr. SPENCER:

Question 1: What is the present status of the promised Tobacco Control Bill?

Answer: Cabinet by decision No. 29/10, dated August 9, 2010, gave approval for the issuance of drafting instructions to the Office of the Parliamentary Counsel for the Public Health (Tobacco Control) Regulations.

Several drafts of the proposed Public Health (Tobacco Control) Regulations have been received from the Office of Parliamentary Counsel and the current draft is being reviewed in consultation with the Attorney General's Department.

Rev. THWAITES: Madam Speaker, will the Minister be able to give an assurance that the completion of this exercise contained in

his answer be treated by Government as a matter of priority, having regard to the outstanding treaty obligations of which Jamaica is in breach in respect of the issue of public use of tobacco?

Mr. SPENCER: I would like to give the Member the assurance that it is being treated as a matter of priority; and very soon, Member, I'll be able to contact you with what is about to happen.

Rev. THWAITES: Madam Speaker, I thank the Minister very much. Would the Minister, please attend to Question 1, the first question under No. 36. He answered the second one.

Mr. SPENCER: We haven't received any advice about the first part of the question.

Rev. THWAITES: Madam Speaker, it is not normal to divide up the answers to the questions, but I do accept what the Minister says. Can I be assured that that will be dealt with next week?

Mr. SPENCER: Ahm...?

Mr. CHARLES: Him can't assure you dat, what you talking 'bout?

Mr. SPENCER: Madam Speaker, considering that this question should properly be directed to another Minister, we will nonetheless try and get the answer for you to this part of the question.

Rev. THWAITES: Much obliged, Madam.

Mr. CHUCK: Question No. 33, Mr. Hayles. Is he here?

(Mr. Hayles was absent from the Chamber)

Mr. CHUCK: I know, Minister Montague is also ready to answer Question 15. We will do that one instead at this time. Mr. Clarke, Question 15.

SUGAR

Mr. CLARKE: Question 15, it is the same one that you were supposed to have answered contingent with the other one where we had asked that that be put on hold until, because things had been overtaken in this one. Is the other one really, because that is the one, that is the one really that?

Mr. MONTAGUE: That is Warmington one.

Mr. CLARKE: No, that's not the Warmington one. The one that I asked....

Mr. MONTAGUE: I have the two sets.

Mr. CLARKE: You have the other one for me?

Mr. MONTAGUE: Yes.

Mr. CLARKE: Yes.

Mr. MONTAGUE: Madam Speaker, the question posed by the Honourable Member from Central Westmoreland.

Question 1:	Is the Minister in a position to provide a timetable for bringing closure to the divestment of the Government-owned sugar estates?
Answer:	Yes.
Question 2:	If the answer to Question 1 is in the affirmative, can the Minister provide this timetable?
Answer:	As is well known, the Government completed the divestment exercise on August 15, 2011, when it handed over the assets of Frome, Monymusk and Bernard Lodge to COMPLANT.

Question 3: Will the Minister provide information/data on the financial operations of Jamaica Sugar Holdings since its inception?

Answer: This Company was formed in 1998 as a holding company with no active operations. At that time, the Government Sugar Estates were being operated as the Sugar Company of Jamaica.

This continued until August 2009, when SCJ became a legacy company to be wound up and SCJ Holdings Limited took over the operations of Frome, Monymusk and Bernard Lodge with a mandate to operate them, whilst preparing them for divestment. Audited Financial Statements are not now available for this entity as the figures for the crop-year 2009/2010 are being finalized by the auditors.

Question 4: Will the Minister indicate how Jamaica Sugar Holdings deficit, if there was one, was covered?

Answer: See answer to Question 3 above.

Question 5: Will the Minister indicate the level of expenditure, Capital and Recurrent, on the Monymusk and Frome Sugar Factories over the past three years?

Answer: Approximately $4.6 Billion has been spent on these sugar factories over the three-year period, to ensure the assets are kept alive, and would remain attractive to investors.

Question 6: Will the Minister provide data on the production cost per pound of sugar for the past three-years?

Answer: The unaudited cost per pound to produce sugar is set out below: September 08/09, $28.09, September 09/2010, $29.58, May 2010/2011, $28.43.

Question 7: How do these production costs compare with the prices negotiated over the various contracts?

Answer: All the sugar produced was sold by Jamaica Cane Products Limited, who is the agent responsible for the marketing of sugar. The price paid by JCPS is set out below: September 08/09, J$24.79, September 09/2010, $22.24, and in May 2010/2011, $22.68.

And, Madam Speaker, the second set of questions - if the Member is ready.

Question 1: Will the Minister state the amount of money invested by the government in the sugar industry over the past…

Mr. CLARKE: That is not my question.

Mr. MONTAGUE: That's not yours? Let me go to another one until we find that

one. Remember you had said to merge them?

Mr. CLARKE: I had said that 35 was contingent upon these that you answered a while ago. So to get the full picture, we will need the answers for 35, because if you look, it is incomplete in terms of many things in the first set of questions.

Mr. MONTAGUE: Madam Speaker, my apologies to the Member and I do crave his indulgence and seek his forgiveness that we will rectify the matter. Because it was my fault, my misunderstanding when they were said to merge both Member Warmington and his. My sincere apologies and I will rectify the matter shortly.

Dr. DAVIES: That is good.

Mr. CLARKE: You are saying that you are not prepared for the 35?

Mr. CHUCK: Mr. Montague, you took both of them?

Mr. MONTAGUE: No, House Leader. There was a misunderstanding on my part.

Mr. CHUCK: Minister Chang.

Dr. DAVIES: Through you, Madam Speaker, Minister, will you indicate how the difference between the cost of production, unaudited you indicated, but it should be in the ball park but you know what the revenues were. How was that difference met?

Mr. MONTAGUE: Thank you, Member. A part of that difference is in the subsidy that the Government would normally pay to the industry and the divestment of the sugar assets relieves us of that responsibility. As I indicated in the questions, the agent, the marketing agent is the Jamaica Cane Products Limited, and that there is always that gap that has been over the years.

Dr. DAVIES: I am aware of that, Member.

Mr. CLARKE: The price received from Jamaica Cane Products Sales in '08/09, US$24.79…

Dr. DAVIES: J dollars.

Mr. CLARKE: No, that is US you know, no, no!

Dr. PHILLIPS: Misguided.

Mr. CLARKE: Yes, it couldn't be J, it is US. But what is it saying here, Minister, your production cost, or the Sugar Company of Jamaica production cost in September 08/09, $28.9 you received, from JCPS $24.9, the difference, how was that made up? Because if you are producing at $28 and selling at $24, you must sustain losses. And that is embedded in the second series of questions that I asked, and that is why I was trying to hold. You said in this one that you do not have the information on the financial operations '09/10 or '10/11, so you are really groping in the dark in terms of that. But there is no way of telling us how that was made up.

Mr. MONTAGUE: Madam Speaker, as I indicated, and the Member from Southern St. Andrew also alluded; the figures we have here are not audited. However, it is well known that the sugar industry has been sustaining losses over the years, and the Government of Jamaica has to step in to cover these losses and it is as a result of that why the sugar assets were divested to relieve the budget of this burden over the years of having to fill the gap between the cost of production and the cost of - well the revenue received and that has been a burden on the Jamaican taxpayers over the years. And I must congratulate my

predecessor, former Minister from Westmoreland as well as the Member from St. Elizabeth… (Applause) …who took through the sugar assets through the various process of divestment, and I have the honour of just sealing the deal.

(*Sotto voce* comments by Dr. Davies)

Mr. MONTAGUE: But I answered, the Government provided the subsidy.

Mr. CLARKE: Minister, before Jamaica Sugar Holdings was established, the Government assumed all the responsibility and took off all the indebtedness from the books and started you on a new page. As a matter of fact we made all the workers redundant *et cetera, et cetera*, and right-sized the industry. We were told then, that the cost of production would have been reduced to between 14 and 18 cents per pound. It definitely has not been so. And all I am asking how was it that you were able to make up the difference?

Mr. MONTAGUE: Madam Speaker, a very good question from the Member from Central Westmoreland and I will do further and better research and come back at the next sitting better prepared to answer that question in more detail.

Mr. CHUCK: Madam Speaker, we do have one more question, but the Member from Western Hanover….

A MEMBER: Table it.

Mr. CHARLES: Table the answers. He won't be coming back anyway. He is not supposed to be here.

Mr. CHUCK: Minister Chang – well the answer is ready, Madam Speaker, so should we just table it? Yes, so the answers then, Madam Speaker, for Question 33 will be tabled and that is it, Madam Speaker.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. MONTAGUE: Madam Speaker, I beg to move and introduce and have read a first time, a Bill shortly entitled, "The Protection of Plant Genetic Resources for Food and Agriculture Act, and 2011".

Bill shortly entitled:

"The Protection of Plant Genetic Resources for Food and Agriculture Act, 2011"

read a first time,

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

PUBLIC BUSINESS

Mr. CHUCK: 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 SPEAKER: Members, the question before the House is that we have suspension of the 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. CHUCK: Madam Speaker, I now move that the motion be approved.

The SPEAKER: The question before the House is that the motion be approved.

Motion put to the House and agreed to.

The SPEAKER: Motion approved.

CHURCH BILL – THE BAPTIST MID-MISSION

Mr. PERALTO: Madam Speaker, the Bill shortly entitled, "The Baptist Mid-Missions in Jamaica Incorporated, Change of

Name Act 2011" is a Private Bill and in accordance with Standing Orders 85, Section 7 must be referred to Private Bill's Committee. However, before it can be referred to the Committee, the Bill must be read a second time.

Madam Speaker, I now beg to move that the Bill be read a second time and referred to the Private Bills Committee for consideration and report.

The SPEAKER: The question before the House is that the Bill be read a second time and referred to the Private Members' Committee.

Motion put to the House and agreed to.

Bill entitled:

"An Act to Amend the Baptist Mid-Missions in Jamaica Incorporated Act so as to change the name of the Act and for connected matters"

read a second time.

Mr. CHUCK: Madam Speaker, Mr. Warmington has a report, notice of which motion he gave earlier. And after that we are going to do the Committal Proceedings Act.

The SPEAKER: Minister Warmington.

REPORT

Mr. WARMINGTON: 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 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.

Motion put to the House and agreed to.

The SPEAKER: Go ahead.

Mr. WARMINGTON: Madam Speaker, earlier this year we had laid a report which we had to withdraw and we have corrected the figures, Members had certain concerns added - the allocations and disbursements were not clearly stated. It has now been corrected and we relay this motion here today, Madam Speaker.

So, Madam Speaker, I now move that the Report be adopted.

The SPEAKER: Members, the question before the House is that the Report be now adopted.

Motion put to the House and agreed to.

The SPEAKER: Report adopted.

THE COMMITTAL PROCEEDINGS ACT

Mr. CHUCK: Madam Speaker, we will now take the Committal Proceedings Act, and I now move for second reading of the Bill.

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

Motion put to the House and agreed to.

Bill entitled:

"An Act to abolish Preliminary Examinations and to provide for the procedure relating to Committal for trial in cases of indictable offences and for matters incidental thereto"

Read a second time.

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

COMMITTEE STAGE

Mr. CHUCK: Madam Chairman, these matters were dealt with some weeks ago and we are now at Committee Stage to go through the different clauses. A proposal has been

made by the Member from Central Kingston in relation to Clause 12 which we accept and therefore we could proceed with the Bill clause by clause.

The CHAIRMAN: Very well, Members. Clauses 1 and 2 put to the Committee and agreed to.

The CHAIRMAN: Members, I wonder if I could now put Clauses 2 to 22.

Mr. CHUCK: No, no! Go one by one.

The CHAIRMAN: One by one? Very well.

Clauses 3, 4, 5, 6, 7, 8, 9, 10 and 11.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 12.

Mr. CHUCK: Madam Chairman, in relation to Clause 12, this is the clause where the statements would normally be admitted if the person who gave a statement is dead, is unfit afterwards and cannot be found. After discussion with the Member from Central Kingston, we are minded to remove subsections (12)(1)(c) and (1)(d) and concomitantly (e) would now become (c). Is that correct Reverend Thwaites - Member from Central Kingston?

Rev. THWAITES: Yes, Madam Chairman.

Mr. CHUCK: In other words, what we would have in 12 subsection (1) is: If on the trial of an accused person pursuant to any committal proceedings it is proved by any credible witness upon oath, that any person whose written statement has been given in evidence or whose deposition has been taken in the committal proceedings is (a) is dead, or (b) is unfit by reason of his bodily or mental condition to attend the trial, or what will now become (c), Madam Chairman, is kept away from the proceedings by threats of bodily harm and no reasonable steps can be taken to protect the person, that will become (c). We will delete the original 12(1)(c) which reads, "outside of Jamaica and it is not reasonably practicable to secure his attendance", and also (d) cannot be found after all reasonable steps have been taken to find him. Okay?

The CHAIRMAN: So, Members of the Committee, section 12 as amended, I now put to you section 12(1)(a)(b) as it is and (e) that is now renumbered to (c). So it is section 12 (1)(a)(b) and (c).

Mr. CHUCK: Correct.

Section 12 as amended put to the committee and agreed to.

Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 put to the Committee and agreed to.

The First Schedule as amended put to the Committee and agreed to.

The Second Schedule put to the Committee and agreed to.

The Third Schedule put to the Committee and agreed to.

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

The CHAIRMAN: The question, Members, is that I do report the Bill as having passed Committee Stage with one (1) amendment.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: Members of the House, I do report the Bill as having passed Committee Stage with one (1) amendment.

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

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

Put to the House and agreed to.

Bill entitled:

"AN ACT to abolish preliminary examinations and to provide for the procedure relating to committal for trial in cases of indictable offences and for matters incidental thereto",

read a third time and passed.

(Applause)

Mr. CHUCK: Madam Speaker, I now move for the suspension of the Standing Orders to allow for Private Members' Motions to be taken at this time.

The SPEAKER: The question before the House is for the suspension of the Standing Orders to allow us to take Private Members' Motion.

Put to the House and agreed to.

The SPEAKER: Go ahead, Member.

Mr. CHUCK: The Member from South-West St. Catherine will do, I think, three (3) Private Members' Motions...

Mr. WARMINGTON: Four.

Mr. CHUCK: Four?

Mr. WARMINGTON: Four.

Mr. CHUCK: ...which are all connected, Madam Speaker.

The SPEAKER: Very well.

RE: DRESS CODE/PARLIAMENT, ETC.

Mr. WARMINGTON: Madam Speaker, I'll be doing Private Members' Motions 33, 34, 35 and 36. They're all interconnected, so I'll just speak on all four, combine them and then we can move from there.

The SPEAKER: Yes, very well.

Mr. WARMINGTON: I'm hoping, Madam Speaker, that if they are ratified today that the appropriate action be taken. We have a Private Members' Motion that was adopted on June 4 having to do with the dress code of Parliament and I don't believe that any action has so far been taken. So, Madam Speaker....

(*Sotto voce* comments by a Member)

I'm just saying that on June 4 this one was adopted. I don't believe your committee has yet met to look at what was adopted where dress code is concerned. I'm urging that if these were adopted, the appropriate actions are taken, because Private Members' motion No. 33 was adopted in early 2007. It was adopted unanimously by the House and nothing was ever done. So I'm hoping that today if we adopt these motions, the appropriate action be taken. And 32 (3) says:

WHEREAS section 35 subsection (3) of the Representation of the People Act states that the elector shall forthwith enter the enclosed area of the polling centre so provided and then make a cross with a black lead pencil within the space containing the name of the candidate of his choice;

AND WHEREAS there are other implements other than a black lead pencil that can also effect such mark for the candidate of one's choice;

AND WHEREAS there are other marks other than a cross that an elector may make in the place containing the name of the candidate of one's choice:

BE IT RESOLVED that this House take the necessary action to have the appropriate amendments done to section 33(3) of the Representation of the People Act provided that any implement that the elector finds

appropriate or convenient to use to make the required mark shall be lawful;

AND BE IT FURTHER RESOLVED that further amendments be made to the said section 35 subsection (3) of the Representation of the People Act to make any mark placed on a ballot by an elector in the place containing the name of the candidate of his choice valid and not limited to a cross.

Madam Speaker, there are many times people enter polling stations and there are elderly persons at times who find it difficult to make that exact cross that we talk about mostly, now they talk about an 'x'. So what I am trying to say once the intent of that elector is perceived, that mark should be valid, once it is within the space that is provided for that that ballot and should not be limited to a cross or a black lead pencil, because there are many times an electorate is ignorant, enters a polling station, uses a pen and that ballot is declared spoilt, even though the intent of that electorate is known. So I'm saying whether it is a pen, a pencil, charcoal or anything that is convenient that is found and is used by the elector, as long it can be discerned who the ballot is for, it should be counted.

There are cases before when people enter polling stations where a particular PD might be in favour of a particular candidate and might remove the pencil and then leave a pen behind there mischievously. People come in and use that pen and it is not the intention of the elector to use that pen but that elector used or uses whatever is found and it's not his or her fault, and that is declared a spoilt balance. What I'm saying, whatever is used, as long as it can be discerned who that elector intended to mark that ballot for, it should be declared a valid ballot. Whether it's a stick, a cross, an 'x' or anything, as long as it can be discerned what the ballot is for it ought to be (of) value. This particular motion, as I said before, was accepted before, unanimously, I think it was in March or April 2007. It was not acted upon, Madam Speaker...

(*Sotto voce* comments)

(The Speaker gavels)

It was not acted upon, Madam Speaker, so I'm bringing it back here today for the necessary to be done.

Thirty-four says:

WHEREAS section 41(a) subsection (1) of the Representation of the People Act specifies that every candidate in an election may appoint such person as he thinks fit to be an outdoor agent and shall issue any such outdoor agent appointed by him a certificate of appointment in the prescribed form specified in the polling station in respect of which the agency is appointed;

AND WHEREAS in many cases, returning officers, election day workers, auxiliary or one-day police and members of the security forces have prevented these said agents from effectively carrying out the functions for which they were appointed;

AND WHEREAS one of the reasons given is that these agents cannot be on the compound where the poll is being conducted and in other cases that these agents must be hundreds of meters away from the polling station;

AND WHEREAS section 77 subsection (1) of the Representation of

the People Act does not apply to outdoor agents;

AND WHEREAS section 43(a) subsection (3) of the Representation of the People Act specifies the distance of the outdoor agent to be not less that twenty yards from the polling station;

AND WHEREAS no agent can carry out the function for which he or she was appointed being such distance from where the poll is being conducted;

BE IT RESOLVED that section 41(a) subsection (1) of the Representation of the People Act be amended to allow the persons appointed by...

(The Speaker gavels)

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

Mr. WARMINGTON: I can't even hear my ears, Madam Speaker.

The SPEAKER: I have asked - but the Member is on his feet, and I have a major difficulty in hearing what he is saying, and he is speaking loudly. Please.

Mr. WARMINGTON: Madam Speaker, what I am asking is that:

BE IT RESOLVED that section 41A subsection (1) of the Representation of the People Act, be amended to allow persons appointed by a candidate as his agents, to be within the precincts of, and be closer than the 20 yards, to the polling station as now specified so that the agents will be able to carry out the duties for which they are appointed.

As I said before, there are many times when this section is misinterpreted by the auxiliary police and others, and they are telling agents that they have to be more than twenty yards away from the gate of a polling station. And if the outdoor agents are all the way down the street, as I have seen in certain cases, the purpose for which these persons were appointed becomes null and void, because they cannot effectively carry out that responsibility, being all the way down the street.

The Representation of the People Act provides for them. And that is why it says a candidate appoints his or her agents, as specified in this Act. So if the police or the one-day police is going to insist that those persons be all the way down the street – they are given an appointment form signed by the candidate, so as the indoor agent, who is given an appointment form signed by the candidate, and that indoor agent performs his or her duty from inside. The outdoor agent should have equal opportunity to perform his or her duty in the interest of the candidate that that agent is representing.

MEMBERS: Hear! Hear!

Mr. WARMINGTON: They can't stay twenty yards or hundreds of yards down the road, away from the gate, performing this task. So I am asking for this section 41A subsection (1) to be amended, as I think they are relying on section 77 subsection (1), which says that they cannot be within the precincts of the polling station. But this does not apply to outdoor agents. And I think that they are confusing section 77 subsection (1) with section 41A subsection (1), and keeping the outdoor agents all the way down the street. I

am asking that they be close enough to the polling station and to the door of the polling station, whereby they can perform the function necessary, where the persons are, to tell them where to go, where to find their names, but they can't do it down the street. Because there are people who might be going to that polling station, coming from up the street, and these people do not come in contact with outdoor agents. If the outdoor agents are within the precincts, as provided within the law, then they are able to perform that task.

The other section, Madam Speaker…

Mr. SAMUDA: …but there are substitutes.

Mr. WARMINGTON: Yes, there are also substitutes for the indoor agents. The indoor agents at times might need to leave and ask the outdoor agents to act on their behalf. But if they are all the way down the street, they are unable to call them to perform that task. So we need to amend this section to make sure that the outdoor agents that represent the candidates will be closer to the polling station to carry out that function.

A MEMBER: Hear! Hear!

Mr. WARMINGTON: The other one, Madam Speaker, number 35, says:

> WHEREAS section 44 subsection (3) of The Representation of the People Act states, "if, in the course of counting the votes any ballot paper is found within the counter-foil – is found with the counterfoil still attached thereto, the presiding officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself) remove and destroy such counterfoil. He shall not reject the ballot merely by reason of his former failure to remove the counterfoil".

I am asking, Madam Speaker,

> BE IT RESOLVED that this section be amended to add "or that the counterfoil is removed above or below the perforated lines".

But the perforated line should not be a reason to discard this ballot, because it might be torn below or above. So I want this to be amended to state "or remove…torn above or below", to be added to it, or that the counterfoil is removed above or below the perforated line. But the perforated line should not be used as a reason to reject the ballot, but if removed above or below, it should be a valid ballot. Because it is not the fault of the elector why a presiding officer might be careless in removing that counterfoil. So the elector should not lose that ballot, because it might be done deliberately or by mistake or by the inefficiency of a presiding officer. But wherever it is removed, if the ballot can be seen, it should be a valid – I am saying that it should be amended that this ballot be valid and not rejected because it is torn above or below the perforated line.

Mr. SAMUDA: That is why D.K. Duncan is in the House.

Mr. WARMINGTON: The other section I want to deal with, Madam Speaker is section 33 of the Representation of the People Act that specifies the time for voting. That says:

> WHEREAS Section 33 of The Representation of the People Act specifies that "the poll shall be taken in each polling station… between the hours of Seven o'clock in the forenoon, and Five o'clock in the afternoon".

What I am saying, Madam Speaker, I am asking for this to be amended, because when this was established in the days when you didn't have lighting throughout the country, and there are very few areas in Jamaica today that do not have electricity, and then you have to use maybe some Tilly Lamp or something there when it gets late, and then sometimes they might have to use donkey to get the ballot boxes from certain areas to the counting centre, therefore, they wanted these ballots – the boxes to be at the counting centre before the sun goes down, because they know what might happen. And then they were scared that people might steal ballot boxes, so they had to get there before. The system we have today, if a ballot box is stolen, it does not affect the election, because under the law, you can require that particular polling station to re-vote. We have had several cases like this. So that this will not affect the whole stuff.

Secondly, we are now in an electronic age where the result in any polling station can be forwarded to the counting centre by telephone or by e-mail, or by something to tell them what it is, until it reaches there, and the Statement of Poll is there. But what you have in a lot of cases most of these constituencies close to Kingston are now dormitory constituencies, where many of these persons who have moved out into those rural areas buying houses, have to work in Kingston, and find it very difficult to get back to their places of abode to cast their ballot by Five o'clock.

I am asking that this be amended to extend the hours of polling from Five to Six, so that people who work outside of the area can get back in time. When you had this was the days when you had farmer go down to his farm to do his farming, get back home and vote by Five. But people, who have to work in Kingston, might live in Old Harbour, May Pen and other places. Even though the law provides that the employer give an employee half-an-hour/half-a-day to get home and vote, it doesn't happen in reality. And when it doesn't happen, that employee dares not go out and complain that that employer did not give him or her half-a-day to vote. In this job market you can't take that chance to report your boss that he didn't give you a chance to vote. You have to just take it and bite it and squeeze it. So he will not complain, even though that person feels offended, not being able to vote.

So I am asking here, that we amend this section, so that the section 33 be amended to extend the voting hours from Five o'clock to Six o'clock, that in the case where – as a matter of fact, there is a place in my – in South West St. Catherine I represent, that employs a whole lot of persons, but they don't give anybody a time off to go and vote. They close at Five and Five-thirty, so those people don't get a chance to get to the polling station, even though they are very – some are very close to it. So I am asking for this to be amended to extend the voting hours by an hour, to Six o'clock. Because provisions are there, you have lights all over; you can't steal a box anymore that would affect an election. So to make provisions for those persons who might not get there on time by Five o'clock to get a chance to vote, I am asking that this be extended.

So I am asking, Madam Speaker, at this stage for us to put Resolution Private Members' Motion 33, 34, 35 and 36.

Mr. CHUCK: Madam Speaker, a number of Members, I know, would like to contribute to the debate on these Private Members' Motions, and as the Leader of Opposition Business has indicated, some of his Members would like to speak on one or more of the resolutions. In the circumstance, Madam Speaker, I am asking for a suspension at this stage of the debate on all four (4) motions.

The SPEAKER: The question before the House is that the debate be suspended until a date to be announced or agreed.

Put to the House and agreed to.

MRS. HAY-WEBSTER CROSSES FLOOR

Mr. CHUCK: Madam Speaker, at this time I wish to indicate that the Member from St. Catherine South Central wishes to cross the floor. And I therefore invite your permission for her to do so.

(Government and Opposition Members applaud – 3:50 p.m.)

(Mrs. Sharon Merle Hay-Webster, St. Catherine South Central, crosses the floor to the governing Jamaica Labour Party)

(Government Members rise and applaud)

Government MEMBERS: Welcome! Welcome!

(Mrs. Hay-Webster is hugged and kissed by Government Members)

(Applause/*Sotto voce* comments)

Mrs. HAY-WEBSTER: Madam Speaker…

The SPEAKER: Yes, Member, go ahead.

Mrs. HAY-WEBSTER: Madam Speaker, in making this transition, I wonder if I may be given the opportunity to make a short statement.

Mr. D. SMITH: Yes. Permission granted.

Mrs. HAY-WEBSTER: I ask permission to speak from my new seat.

The SPEAKER: Permission granted.

(Government Members applaud)

Mrs. HAY-WEBSTER: Thank you, Members.

Today I officially become a member of the Andrew Holness-led Parliamentary majority.

Government MEMBERS: Hear! Hear!

(Applause)

(*Sotto voce* comments)

Mrs. HAY-WEBSTER: Yesterday I formally submitted…

The SPEAKER: (Gavels) Just a minute, Members! I am going to ask and I am going to insist that we allow the Member to speak in silence. Members!

Mrs. HAY-WEBSTER: Thank you, Speaker. Yesterday I formally submitted my application to become a member of the Jamaica Labour Party.

(Government Members applaud)

RENOUNCIATION OF US CITIZENSHIP

I have also renounced my citizenship of the United States of America… (Government Members applaud) …and I await certification of this.

Though the journey in politics has undoubtedly had its high and low points, the decision to join the JLP ultimately was an easy one for me.

Government MEMBERS: Hear! Hear!

(Applause)

(*Sotto voce* comments)

Mrs. HAY-WEBSTER: The level of maturity displayed by the Party…

(*Sotto voce* comments)

The SPEAKER: (Gavels) I am going to say for the last time, I have heard several Members of this House speak about support for our youngest Prime Minister, ever. One of the things that he mentioned was decorum and behaviour in Parliament. If, indeed, we are going to support him, as we have said, I am going to ask that we allow Members on their feet to speak and to be heard in silence.

Mrs. HAY-WEBSTER: The level of maturity displayed by the Party, in its approach to governance, inclusiveness and its declared position of a new politics, I find commendable and attractive. (Applause)

After discussions I am comfortable that I can continue to serve and make a contribution to the development of my country of choice, Jamaica, through the JLP. (Applause)

For the record, let me say again, I was born in the United States of America in September of 1961. However, I chose to be a citizen of Jamaica having lived here since January of 1962. My unique case, however, remains in the Courts. There are many persons in a similar position in the non-Commonwealth Diaspora who would like to serve Jamaica and who await the Court ruling on this matter, and I am committed to making sure that this matter is taken through the Courts so we can have resolution of this. However, I understand public opinion, so while I cross the floor I also indicate that I intend to resign my seat in this Honourable House. (Applause)

I look forward to being part of a new and exciting journey of service and transformational politics. And in the same way that Prime Minister Holness issued an invitation to the Opposition Leader to walk with him in his constituency, I also issue an invitation to the PNP candidate for Eastern St. Catherine, Councillor Denise Daley, to walk with me in the new constituency of Eastern St. Catherine.

(Applause by Government Members)

I urge this against the background of my own experience working with my colleague and my sister, Olivia 'Babsy' Grange, in our first capital, Spanish Town, to exercise responsible, sensitive political leadership.

(Applause by Government Members)

Finally, I look forward to the moulding of a better Jamaica under the stewardship of Prime Minister Holness and team JLP.

(Applause by Government Members)

Government MEMBER: Well done, well done.

Government MEMBER: (beckoning to PNP Members) Come, come!

(Cross talk)

Government MEMBER: Lisa, come home. Come home, Lisa.

Government MEMBERS: Come home.

(Cross talk)

ADJOURNMENT

Mr. CHUCK: Madam Speaker, it is not proposed to do any further business. I now ask that the House be adjourned until a date to be fixed, Madam Speaker.

(Cross talk)

The SPEAKER: (Gavelling) Members. (Cross talk/Gavelling) Members.

Members, the question before the House is that the House do adjourn until a date to be announced.

Put to the House and agreed to.

The SPEAKER: This Honourable House is now adjourned.

The House accordingly adjourned at 3:58 p.m.

TUESDAY, November 15, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Jamaica Conference Centre, Kingston at 2.18 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, Minister of Justice and Leader of the House.

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

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

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 Industry, Commerce & Investment.

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

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.

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The SPEAKER: This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members of the House…

Mr. CHUCK: Madam Speaker, I beg to move that the sitting of the House be suspended briefly to enable the House to pay tribute to fallen soldiers and veterans of World Wars I and II.

(HON. ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Prime Minister, Minister of Defence and Education, entered and took his seat.)

The SPEAKER: Members, is it the wish of this House that the meeting be suspended for the purpose outlined by the Leader of the House.

Put to the House and agreed to.

SUSPENSION

The SPEAKER: The meeting of the House suspended.

I will now invite all the Members of the House to rise to observe the traditional two minutes' silence, after which MR. PETER WILLIAMS, retired member of the Jamaica Defence Force and member of the Jamaica Legion, will deliver the exhortation. May we bow our heads in silence.

(Observance of Silence)

The SPEAKER: Thank you, Members.

I just want to use the opportunity to thank Mr. Williams for, as usual, so graciously taking us through this ceremony. Thank you very much.

Members, this afternoon I want to use this opportunity at this point to welcome to the sitting of...

RESUMPTION

The SPEAKER: We have not resumed the sitting of the House and I apologize.

This Honourable House now resumes its sitting; because the sitting of the House was suspended to allow us to recognize our war veterans.

Members, this afternoon we want to welcome to the sitting of the House MISS YVETTE SIMPSON, who was recently elected to the City Council of Cincinnati in Ohio. We

welcome you this afternoon and trust that you will not just enjoy but find this sitting of our Parliament an informative one. Welcome. (Applause)

HON. DAVID COORE PASSES ON

Mr. CHUCK: Madam Speaker, at this time we would like to also pay tribute to one of our own who served in this House and who on Sunday the 13th of November, 2011, passed away. I speak of no other than the HONOURABLE DAVID COORE, who from an early age has served the Jamaican people for over forty years during his lifetime.

(HON. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister with responsibility for Telecommunications and Public Sector Efficiency, entered and took his seat.)

The HONOURABLE DAVID COORE, Madam Speaker, first served in the Senate in 1959 to 1962 and then he was elected and served in this Parliament in the constituency of the present Prime Minister, St. Andrew West Central, first from 1967 to 1972 and then a second term from 1972 to 1976. At that time in 1972, he also served the government as Deputy Prime Minister and Minister of Finance. And then in 1976, Madam Speaker, he was again elected in the constituency of St. Andrew Western and continued to serve as Minister of Finance.

He was in 1989 appointed to the Senate and he served in the Senate from 1989 to 1993 as Minister of Foreign Affairs and Foreign Trade and again, Madam Speaker, from 1993 to June 1993 as Minister of Legal Affairs in the Senate; and then from June 1993 to 1995 as Minister of Legal Affairs and Attorney General.

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

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

Madam Speaker, this Parliament, and in fact Jamaica, has benefited enormously from the service of the Honourable...

(The Speaker gavels)

The SPEAKER: There is a loud hum in the Parliament and we are, Members, paying tribute to someone who has served in this Parliament and served with distinction. And therefore I would think that on both sides of the House, we would show a little more respect. Please.

(MRS. SHARON MERLE HAY-WEBSTER, (JLP), St. Catherine, South Central, entered and took her seat.)

Mr. CHUCK: Thank you, Madam Speaker.

In paying tribute, Madam Speaker, the Honourable David Coore exhibited unselfishly, service, not only to the Parliament and Government of Jamaica but, to the people in various capacities as I have outlined earlier. Moreover, Madam Speaker, his life outside of Parliament and government was hallmarked by a vision of nation building and national development, not only of Jamaica but of the Caribbean where he served in several capacities. He was representative and Chief of

Missions with the Inter-American Development Bank and certainly in many other capacities where he served to assist in guiding not only Jamaica but other Caribbean nations.

Perhaps, Madam Speaker, one of his greatest contributions was in putting together the Jamaican Constitution and also his many contributions over the years to criticisms and support of the existing Constitution; and also in putting together the Charter of Rights, which he enacted earlier this year.

I served with him, Madam Speaker, on the Constitutional Commission in early 90s. And there can be no doubt that his legal acumen assisted greatly in crafting many of the suggestions that were put forward by the Constitutional Commission.

Certainly, Madam Speaker, the Honourable David Coore will be remembered. I believe that that area known as Cooreville must certainly be named after him. So his legacy and his name will live in the Jamaican landscape. And certainly, Madam Speaker, the country and the legal profession are better off from his contribution and his service to the profession and to the country. He certainly will be remembered as someone, a man of great integrity and a man who served with great - with character. And certainly those of us who knew him recognize that he was very forthright, even when he was very critical of your points of view.

I would just, Madam Speaker, want to express condolences to his family: to his wife Maria and to his children, Steven, Michael and Ivan; and to let them know that this Parliament and the people of Jamaica mourn with them at this time.

I hope, Madam Speaker, in due course, that the condolence will be expressed to his family from the Parliament of this land.

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

Dr. PHILLIPS: Madam Speaker, David Hilton Coore's contribution to the progress of the Jamaican people will not be easily matched, for his contribution was a contribution with a wide stretch. It took place over a long period of time and it was marked by finesse and steadfast earnestness. This was a man for the ages.

The spread of his contribution included the fields of law, finance, diplomacy, constitutional reform. And his light shone brightly in all of these very challenging endeavours.

He became a member of our Legislature at an early age and was exposed to the legislative and Parliamentary skills of the giants of the time: NORMAN MANLEY, ALEXANDER BUSTAMANTE, FLORIZEL GLASSPOLE and others. In time he was to become a giant himself in the Parliament of the land.

He was, up to the time of his death, one of the two remaining members of the Joint Select Committee which crafted the Jamaica Independence Constitution which we now operate. The other member, now the sole living member, is the MOST HONOURABLE EDWARD SEAGA.

Over time, he was to serve as the Deputy Prime Minister and Minister of Finance, the Minister of Foreign Affairs, the Leader of Government Business in the Senate and as Attorney General and Minister of Legal

Affairs. In the Cabinet of the country and in both Houses of the Parliament, the breadth of his contribution has become legendary, an example to all who would serve in public office.

It is agreed on all sides of the political divide that he abhorred coarseness, and shied away from nitpicking. In a word, we might say he rushed to get to the core of the matter. Now I know that he was finely schooled. Indeed, he began the process of his education at that venerable national institution, Jamaica College, subsequently going on to McGill University and the Inns of Court in Britain. He was to become one of Jamaica's premier advocates at the Bar and was elevated to the ranks of Queen's Counsel in the early 1960's. His real schooling, however, was in the art and the principles of consensus building and he helped use these skills to bring about a consensus leading towards the Jamaica Independence Constitution and was further to utilize them in the - more latterly in the constitutional reform deliberations which took place in the 1990s.

In our party, the People's National Party, he was the repository of the traditions of the movement. He became a member during the second decade of the life of our party, so he interacted with the early stalwarts. No wonder then that he served with distinction in so many high positions.

I think it would be true to say, Madam Speaker, that he had two regrets. The first was that Jamaica had moved so slowly in removing itself from the monarchy and becoming a republic within the Commonwealth.

We recall that his final contribution in the Parliament was his chairmanship of the Joint Select Committee on Constitutional and Electoral Reform, and the recommendations contained in his 1997 final Report were accepted by the Parliament. And at the forefront of those recommendations was the insistence that Jamaica, the Parliament, both sides, should find it possible for us to establish Jamaica as a republic with our own Head of State representing the ultimate symbols of authority of the Jamaican State.

After 14 years, since that final Report of the Joint Select Committee was accepted in 1997, we have managed to implement only one of the central recommendations and that was, the inclusion in our Constitution of a new Charter of Fundamental Rights and Freedoms. Should we not pause and ask ourselves, why? Because of our history he saw moving away from the monarchy as a definition of selfhood as a nation. We would have felt a sense of fulfillment had that taken place.

The other main regret, Madam Speaker, was that Jamaica still retains the Judicial Committee of the Privy Council as our final Court of Appeal. He felt, and I am certain that my friend opposite can confirm, that it was an essential final step for the consolidation of our nation's independence that we should repatriate all our judicial arrangements, and that the appropriate vehicle for this was a Caribbean Court of Appeal. His regret in that regard was constantly buttressed over time by his exposure in the fields of law, finance, diplomacy and governance.

(Fire alarm went off)

Madam Speaker, much has been said of his contribution to Jamaica and Jamaica's governance, but I think we should also note his sterling contribution as our Minister of

Foreign Affairs and his role in the international community. He participated effectively in the Non-aligned Movement in the Group of 16 as it was then called, and in fact, as has been mentioned in his private capacity, he worked for some time in the Inter-American Development Bank.

But, Madam Speaker, there is perhaps no greater monument that we could effectively provide, than for us to determine here that we will not let another generation pass without completing the process of constitutional reform, which the committee which he chaired made such a great contribution to.

In asking that this Parliament send our condolences to his wife Maria, his three sons, we would ask also that we indicate to them how much we value his contribution to advancing the progress of the people of Jamaica over these five plus decades that he has been with us in the Parliament of this land.

Thank you. (Applause)

Dr. BAUGH: Madam Speaker, by duty I am compelled to take part in paying tribute to this noble Jamaican who has served in this House, whose footsteps we make our feeble attempts to emulate in serving our country in the House of the Parliament.

We cannot easily forget his characteristic voice, the clarity of his thought and his expressions, and his eloquence and wit, especially when he was dealing with matters that were considered quite complex of a constitutional legal nature, or matters to do with Parliament and the running of our country.

It is a great occasion for us to put aside the cloak of rivalry and speak to the nobility and the indispensible nature of the work of Parliament in which we are privileged to participate, especially with the passing of someone of his stature; someone who must be counted among the pioneers, who has done legendary work in the transformative years and the embryonic stages of our new nation.

(Fire alarm went off)

It is also a matter of pride for me to note that he came from my own parish, the parish of St James. He was born in Anchovy, St. James, but schooled in JC, Jamaica College, and as you have heard, McGill University and the University of England at Oxford.

He rose to become a very active member of the political arena, as Chairman of the People's National Party…

SUSPENSION

The SPEAKER: (Gavels) Members, we have been advised by the security at this point to evacuate the building; they are not sure what is taking place.

So, Members, the question of the House is that we be suspended because we are not sure what the situation is. The House is now suspended.

RESUMPTION

The House resumed the sitting at 2:55 p.m.

The SPEAKER: I invite all the Members to have a seat.

Members, this House now resumes its sitting, and Dr. Baugh as you were….

Dr. BAUGH: Yes, Madam Speaker, I trust we are now safe and we are sure that we can continue without interruption.

I will continue what I was saying about the life of the Honourable David Coore who

has served the country very well in many capacities. In his capacity as Chairman of the People's National Party, one of the two major political parties of this country, as Minister of Finance and Planning, as Deputy Prime Minister, as Minister of Foreign Affairs and Foreign Trade in 1993. It is also noted that he resigned from the Cabinet in 1978 to join the Inter-American development Bank. It is noteworthy, that as the Minister of Foreign Affairs and Foreign Trade in the years 1989-93, David Coore proved himself to be a very good advocate for developing countries in the GATT negotiations, that is the General Agreement on Trade and Tariff. That negotiation came to an end somewhere about 1991. As is now history, the GATT gave way to World Trade Organization, and in 2001 the new round, the DOHA Development Round, was continued, which I think was going on for eleven years, well dedicated to the issue of development for developing countries.

There is no doubt in my mind that, David Coore who gave leadership to Jamaica at that time and the Caribbean and also the developing countries of the world, that is the he was an active member of the NAM, the Non-Aligned Movement - that he contributed to emphasis being placed on the developing countries. We can remember what happened in Seattle, the virtual war in Seattle, when the World Trade Organization had to abort its meeting, and there were other protests across the world, in Hong Kong and Asia; and this was because the developing countries were not getting a good deal, which up until that point in time the General Agreements on Trade and Tariff focused its attention on the industrialized nations.

He was also a very active supporter of the concept of CARICOM and the Caribbean Single Market and Economy.

As is well known now, and has been written, he is a serious anti-colonialist and assisted in paving the way for us to intensify our independence in national development and in growth. We have learnt of him as one of the framers of the Constitution, one of the last two surviving members of that committee, and now he is gone, Mr. Seaga remains the other survivor, and therefore he contributed in so many material ways in framing the kind of independence that we should enjoy and framing the Constitution and the issue of law and order for our country.

Significantly, he was a man of great discipline. He was a man of outstanding abilities. The members of staff of the Ministry of Foreign Affairs, remember him as a man who was concerned for the well-being and the welfare of the people of the Ministry of Foreign Affairs. And so we pay tribute to this person who served Jamaica extremely well in high capacities, served his party, served Parliament, served the Senate, was indeed Attorney General as well, served also the Caribbean in those early years of formulating the CARICOM strategy to develop a single market, served developing countries and served the world in contributing to the direction being taken by the GATT to evolve into World Trade Organization, and especially into the DOHA Development Round, with his attention focused on building capacities in developing countries, so developing countries can participate in the globalized process in a meaningful way. That work is not over as yet. The work continues because there are many

circumstantial reasons and many situations that mitigate against the developing world fully participating, there are many disadvantages for small economies. But we have a greater opportunity because the dialogue continues, and we are indeed grateful to people like David Coore for having laid the foundation so that the small voices could be heard in the international forum for the betterment and the wellbeing of all our people.

We pay tribute to him and we hope that God's light perpetually shines on him.

Thank you. (Applause)

Dr. DUNCAN: Madam Speaker, I would like to join the rest of our colleagues in paying tribute to this great intellect, David Coore.

Most of his – the highlights of his career have already been elucidated by two speakers. But I would like to remind this House that when he became the Chairman of the People's National Party, it was a post that was created for the first time. Up until then the party had no chairman, and the leader of the party or the president chaired all meetings. There are many stories as to why that took place. One of them is his lifelong friendship with Michael Norman Manley from his days at Jamaica College where they shared a lot of exploits, and for a long time up to Michael's death were very, very good friends, despite some difficulties here and there. But he became party chairman before the 1972 elections and continued and did extremely well in fashioning the character of that post for this great party, the People's National Party.

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

Dr. DUNCAN: I feel honored that I was able to follow in his footsteps by attending one of the greatest school boy institutions in this country, Jamaica College. And we need a cheer for that.

MEMBERS: Hear! Hear!

Dr. DUNCAN: To be followed by another great seat of learning, McGill university…

A MEMBER: You want another cheer?

Dr. DUNCAN: I did not go on to Oxford, I returned to Jamaica to extract what we could in this country. But I remember him, Madam Speaker, with great pride. And I would suggest to any students of political history who are - who might be listening here today, that they research some of the speeches made by the Honourable David Coore, in particular the one that he made in this Parliament in 1974 when the negotiations for the bauxite levy was concluded, when he spoke with great enthusiasm and deep intellectual profundity about the nature of that negotiation as it affected the social and economic character of this country.

David Coore, despite his deep, long and abiding friendship with his friend Michael, who was the party leader and his Prime Minister, became the first casualty--the first Cabinet casualty of the International Monetary Fund in 1978. I would suggest that it could be said that that laid the basis for the way that Fund, the International Monetary Fund, is now treating the people of the Caribbean and the Third World with much greater care and understanding. Because in those days the stringency with which they operated, any finance minister would fall in relation to the kind of rigidity that that Fund had at that time.

So David Coore resigned from the Cabinet in 1978 under those circumstances, because a test called the Net-

(Inaudible comment by a Member)

Dr. DUNCAN: No man, not the reserves test, man - a foolish test. (Laughter) Domestic Assets test - they don't even use that any more as a test.

(Inaudible comment by a Member)

Dr. DUNCAN: No, no, they failed live. And, unfortunately, the news of that failure came when the Prime Minister, at time, his friend, was visiting Jimmy Carter, who had played some role in discussions with IMF to soften some of the strictures, at the time. But he took it in stride that resignation refused the offer of a ministry from his friend and Prime Minister and went off to Washington.

I remember very clearly him saying the day that he was leaving, he said to his friend, he said, Michael, my leaving the Cabinet will not change anything. It's not a personal problem; it's a systemic problem. And I think all of us in this House can understand that analysis after years of association with the Fund. During those political years one of his favourite sayings, Madam Speaker, was when everybody got heated about ideology and who's right, who's left, who's centre, and who's not anything, David Coore's response would be let us fall off that bridge when we come to it. And he used that as his motto in his cool, calm approach both to politics and life.

I was pleased to serve under him as General Secretary of this great - the great People's National Party, his role as Chairman was a formidable one. He served well.

Madam Speaker, I'd like to extend my own condolences on behalf of all those who would like to say something at this time, to his family, to his children especially to "Cat" Coore that noted Third World musician. The other sons are equally if not more well-known and accomplished, but when you hear the name David Coore in Jamaica at a particular time you think of "Cat" Coore - ninety-four degrees or how much degrees in the shade?

So I'm pleased to be associated today with saying few words on his behalf. One of his successors of the constituency with which he represented is here so I will not speak on his behalf, but I remember when he resigned not only as Cabinet Member but as Member of Parliament there was to be a by-election in that constituency and a certain other friend of Michael Manley, the first person in the world to have gained African citizenship, Dudley Thompson, was slated to succeed him and in the nature of the politics at that time, Madam Speaker, I don't know if you'll recall, I know that you might just have been going to prep school, there were about ten other Dudley Thompson's who were nominated. (Laughing) I see the Chairman of the Jamaica Labour Party smiling with great pleasure - ten other Dudley Thompsons nominated that day. So I said to myself it would take eleven Dudley Thompsons to follow a great David Coore.

May his soul rest in peace.

Dr. PHILLIPS: Hear, hear!

(Applause)

Mr. HYLTON: Madam Speaker, I rise today to join those before me who have paid tribute to an illustrious son of Jamaica whose passing is the cause for this tribute here this afternoon. I'd like to join that in saying at least in two capacities - well three.

Firstly, whilst I wasn't part of the seventies and the whole foment of that period and David Coore's seminal role as was spoken

to by the previous speaker and, perhaps others before him, I, nevertheless, as a student as I was at the time abroad listened very carefully and keenly to developments here in Jamaica and knew of the role and the particular contribution of David Coore in that period.

I had the privilege, though, of meeting him first in Washington, when he left Jamaica and came to Washington to work as a Caribbean representative of the IADB, Inter-American Development Bank, and there I met him and developed a close relationship with him, as we were, at that time, about to launch the Jamaica Progressive League Chapter in Washington D.C., where I was the first president of the league chapter and David Coore was an advisor to the league chapter upon its formation. And in that capacity we had the benefit of his tremendous knowledge, insight and really saw his commitment to Jamaica and to his party.

I benefitted a great deal as president from the advice he gave me at the time. I think he helped - I think it's fair to say that that interaction with him over that period of time helped to firm up my own decision that service to my country was worthwhile, it was a noble cause and it was eventually one of those many things that caused me to make the decision to return home.

By the time I came home he had returned home himself and was by then the Minister of Foreign Affairs and Foreign Trade. And I came home, interacted with him in that period, although I didn't work with him - I didn't have the privilege of working with him at the Ministry. I came to ministry immediately after he left and saw the tremendous work that he did at the ministry at the time on a range of critical issues of keen interest to Jamaica and benefitted again from the insights in reading the many files and his comments therein and the kind of position that he took that were in the interest of Jamaica. And, again, his erudition, the scope of the man, the breadth of his intelligence, I think, came through with just reading those documents. And I think the current Minister has had the chance to go back and look at some of those files I think it would make very interesting reading just to see the thinking and the insights on a range of issues, some of which are still extant today and are very relevant issues.

So, again, I benefitted from his insights. But perhaps the one that is most lasting is in my current position as Member of Parliament for Western St. Andrew, a constituency that David Coore represented for quite some time. And I remember having a discussion with him some years ago when I went into the constituency, and he used the opportunity to give me a sense of the history of the constituency in its various stages, spanning various different parts of the Corporate Area to the current - well, not the current boundary but the boundary before this most recent addition to the constituency. And it was then I understood where the name Cooreville Gardens came from and David Coore's unique contribution to the development of the constituency and to Cooreville Gardens, which remains a middle class - a bedroom community in that constituency.

His scholarship, his work on the Constitution and his work as a parliamentarian I came to have some insights as well. And I would say that although I never worked with him, I have been the beneficiary of so much of

the work that he has done both in the party and in government and in the Parliament. And I want to join those who paid tribute and to pay condolences to his family, his children - I have come personally to know his son, Michael, very well and have a passing acquaintance with "Cat" Coore. There may be others in the family I don't know but I want to pay my respects on behalf of the constituents, who a number of them called me this morning and asked me if I was going to speak on it today, and to ask me to convey on their behalf their regret at his passing, their fond memories of the role that he played in building the constituency and affecting and influencing their lives. I want to pay tribute to him and to say it's a life well lead and contribution well-made and received.

Thank you, Madam.

(Applause by Opposition Members)

Mr. HENRY: Madam Speaker, I will not add too much to what has been said because very often we repeat some things that have already been said. Suffice it to say that the passing of time allows one to reflect and analyze and then speak to the person about whom we are really here to remember today.

I, therefore, in terms of paying my tribute to David Coore coupled with the fact that in the past week we have lost three sons of Jamaica who have equally served and unfortunately passed at the same time. I refer to HOWARD ARIS and to TINO GEDDES. And, therefore, my rising to speak is the fact that you observe people both from outside and within an arena. And in that context seeing that my sons and the sons of David Coore shared the same alma mater, and, indeed, we had to share many moments in terms of family associations and exchanges, I rise in a more personal capacity to speak to his time. But I do so with a degree of sadness I think I heard someone on the other side speak to the speeches of David Coore. And far too often we rise here and it's merely an oral contribution that we pay and the new generation does not have enough to draw on, to be able to ensure we do not make the same errors that may have been made in the past.

And, indeed, I would urge the Parliament and the Government to begin to look at these issues, that maybe we should put in place a fund which will begin to produce the major speeches of persons who have contributed to the Parliament of Jamaica.

(Applause)

A MEMBER: Hear, hear!

Mr. HENRY: And, therefore, have them draw on that knowledge and that exposure. And that relates to the consistency and persistence of anyone such as David Coore. And in that context we'll have to cherish the one remaining Member, Mr. Seaga, who himself has put down memoirs but I'm not sure if it has gone far enough in some of that analysis which we need.

Dr. PHILLIPS: You could offer your services and start a discussion with the Clerk about possibly....

Mr. HENRY: If I have the support of everyone I'm prepared to do so.

Dr. PHILLIPS: ...getting the **Hansard** first.

(Inaudible comment by a Member)

(Laughter)

Mr. HENRY: As I said it wasn't meant to be controversial as to the reality of what it is, and you can set the governing factors of what

you want to do - the persons who have served ten years, three terms, four terms. You can set a governing factor that it doesn't seem to be a choice of who is liked or disliked but it is very important that we do that and then analyze what has been done. Because I'm sure the kind of contributions made by David Coore, he, himself would have reflected on some things that he thought might have been done differently. And it's that analysis that will move us forward overall.

So, I pay tribute. And I think I heard mention of his son, I happen to have coached him in football, in Alberga Cup with my sons. I happen to have shared with his mother and others, their love of music. My own sons have shown that kind of love. And it is in that context… because even though in those days, although we may have had different political approaches, in some instances we had commonality of purpose of Jamaica. And my tribute to him is that, in memory, we will draw on his strength of wisdom, but improve on that in going forward.

Thank you very much, Madam Speaker.

(Applause)

The SPEAKER: Members, may we stand and observe a moment a minute's silence.

(One minute of silence was observed)

The SPEAKER: May his soul rest in peace, and light perpetual ever shine upon him.

ANNOUNCEMENTS

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

- **Ministry Paper No. 84**
  Cabinet Agenda Issues for October 18, 2011
- HEART Trust/NTA Annual Report and Audited Financial Statements Entitled "Shaping our Future" for the Financial Year 2010/2011
- Administrator General's Department Annual Report and Audited Financial Statements For the Financial Year, 2007/2008General Legal Council Annual Report for the Financial Year 2010/2011
- Auditor General's Department Special Report of the Jamaica Development Infrastructure Programme (JDIP) and the Special Audit Report of the Institute of Sports
- Office of the Director of Public Prosecutions Annual Reports for the Financial Years 2006/2007, 2007/2008 & 2008/2009
- Jamaica Vacations Limited, (JAMVAC) Annual Report and Audited Financial Statements for the years ended March 31, 2002, 2003 and 2004
- The Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011 under the Public Bodies Management and Accountability Act.
  This supersedes Regulations laid on the Table of the House on September 27, 2011.
- Certified Appropriation Accounts for the following Ministries and Agencies:
- Ministry of Energy and Mining 2010/2011,
  Head 5600A & B

- Head 1510
  Jamaica Information Service
  2010/2011.
- Head 4500, 4500A and 4500B
  Ministry of Youth and Culture
  2010/2011

PETITIONS

Petition for Private Bill

To: The Honourable House of Representatives of Jamaica.

The Humble Petition of Delford Donald Davis, General Overseer/Pastor, Petrova Davis, Pastor, and Howard James Grandison, Assistant General Overseer showeth that:

1) Your petitioners desire to present to this Honourable House of Parliament, a private Bill entitled: AN ACT for the Incorporation of the Power of Faith Ministries International and the vesting of property in the body so incorporated.
2) The object of this Bill is to allow the Power of Faith Ministries International to function autonomously, particularly with respect to holding and dealing with property.
3) A copy of the proposed Bill has been deposited with the Office of the Clerk of this Parliament with the original of this petition.
4) Notice of this Bill has been given by three successive publications thereof, in its entirety in the Jamaica Gazette, dated the eleventh day of February 2011, the eighteenth day of February 2011, and the twenty fifth day of February 2011, respectively; copies of which said gazettes have been affixed to the original of this petition deposited in the office of the Clerk of this Parliament.
5) Your Petitioners have also published a notice containing the statement of the object and reasons for the Bill in the Daily Gleaner newspaper of the fourth day of January, 2011. A true copy of the tier sheet of the said Daily Gleaner newspaper has also been affixed to the original of this petition.
6) Your petitioners, to the best of their knowledge, information, and belief have complied with the Parliamentary requirements as set out in the Standing Order of this Honourable House of Representatives, Standing Order No. 85, Private Bills. Wherefore in the premises, your petitioners do hereby pray for leave to introduce into this Honourable House, the Bill referred to and mentioned in paragraph 1 above, namely, a Bill entitled: AN ACT for the Incorporation of the Power of Faith Ministries International, and the vesting of property in the body so incorporated, and that leave be given to them to proceed thereon.

NOTICES OF MOTIONS GIVEN ORALLY

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

WHEREAS on the fifth day of April, 2011, this Honourable House of Representatives gave approval for the

Sessional and Special Select Committee to continue in this session with unchanged composition of membership except where necessary, by further motion, taken and approved by this Honourable House:

BE IT RESOLVED with reference to the House Committee, that the name "Andrew Holness" be deleted and the name "Delroy Chuck" be substituted therefore as Chairman of the Committee.

Dr. PHILLIPS: Who is Delroy Chuck quote? (Laughter)

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. CHUCK: Madam Speaker, today we have answers for questions 12 and 37 from the Minister of Transport and Works. We can proceed with Question 12. Dr. Davies.

Dr. PHILLIPS: Before proceeding, Madam Speaker, through you to the Leader of the House. Is it…

(*Sotto voce* comment by Dr. Davies)

Dr. PHILLIPS: This being the second sitting for the month, is it is the Prime Minister willing to adopt as was willing to take questions on matters of urgent importance in the same format as his predecessor? I was…

Mr. CHUCK: While the question is being answered, I will discuss it with him.

A MEMBER: Which question was that?

Mr. CHUCK: Questions 12 and 37.

Dr. DAVIES: How about 38?

Mr. CHUCK: Thirty eight?

Dr. DAVIES: I put 37 and 38.

Mr. CHUCK: No, we are ready for 37

(*Sotto voce* comment by some Members)

Mr. CHUCK: Well, at the end of it.

Mr. JACKSON: Madam Speaker, I wish to indicate that while the previous Leader of Government Business is proceeding to make inquiry regarding the Member from East Central St. Andrew's question, may we note that Standing Order, section 17B does make provision for Prime Minister's question time on the second….

(*Sotto voce* comments)

Mr. JACKSON: …so, I would, Madam Speaker, just ask for the Leader of Government Business to be so aware and be guided.

Dr. PHILLIPS: You don't think he can answer me? Im can answer that better than you.

(*Sotto voce* comments by a Member)

Dr. PHILLIPS: (Inaudible) …you waah hide him? Doan hide him.

Dr. DAVIES: Madam Speaker, I ask that the Minister of Transport and Works respond to Question No. 37 standing in my name. I want 37 and 38.

Mr. HENRY: Firstly, Madam Speaker...

(*Sotto voce* comment by Members)

Mr. HENRY: Firstly, Madam Speaker…

(*Sotto voce* comment by Dr. Davies)

Mr. HENRY: No, I am going to try and explain. I came here and they can't photocopy.

A MEMBER: No power, no power!

Mr. HENRY: And therefore, I am going to read this answer and pass it to you, and then they will send somewhere else to photocopy them.

Answer to questions asked by the Member of Parliament on Tuesday October 4.

RE: JDIP AND BRIDGES

Question: Will the Minister confirm whether the following bridges: Rio Grande, Queensborough and Cassia Park, are still included in the JDIP Programme?

Answer: Yes, they are included. Rio Grande, Queensborough and Cassia Park bridges are currently part of the JDIP package.

Question: Will the Minister indicate whether these projects were designed and costed by the NWA prior to the decision to include them in the JDIP Programme?

Answer: Cassia Park and Queensborough bridges were designed under the Priority Bridge Programme. These two bridges were priced by the NWA and tendered prior to being included in the JDIP, and these costs were later dated just prior to the JDIP. However, the Rio Grande Bridge, the costing was done only under the JDIP. The designs for the entire bridge, including the installation scheme, were completed and detailed financial proposals prepared.

Question: If the answer to question 2 is in the affirmative, will the Minister indicate the estimated costs of each when first assessed by the NWA?

Answer: Rio Grande: There was no estimate, based on detailed bills of quantities prior to JDIP.

Engineers' estimate, Rio Grande, under JDIP is listed below.

- Cassia Park Bridge: Engineers' estimate in 2005, $52,044,284; Engineers' Estimate 2010, J$156,724,800;
- Queensborough: Engineer's Estimate, 2005, J$45,525,701; Engineer's Estimate 2010, $133,562,417;
- Rio Grande Bridge: Engineer's Estimate 2010, US$24,914,511, JDIP.

In both Cassia Park and Queensborough 2005 estimates, it was not planned to relocate the existing National Works - Water Commission pipelines. In the current pricing a decision was made to have these all relocated.

Question: Will the Minister indicate the new estimated cost of each when included under the jDIP?

Answer: JDIP contractors estimate for The applicable bridges are:

- Cassia Park $183,760,834.51;
- Queensborough Bridge J$154,299,077.24;
- Rio Grande Bridge US$28,801,740.

In comparison, under the current recently completed R. A. Murray project, the Bog Walk bridge which is comparable in span and work scope to Queensborough was completed at US$1.8 or J$153 Million.

Question: If there are significant differences in the two costs for each, is the Minister in a position to provide an explanation?

Answer: The difference in costing for the Cassia Park and Queensborough bridges relate, in part, to the inflation in construction costs over the period, and an added contingency provided in both contracts.

Be reminded of an exchange rate decline of 40 per cent; cost increases in major construction components, averaging 140 per cent over the period 2005 to 2010. The price index for diesel fuel, a major component in equipment rates, utilizing this construction increased by 118 per cent. For comparison the rates for three major work items and current prices are listed below.

- Reinforcing steel/ton, $37,300 in 2005, and $80,000 approximately in 2011, 114 per cent increase.
- Concrete per cubic yard, $5,900 in 2005, $13,785.00 or 133% increase in 2011. It includes for pumping and placing. Fifty ton Crane per hour, $5,400.00 in 2005, $15,000 in 2011, an increase of 177%. Provisional cost in contingencies, $4,150,000.00 in 2005, $13 Million for Queensborough and $25.68 Million for Cassia Park. Additionally, provision has been made (at current prices) for relocation of utilities such as National Water Commission mains, JPS power lines. In both contracts, these provisions are estimated at $13.8 Million and $25.7 Million respectively. These reflect the rates for relocation by JPS and NWC.

(*Sotto voce* comments by Opposition Member)

Mr. HENRY: I am fighting to make them pay for that and I am seeking, at all times, rights of where to seek.

Can you pass this to the Member for me?

(Document handed to Orderly)

Dr. DAVIES: Mr. Speaker, I presume you will appreciate the difficulty I am facing - despite the eloquent erudite nature of the presentation. It's somewhat difficult to follow these numbers, so I am going to ask some follow-up questions based simply on my scribbling.

Minister, regardless of how you cut it, there is a significant differential in the cost.

(The Speaker returns to the Chair)

In Cassia Park - correct me if I am right - you are moving from an estimate of $52 Million in 2005 to one of $183 Million in 2010? In Queensborough, you are moving from $45 Million to $154 Million? Now, are you in a position to disaggregate these increases such that we can see where these significant jumps took place for each bridge? I am coming back to Rio Grande. And, in answering that, are you in a position to indicate whether much of the inputs in terms of the structure were provided by the National Works Agency? Or, let me ask the question differently. Is the contractor providing all the material and inputs into this

construction, or is the National Works Agency providing some, and the contractor provides labour and professional services?

Mr. HENRY: Obviously, I am not in a position to…. (Inaudible) (no microphone being used)

The DEPUTY SPEAKER: Minister, can you use the mike?

Mr. HENRY: If the Member wants to write that down, I can provide him with the answers. I couldn't disaggregate. I pointed out what was advised to me of the increased cost. In terms of - the supply by the contractor. It's a contract to the contractor and he is to provide all materials in relation to the bridge.

Dr. DAVIES: That's a definitive response.

Mr. HENRY: I would say that. But, I am willing to consult on it, because I didn't have that - but, it's not stated differently here and is a contract. I'd expect it and it's not - it's a redesigned bridge and engineer's estimate is what we are using here.

Dr. DAVIES: The - Minister, the variations - we have engineers estimate for Cassia Park in 2005 at $52 Million, and in 2010 at J$156 Million, were these the same, if not engineers, engineering teams? And Queensborough, moving from $45 Million in 2005 to $133 Million in 2010, were these the same engineers or engineering team, and are they dealing with the same bridges?

Mr. HENRY: I think as the - there was no estimate based on detail Bills of Quantities. Engineer's estimate for Rio Grande is listed below, and the engineer's estimate is what is used, which would be coming from both the National Works Agency and the contractor. But, if you want more detailed answers, let me know and I will provide them for you.

Dr. DAVIES: I have been down that route before and I have not been successful. The engineer's estimate of 2010, in 2010, is this the engineer for the National Works Agency or is this the engineer from the contractor in 2010? Two Thousand and Five (2005), I gather, is from the NWA. The estimates for 2010, are these from the NWA or from the contractor?

Mr. HENRY: I would expect them to be the engineer's estimate from the National Works Agency. Again, I will find out and clarify that for you, because it's not stated here whether it's from them or from the contractor. And your question didn't really ask that.

Dr. DAVIES: Well, your - **Hansard** will point out that your previous answer suggested that the 2010 estimate was from the contractor, as well as NWA. And I was asking, whether 2005 was from the NWA only and if 2010 estimates were from the contractor and the NWA, because I am interested in that… given that we don't have, given that we ….

(*Sotto voce* comment by Dr. Phillips)

Dr. DAVIES: He said that. Given, given, (*Sotto voce* comment) ....given that we don't have a situation of tenders, I am interested in the interaction between contractor and NWA, which would produce these significant increases in estimates. Were these…

Mr. HENRY: Well, I couldn't answer you for 2005, as to which engineer's estimate it is, because obviously, your engineer's estimate in 2005 would not be the same situation. Your engineer's estimate from NWA, you will have to hire a contractor - and they would have their engineer's estimate – so you would be familiar with that approach as

being common to both years, or all the years. So that, basically, what I have given here is the question you asked, engineer's estimate. If you wish to be clear as to whether it's the engineer's estimate of Works Agency or the engineer's estimate of the contractor, I said I would believe that it should be of the National Works Agency in consistency with 2005, that was an NWA engineer's estimate.

Dr. DAVIES: Minister, I am not clear. It is - I am only going by what you said in the… For 2005, you spoke about the NWA's estimate, and then, for 2010, you spoke about the NWA in consultation with the contractor.

Now, why this is of significance….

Mr. HENRY: I never said in consultation. I read your answer. You have the answer.

Dr. DAVIES: No, no, it was in the follow-up question.

(*Sotto voce* comment by Mr. Henry)

Dr. DAVIES: It is in the follow-up question when I asked, you said, 2010 was the - the NWA in consultation with the contactor. You did not say that about 2005.

Mr. CHARLES: He wasn't there, you was there!

Dr. DAVIES: Oh, that's why it was so low?

(Laughter)

Mr. CHARLES: Everything was low!

Dr. DAVIES: Exactly! Inflation....

Mr. CHARLES: Yea.

Dr. DAVIES: ….everything, poverty level, unemployment!

Mr. CHARLES: Yes.

Dr. DAVIES: Right. You understand.

(Applause by Opposition Members)

Dr. DAVIES: I am just seeking, Mr. Speaker….

Mr. CHARLES: Including the….. in a di bridge…. when he was there. (Inaudible)

Dr. DAVIES: I am just seeking - I am just seeking, Mr. Speaker - this is a very important matter, because the 2010 - the peculiar nature of the JDIP is that, we are bereft of the levelling process of tenders. And when I hear of consultation between the NWA and the contractors, and I see these significant changes over the period, I want to know what role the contractor in this negotiated settlement played in increasing the estimates there. This is what I am seeking, Mr. Speaker.

Mr. HENRY: Firstly, we remove the tendency in the past of underestimated based on engineers and then having high overruns. That can be proven by citing any number of cases, including the cost as it may relate to the Bog Walk Bridge, which I pointed out, et cetera, under R.A. Murray, which you should be familiar with, and I want to be quite clear. What I said was, that the engineer's estimate - answering the question you asked - is clear on here. Engineer's estimate, you didn't ask about contractor, subcontractor or anything else. I have answered the question as you posed it. What I said was I would presume it to be the NWA engineer's estimate, but I will clarify that with the National Works Agency. Since you now are asking a follow-up question, and if you have follow-up questions that I do not have the technocrats here to answer, write them out and we will respond to them.

Dr. DAVIES: Mr. Minister - Mr. Speaker, just for the record to be precise. I, at no stage, introduced the notion of the engineer's estimate. May I read precisely what the question said?

Question: If the answer to Part 2 is in the affirmative, will the Minister indicate the estimated cost of each when first assessed by the NWA?

I never introduced the issue of engineer's estimate or contractors.

(Inaudible comment by Mr. Henry)

Dr. DAVIES: This was introduced by the Minister. And I am seeking to know….

Mr. CHARLES: But NWA have engineers! NWA have engineers!

Dr. DAVIES: I am seeking….

Mr. CHARLES: Is NWA engineers you talking?

Dr. DAVIES: I am seeking to understand this process and, Mr. Speaker....

Mr. CHARLES: NWA engineers.

Dr. DAVIES: ...in your professional capacity, I am seeking to understand why is it and who we could have before us who could explain a movement in 2005 of $52 Million to $ 183 Million, and a movement in 2005 of $45 Million to $154 Million? Because, Mr. Speaker, let me give notice that we intend to bring all the technicians before us to explain these variations. And if, if they are able to so do, so be it.

Mr. CHARLES: Yes.

Dr. DAVIES: But the Minister obviously is unable to clarify, and I want to…

Mr. CHARLES: (Inaudible) ....the bridge is made out of steel.

Dr. DAVIES: Mr. Speaker, Mr. Speaker, let me ask you. Mr. Speaker, are you absolutely certain that there was no estimate by the NWA of the Rio Grande bridge prior to it being placed under the JDIP?

Mr. Minister, I am.....

Mr. HENRY: That's a new question. That's a new question.

Dr. DAVIES: No, it's contained in here!

Mr. HENRY: Well.

Dr. DAVIES: It says, will the Minister indicate the estimated cost of each, and the Rio Grande is one. And I am asking you, are you absolutely certain that there was no estimated cost of constructing the Rio Grande Bridge prior to it being placed under the JDIP? And, if I may jog your memory, an estimated cost of US$15 Million.

Mr. CHARLES: So how you asking if you know the answer?

Dr. DAVIES: (Inaudible)....

Mr. HENRY: Firstly, Mr. Speaker.....

Mr. CHARLES: No answer im man.

(*Sotto voce* comments)

Mr. HENRY: Firstly, Mr. Speaker, I was asked the question I answered. In fact, it states quite clearly, the JDIP contractor's estimates. It's clearly stated in the answer, so the contractor must have given an estimate. If the question relates to what will be the ultimate out-turn of cost, that's a different question. And in every area, the engineer's estimate, which is from the - as answered here and requested, and the contractor's estimate for Rio Grande and all of it are quite clearly here.

Mr. CHARLES: 'Im trying to track you man'. .....politics.....

Dr. DAVIES: I am just trying to get the truth.....

Mr. CHARLES: Trying to track you to come....

Dr. DAVIES: ..... I am just trying to get to the truth and I am sincerely hoping that.....

Mr. CHARLES: Politics.

Mr. HENRY: And if you may yield? And all the explanation is clear.

(Inaudible comment by Mr. Charles)

Mr. HENRY: And all the explanations as to the increase is clear.

Mr. CHARLES: Shut up yu mout!

Mr. HENRY: Reinforcing steel went up 114%.

Mr. CHARLES: Yes.

Mr. HENRY: Concrete went up 133%.

(*Sotto voce* comments by both sides)

Mr. HENRY: The hiring of crane went up 177%. If you add up all of that you can't divide them three because they are different component costs.

Mr. CHARLES: And a bridge is made up of steel.

Mr. HENRY: Therefore, it is quite clear why the contract went up over the six-year period.

Dr. DAVIES: Will the Minister answer my specific question? Are you certain there was no estimate for the construction, the cost of constructing the Rio Grande Bridge prepared by the NWA?

Mr. HENRY: I am not in a position to answer that. I will question it of the CEO and advise you.

Mr. CHARLES: Hear, hear!

(*Sotto voce* comments)

Dr. DAVIES: Mr. Speaker, can you guide me, can you guide me? I have posed questions of the Minister of Finance and when he brings the answers he is unable to provide follow-up. And I will indicate the specific question is related to the package for the new Governor of the Central Bank, and there were questions posed about specific areas of the contract and the Minister promised to provide the additional information. This has never been provided. And the same issue has arisen in terms of my questions posed to the Minister of Transport and Works with regard to the JUTC, when I asked how the operating losses were being financed. Can you guide me. If you would provide me with clear instructions I will carry them out, how do I get information if Ministers come unprepared or unable to respond to follow-up questions?

Mr. CHUCK: Mr. Speaker, to be fair, the Minister cannot know what follow-up questions are coming to be fully prepared. When you asked the question like the last one you are asking, was there an estimate for the Rio Grande Bridge? How could the Minister anticipate that?

Dr. DAVIES: No, may I…..

Mr. CHUCK: In the circumstances, Mr. Speaker, it seems to me that a lot of these follow-up questions sound like new questions that need to be asked, written out so that the Minister can get the answers from the technocrats who have the information.

Dr. DAVIES: No, no!

Mr. CHUCK: The Minister was not the Minister in 2005. The Minister was not the Minister in 2005.

Dr. DAVIES: The Leader of Government Business is my good friend. I was trying to save him putting his foot in his mouth. This is not a new question.

The question says, if the answer to part two is in the affirmative, will the Minister indicate the estimated cost of each when first assessed by the NWA? This is not a new question. This is not a new question. I am asking him, are you certain there was no initial assessment by the NWA?

(*Sotto voce* remarks by Mr. Charles)

Dr. DAVIES: Can you read?

(*Sotto voce* remarks by Government Member)

Dr. DAVIES: I was asking….. That's a good question.

(*Sotto voce* remarks by Mr. Charles)

Dr. DAVIES: See if you need to talk to your technical people for…..

Mr. CHUCK: Mr. Speaker, the question is already there. The question is already there.

Dr. DAVIES: ….and I would expect that the Minister would have come here prepared.

Mr. CHUCK: With due respect, maybe the Member got the answers a little late, but right there you see it. Answer: Rio Grande, there was no estimate based on detailed bills of quantity prior to JDIP, prior to JDIP in 2005, too.

Dr. DAVIES: Mr. Speaker, I asked the Minister a final question and he said he will have to consult. I said are you certain and he said - there is a difference between the definitive response being proffered by the Leader of Government Business and what the Minister actually said. The Minister said he will have to consult and that's why I sought your guidance as to, do I need to come with a new set of questions which will then be postponed, or will you assist me here.

The DEPUTY SPEAKER: I think for clarity and importance for the Minister to take it back to his technical people, just put it in writing to him and he will respond.

Dr. DAVIES: Again?

The DEPUTY SPEAKER: He will respond.

Mr. JACKSON: Mr. Speaker, you are aware that the answers being sought to these questions have been long, long overdue. In light of the precedence as it relates to these sets of questions, even if the Minister is being asked to supply answers at a later date, it must be within a specified time and a very short time because it has been dragged on for a very long time, to the point that it appears as if the Minister is evading the answers to the questions. And I don't think the Minister wants to evade, I don't think the Minister wants to evade answering the question. But it gives that appearance, Mr. Speaker. And against that background I will ask that you insist that the Minister provide these answers by the next sitting.

Mr. CHUCK: No. With due respect, Mr. Speaker, this really is obfuscating everything. First of all, you should note that this question was due for answer on the 25th of October, not many months ago or long ago, 25th of October.

Now the last question that the Member is asking you for guidance on, was whether or not there was a prior thing for US$15 Million. The Minister is saying he needs to consult because the answer given to him by the technocrats was that there was no prior estimate. But the Member has asked a specific question and the Minister says he has to consult with his technocrats. Now the guidance there seems to be, Mr. Speaker, is that it is a question outside what was asked and he should put it in writing at the appropriate time.

The DEPUTY SPEAKER: Point taken.

Mr. CHUCK: Question 12.

The DEPUTY SPEAKER: Can you put that in writing for us please, Member?

Dr. DAVIES: At your instruction, Mr. Speaker. But you know it's leading nowhere.

The DEPUTY SPEAKER: Member Rhodd.

Dr. RHODD: Mr. Speaker, I would like to ask a question in respect to the Rio Grande Bridge project.

Minister, in light of the harsh economic situation and, in particular, the high unemployment rate, could you say the total number of persons employed on the project and of that number how many are Jamaicans? Are you in a position to say?

Mr. CHARLES: How you expect the man to know that!

Mr. D. PEART: Hold on. How you get involved in that?

The DEPUTY SPEAKER: Members, allow the Minister.

Mr. HENRY: I don't have the documentation with me. I will get the answers for you.

Mr. D. PEART: The man asked you a simple straightforward question, man. Stop your noise. Si yuh all send your daughter go over so go get beaten….

Mr. HENRY: (Microphone turned off, unable to hear the Member)

The DEPUTY SPEAKER: Minister, can you turn your mike on please.

Mr. HENRY: ….St. Andrew relating to the wall construction, Halls Delight, Red Light, Hardware, Breakaways, Papine, Hardware Gap. Mr. Speaker, the list is very long. Would you like me to read the 205 projects?

Mr. CHARLES: Pass it to him and give **Hansard** a copy.

Mr. HENRY: Under each parish. Will the Minister provide information on the amounts expended on each of the projects to answer one, the figures are here: Havendale/ Hughenden, $151,675,781, (Woodford to Maryland Square), Bay Farm Road, Shooters Hill – if you want me to read them all.

Mr. CHARLES: No, no, no!

Mr. HENRY: KC Avenue, Rogers Close, McCooks Pen, Settlement, Old Hark, Caine's Shop, Skull Point – we have about eight pages of them.

Mr. CHARLES: You think this can be done in a week.

Mr. HENRY: Will the Minister provide the names of the contracting firms employed in the execution of the projects? St. Andrew (General Bathing), Rogers Land Development, Alcar Construction, Build Right, Asphalted Concrete, Surrey (Inaudible), Pavement construction, YP Seaton, Kingston, YP Seaton Asphalted Concrete, they are all listed here.

Will the Minister provide a similar listing for the project scheduled for implementation for fiscal year 11/12, providing data on expected expenditure on each as well as the contractor to implement these projects? See question note two. That the projects for year one for the most part extended to year two. The information is therefore provided as both years further…..

The DEPUTY SPEAKER: Member Davies.

Dr. DAVIES: Mr. Speaker, in terms of the JDIP projects, which, to be fair the Minister, he gave me those data an earlier time.

I am going to quote, Mr. Speaker, from the Auditor General's Department Special Audit of the JDIP. And I would like to ask the Minister in light - the Executive Summary on page 8, I quote: "The NWA submitted to CHEC", which I believe is China Harbour, "the bridge structure, parts and materials

acquired under the Mabey/Johnson Bridge Programme for the construction of the bridges under JDIP". Does the Minister confirm this assertion, this finding from the Auditor General's Report? Mr. Speaker, I am not trying to trap the Minister.

Mr. CHARLES: That's what you are trying to do.

Dr. DAVIES: ….but this contradicts the Minister's assertion. This is the finding from the Auditor General which says that Mabey and the NWA provided to China Harbour parts and materials acquired under the Mabey/Johnson Bridge Programme for the construction of the bridges under JDIP. Specific as it applies to this list he has read out, will the Minister confirm this finding of the Auditor General?

Mr. HENRY: Mr. Speaker, I can't confirm something I have never received. I have received two discs today and I didn't come here to print the discs. The Auditor General's Report which fortunately my colleague over there has, I have not yet received officially except now except in this disc form. Therefore I am not in a position to respond to the Auditor General and I have asked the Permanent - I am asking the Permanent Secretary and the CEO to respond, because I have not yet, as Minister, until this morning was advised of this Auditor General's Report and I have received them in this form, and the Permanent Secretary and CEO are due to respond to this, this evening that we can address the matter.

The SPEAKER: The information is that the Infrastructure Committee had received a hardcopy and…..

Mr. CHARLES: How did you get that copy?

Dr. DAVIES: Ask that again.

Mr. CHARLES: How did you get that copy?

Dr. DAVIES: Ask that again.

The DEPUTY SPEAKER: (Gavels) Gentlemen. No, but let me respond to that because the Clerk has said that she has received hard copies for the committee members and therefore the Minister did not get a copy; and this is in keeping with that.

Mr. HENRY: Mr. Speaker, neither the Permanent Secretary nor anyone received this until this morning. The first time I am seeing it is in this disc form. We would love to know how the Opposition got hold of it before we even have it and responses have already been given.

A MEMBER: Dem tief it.

The DEPUTY SPEAKER: Evidently the Member just also received it himself and has asked for follow-up questions. The point taken. The Minister couldn't respond to that, Member.

Dr. DAVIES: Let me state for the records that when I arrived here and saw that the discs - I requested of the Clerk, through an Orderly, a printed copy, through an Orderly,

(*Sotto voce* remarks by Mr. Henry)

Dr. DAVIES: And the Orderly delivered it to me. Mr. Speaker, can you guide me again. What the Auditor General has as a finding totally contradicts that which the Minister has asserted, totally contradicts . . .

Mr. HENRY: The Permanent Secretary as the accounting officer has not answered to it. The accounting officer is the Permanent Secretary. Don't come with that.

Dr. DAVIES: Do I have the floor?

The DEPUTY SPEAKER: Go ahead.

Dr. DAVIES: Mr. Speaker, I would like your guidance in responding to the questions about the exponential, and that's a good word, increase in the cost of the bridges. The Minister read out changes in the cost of raw materials and inputs. I asked him whether these inputs have been provided by the NWA and he said no. Here, because if they were provided…..

(*Sotto voce* remarks by Mr. Henry)

Dr. DAVIES: Well if they were not provided by the NWA - if they were provided by the NWA then much of what he said was irrelevant. I am now quoting from the Auditor General's Report handed to me by an Orderly.

Mr. HENRY: It was handed by your Member of Parliament behind you.

Dr. DAVIES: You are shaking in your boots. You are going to have to explain. You are going to have to explain . . .

Mr. CHUCK: We are not hearing a debate on this matter.

Dr. DAVIES: We are not hearing a debate. I want some answers to the questions. The people want some answers to the questions. The people want some answers and if the Minister is contradicting the Auditor General let him get…..

Mr. CHUCK: There is no need for breaking news. The position is that the Minister has not even read the Auditor General's Report and until he gets an opportunity to read it the Member can pick and choose any line and we don't know what he is responding to….

(*Sotto voce* remarks by Dr. Davies)

Mr. CHUCK: No. With due respect. And you should know better than that.

Dr. DAVIES: You are tied into this corruption.

Mr. CHUCK: You should know better than that when you talk about corruption that corruption can't be laid on anyone over here.

Dr. DAVIES: What?

The DEPUTY SPEAKER: (Gavels)

MEMBERS: What! What!

(Cross talks)

Mr. CHUCK: It is most inappropriate...

The DEPUTY SPEAKER: Yes, it is, it is.

Mr. CHUCK: ...it is most inappropriate for the Member to pick a document...

Mr. HENRY: Wid Trafigura and FINSAC and yuh a talk bout corruption?

Mr. CHUCK: ...read something and then said it is corruption. Most inappropriate...

A MEMBER: Wid Trafigura money.

Mr. CHUCK: ...and unparliamentary to have done that.

The DEPUTY SPEAKER: So we can move on then.

Dr. DAVIES: Yuh waan me get to the mike?

(Cross talks)

Mr. CHARLES: A nice word to describe… (Inaudible)

Mr. D. PEART: Corruption? Corruption is a nice word?

The DEPUTY SPEAKER: Are we going to go back to Petition?

Mr. CHUCK: Mr. Speaker, we're asking for the recommittal of the item Petition.

Mr. JACKSON: Mr. Speaker, before the Member - Leader - proceeds to that item. You'll recall you'd raised the question of the Prime Minister's Question Time and he would have done a consultation and advise.

The DEPUTY SPEAKER: Yes.

Mr. JACKSON: Can the Leader of Government Business advise us how we...?

A MEMBER: He cannot cross it.

Mr. CHUCK: The Prime Minister has agreed that he will do it next week and your Member from East Central, has agreed that he will give notice that next week he will respond to the question.

(Inaudible comments)

Mr. JACKSON: Mr. Speaker, we take the point made by the Leader. However, I would like for the Leader to advise us if the convention - just to clarify - if the convention as was set by the Prime Minister's predecessor, that while the Standing Order asked for the notice, his predecessor had indicated that he was prepared to take the questions there. If they require further details, he would then defer the answers to a later time. So I just want to be clear if it is so or not.

Mr. CHUCK: The Prime Minister will so indicate next week when he responds.

MEMBERS: Hear, hear!

The DEPUTY SPEAKER: Thank you.

(Heckling/laughter)

The DEPUTY SPEAKER: The question is for the suspension of Standing Orders to refer back to Petitions.

(Inaudible comments by Members)

The DEPUTY SPEAKER: Members, the question is to recommit item, Petitions.

Put to the House and agreed to.

RECOMMITTAL OF PETITIONS

(Inaudible comments by Members)

The DEPUTY SPEAKER: Is it the wish of the House for the promoters to proceed with the Private Bills as presented?

Put to the House and agreed to.

MOTIONS RELATING TO SITTING OF THE HOUSE

Rev. THWAITES: Mr. Speaker.

The DEPUTY SPEAKER: Member, sorry.

Rev. THWAITES: I rose on the item to do with the sittings of the House to ask when we are going to be relieved of this sick building? When are we going back to Gordon House? Can you tell us?

The DEPUTY SPEAKER: The information that I have presently is that they are nearing completion and we're soon to be advised as to when it is the building will be ready. And the understanding is that as of the 1st of December, the building will be ready and thereafter we will have our sittings at - on that date we will have our first sitting back at our permanent residence on Duke Street.

Rev. THWAITES: Thank you very much.

The DEPUTY SPEAKER: Okay, yes.

PUBLIC BUSINESS

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

The DEPUTY SPEAKER: The question is that the House be suspended to take - the Standing Orders be suspended to take the motion given earlier by Leader of Government Business.

Put to the House and agreed to.

Mr. CHUCK: Mr. Speaker, I now move that the motion be approved, notice of which I gave earlier.

The DEPUTY SPEAKER: The question is that the motion be approved.

Put to the House and agreed to.

The DEPUTY SPEAKER: Motion approved.

Mr. CHUCK: Mr. Speaker, at this time ask for the suspension of Standing Order to allow Private Members Motion to be taken.

The DEPUTY SPEAKER: The question is for the suspension of Standing Orders to take Private Members Motions.

Put to the House and agreed to.

PRIVATE MEMBERS' MOTION

Mr. CHUCK: Mr. Speaker, at this time we'd like to take Private Members' Motion on the Order Paper No. 25 and 26, standing in the name of the Member from Central Kingston.

A MEMBER: Twenty-six?

The DEPUTY SPEAKER: I think it's 25.

Member from Central Kingston.

Rev. THWAITES: Mr. Speaker...

The DEPUTY SPEAKER: No sorry, it's 24 and 25, I think. Or just 25?

Rev. THWAITES: Yes, this is what I was advised, 24 and 25. But we exist at your pleasure, you know.

Mrs. NEITA-HEADLEY: Yeah, me too.

Rev. THWAITES: Which do you wish me to begin with, Mr. Speaker, 24?

The DEPUTY SPEAKER: Twenty-four is good.

TERTIARY EDUCATION – LOAN FINANCING

Rev. THWAITES: Thanks very much.

Mr. Speaker, I much appreciate the opportunity to introduce debate on this motion, which has been languishing on the Order Paper for several years. I hope that the remarks that one makes can be taken in the – in a spirit of consensus. There are no partisan points to be taken regarding education, Mr. Speaker, we must ensure that the sentiment of those who have preceded us and the obvious necessity of the nation for comity and common policy in relation to education, be observed at all times. And therefore, I introduce the motion:

> BE IT RESOLVED that this Honourable House debate the adequacy - and it should be and affordability - of loan financing for students in the Jamaican tertiary education system.

Mr. Speaker, I start with the presumption that education is the first priority of State endeavour as well as personal enterprise if the future of Jamaica is to be assured. The development of those of our citizens, all of us, made in the image and likeness of God, and upon whom the creative energies of the Creator and the best hopes of the nation are reposed, must be the human enterprise, must be the critical issue which dominates and has first priority at all times.

And you know, Mr. Speaker, I wish that going forward we could have consensus on that point. Education is just not one of the things that the State does, it is just not one of the things that parents do or communities foster, it is the most important thing. And I think that we here in this House are living witnesses of that and so are all those who've had the benefits of good education. In addition to which, as is commonplace, the education takes up the majority of the resources of the State. And therefore, going forward, it is of absolute importance that we ensure that, that which we tax ourselves to pay for, that which haplessly we borrow still, should be used in the most efficient possible

fashion. And that the headings under which we spend the education budget must be always open to scrutiny and to realignment, in accordance with national needs.

Mr. Speaker, I start from that presumption and secondly, move on to the fact that it doesn't seem to me that - likely, that there is going to be any huge increase in the capacity of the State to fund education in the foreseeable future, a system which is creditable, but at the same time, the outcomes from which are scarcely sufficient to meet personal as well as national needs.

In that context, Mr. Speaker, it is very important that we look carefully at how the education budget is calibrated. And to me, it is of the greatest importance that going forward, considerably more resources from within our existing budget be placed in the segment - the earliest segment of education. That is of early childhood and the first grades of primary school.

Mr. Speaker, if we do things right the first time in our education system and indeed our general warp of governance, we will save a great deal of money and a great deal of the additional expense that we have later on. And of course, that will form the subject of resolution Number 25, which I hope you will hear from me later.

If that is the case, Mr. Speaker, then we need to ensure that there's a virement of funds to early childhood education going forward, to make sure that there is the requisite number of teachers - trained teachers - available who do not now assist in that capacity. And we must therefore look, as a Parliament and as a nation, induce our people to recognize that it is at the early stages of education that status systems is going to be most important and has to be guaranteed. At the tertiary stages, you approach the position that is closest to the point of 'bankability' - to coin a phrase - where students are able to, by virtue of their training and their imminent employment, to ensure that they can help to pay for their own education.

You know, Mr. Speaker, it was interesting to watch the Freshmen in the United States Congress take their oaths of office last year or year before, and for them to be questioned. And the majority of them, men and women in their late 30s and 40s, declared that they were still paying off their student loans. And it is my respectful submission to my colleagues in Parliament that we are going to have to put the emphasis of our financing attention to the earliest stages of education in order to achieve the higher achievement levels at the primary, secondary and tertiary levels which have eluded us in generality for so long. And we're going to have to seek too, instead of a creditable, but insufficient system of student loans, it should be the obligation and the prerogative of Government to develop a scheme, which encourages private capital to fund tertiary education in two ways. One, by the benefits grants and trusts that have traditionally been significant in fostering tertiary education everywhere and which we see some evidence of in the philanthropy of those who contribute to the various university ventures all around Jamaica.

But further, Mr. Speaker, there must be a factoring of loan finance, which comes from the financial sector, suitably secured, but not, in a way, to exclude those who have no landed security at the reasonable rate of interest. My survey of the opportunities in this regard in other countries, show that such a scheme

hinges on two important factors. One, it's an appropriate system of bonding for those who are the beneficiaries of tertiary education under such a scheme.

Mr. Speaker, evidence before the Public Accounts Committee recently, has indicated that we have been far from serious about the exacting of the bonds on those who are benefitted by the system of tertiary education that we presently have, by generous scholarships and by the subventions that are given to tertiary institutions by the State from the education budget.

(The Speaker returns to the Chair at approximately 4.18 p.m. and the Deputy Speaker demits)

Rev. THWAITES: And, Madam Speaker, it is of great significance, that we should rethink that. It is important that we have targeted development of the tertiary sector. And while every field of study is no doubt of great importance, it is extremely important that the resources of the State be targeted to meet manpower needs rather than individual preferences in all instances. And I believe that we have much, much more to go by way of enquiry and by way of direction and regulation in that regard.

Madam Speaker, the other issue that is of significance has to do with the prospects of repayment of a student loan system. Indeed, we have the evidence right now of the Students' Loan Bureau being hampered by the heavy level of arrears. I believe sometimes it is as much as a quarter of the loans that are in arrears. Now, it is understandable that these are difficult economic times, but the importance of repaying your students' loan has to be emphasized.

You know, Madam Speaker, when I was a student years ago abroad, when I left Jamaica after a holiday or for whatever reason I had come, I had to provide income tax clearance at the airport. And it wasn't onerous. It is extremely important that we should institute a system where people simply cannot borrow locally, incur an obligation and then go abroad and evade it. It is perfectly plausible, without any breach of anyone's liberties, that there should be a restriction and a surveillance of persons who, indeed, have benefited from such a scheme.

And, therefore, Madam Speaker, because of the inadequacy of the present system, where the terms of the students' loan and the collateral requirements provide such a hardship for many people and, indeed, exclude them from access to it – and I can tell you that that is the case in the inner city. Yes, many very, very able students simply cannot approach the Students' Loan Bureau because they do not have anyone who can be a guarantor, and they do not have the collateral available to secure such loans.

I acknowledge the flexibility in recent times that the Students' Loan Bureau is exhibiting. I hope that there can be in the response to my opening remarks in this debate, Mr. Speaker, a reply as to what about the reduction of rates that were promised, I believe, in September, this is November, what has happened to that?

But we have to look to private capital, now hankering for a home, yes, in such abundance in Jamaica, chary of investment in goods and services. Can those who are engaged in investment committees in the management of pension funds, be encouraged

by governments of whatever stripe, to put aside funds, not as charity, that there will be a place for that, but as a reasonable investment recoverable over a period of time at an affordable interest rate, and devoted to fostering the education at the tertiary level.

I believe that if we do this and if we are adamant that there must be a way in which the lack of resources is not going to be an impediment, there will always still be a place for scholarships and bursaries, which are to be encouraged and given every tax encouragement to do so, Madam Speaker, then we can move some of the very extensive resources that are presently invested by the State in the university systems, to the earliest stage of education, where there can be significant improvement and indeed better dividends and more fulfilled lives later on in the situation – in the system.

It seems to me, Madam Speaker, that this is the time – this is the effort that transformation truly calls from us to rethink our investment in every level of the education system. And I believe that with very possible financial engineering we can draw in the community, the financial community, the broader social community into the task of funding tertiary education, not on a give-away basis, because it is a pearl of great price, as we all know, yes, but in a way that makes it accessible – in a manner that makes it accessible to those who – those many who are in need and on terms that can both be financially viable and socially acceptable.

And it is for this purpose and to stimulate the thinking in that direction, that I have introduced this motion and take pleasure in making the opening contribution.

May it please you. (Applause)

The PRIME MINISTER: Madam Speaker, the motion before us is one that we support, Madam Speaker. And I am very heartened to hear the Opposition Spokesperson on Education speak in the way in which he spoke.

I just want to repeat to refresh our memories from what he has said, that Government policy – and this is my interpretation of what he has said – that Government policy should seek to promote greater funding for Early Childhood Education, Primary Education, and I would put in that as well, Secondary Education, whilst we have a different kind of funding, one that relies less on government subsidy and more on the provision of credit at the tertiary level.

I listened keenly to the Member from Central Kingston, and my understanding of what he has said is that it is certainly in line with what I have been saying, that the closer the student gets to market, that is, the closer the student gets to earning an income, then it is the greater the burden that the student should bear.

The question, Madam Speaker, in the debate – and I know the former Minister of Finance, the Member from St. Andrew Southern, would have introduced this before, that the country needs to reform the way in which tertiary education is funded. It has not been, Madam Speaker, a very easy task to do. There are many stakeholders and many entrenched positions.

I have tried to advance the debate, carried it a little further than what was carried by my counterpart in the Opposition. But I believe

that given the financial constraints that we have now, that I don't believe we are able to avoid making some significant changes.

(*Sotto voce* comments)

(The Speaker gavels)

The PRIME MINISTER: I don't believe, Madam Speaker, that we can avoid making some significant changes in the way in which tertiary education is financed.

So, the presentation made by the Member from Central Kingston signals, in my mind, that there seems to be alignment in thought, at least in the Parliament, for how we should go about reforming and restructuring tertiary education in the national interest.

A Government MEMBER: Hear! Hear! (Applause)

The PRIME MINISTER: I want to point out, Madam Speaker, that Jamaica has a 34 per cent gross tertiary enrolment. What that means, Madam Speaker, is that of the population between 18 and 24, which is considered to be the tertiary-age population, that if you were to take the total number of students enrolled in tertiary-level organizations, that would be post-secondary institutions, HEART Institutes, polytechnics, community colleges, universities and colleges, that would amount to 64 per cent of the gross number of students – or rather, the cohort between 18 years and 24 years. It doesn't mean that everyone that is in an institution at a tertiary level is between 18 and 24, but development agencies use that as an indication. So, we say that our gross enrolment is 34 per cent. Absolutely, Madam Speaker, there are – we would say that there is approximately 68,000 students enrolled in tertiary-level institutions. That's not a significant number, but that number is growing rapidly every year.

(*Sotto voce* comment from a Member)

The PRIME MINISTER: Well, we can address the quality issues later, but certainly we can agree that that number is growing rapidly every year. When we look at the CXC passes, certainly in the last four years – and I don't mean to use four years in a political way, but I am tracking in the last four years – we realize, Madam Speaker, that we see an additional 5,000 students being added to the number of students who could potentially qualify for tertiary level education.

A Government MEMBER: Hear! Hear!

The PRIME MINISTER: Madam Speaker, if you were to just take the number of loans approved by the Students' Loan Bureau, that number moved, Madam Speaker, from Four Billion Dollars ($4B) in 2000, to Nine point Eight Billion Dollars ($9.8B) in 2010. So, clearly, Madam Speaker, we see a significant increase, a doubling, almost, of loan applications, and not just applications, but loans approved from the Students' Loan Bureau.

Madam Speaker, the Students' Loan Bureau's total loan portfolio now stands at approximately Seven point Seven Billion Dollars ($7.7B). We have approximately 10,000 loans that are currently being serviced, totaling about Three point Three Billion Dollars ($3.3B), and loans that are not being serviced – and this doesn't mean loans that are outstanding, but loans that are just made to students that are not yet due for servicing - Four point Three Billion Dollars, ($4.3B).

I wanted to point out quickly, Madam Speaker, that the – I wanted to point out very

quickly, Madam Speaker, that in 2000 the Student's Loan…

Mr. D. PEART: What happen to your iPad?

The PRIME MINISTER: Yes, I should have had it on my iPad. (Laughter/*Sotto voce* comments) I just received this, I just received this.

Mr. D. PEART: Okay.

The PRIME MINISTER: But, Madam Speaker, in 2000 the Students' Loan Bureau received 6,115 applications. It approved 4,047 applications, it declined 1,165 applications and cancelled 371. That was the situation in the year 2000.

In 2010…

Mr. CLARKE: What about '07?

The PRIME MINISTER: Well, we could look at '07. In '07 the Students' Loan received 6,600 applications. I am very happy to see that you have asked that question to see that there was really no improvement between 2000…(Laughter) Loans approved at that time, Madam Speaker, was 6,470, 82 loans were declined and 404 were cancelled. In 2010 the Students' Loan Bureau received 9,973 loan applications.

(*Sotto voce* comment from Mr. D. Peart)

The PRIME MINISTER: Hold on. They have received 3,000 almost more applications.

But, what is important, Madam Speaker, what is important is that the Students' Loan Bureau approved 9,899 applications, almost 100 per cent…

(*Sotto voce* comments from Mr. D. Peart)

Mr. CHARLES: Keep quiet!

(The Speaker gavels)

The PRIME MINISTER: So, in terms of performance, Madam Speaker, the Students' Loan Bureau has granted over 90 per cent of loans applied for. It declined 34 loans.

Madam Speaker, this is significant.

(*Sotto voce* comments) This is significant.

The PRIME MINISTER: But what it shows, it reinforces the point I made earlier that there are more students qualifying for tertiary level education seeking financing and having now, Madam Speaker, to resolve…

(Heckling)

The SPEAKER: (Gavels) Members, Members of this House, whenever I sit I insist that Members are heard in silence, moreso the Leader of Opposition and now the Prime Minister is on his feet. And I am going to ask you all to respect that he is on his feet and allow him to be heard in silence. Please.

The PRIME MINISTER: Madam Speaker, thank you very much for that protection. (Laughter)

Madam Speaker, it is clear that the demand for tertiary level financing is increasing in an exponential way. But we have not increased our budget for tertiary education. And right now, Madam Speaker, we are trying to source additional funding to increase the pool of funds at the Students Loan Bureau. But this is not a sustainable strategy, because, Madam Speaker, with 5,000 new qualified students at the CXC level every year, potentially being able to apply to the students loan, whatever funds we could put into the student loan would not be sufficient to satisfy the demand that is being created.

Now, the issue is raised about the quality of students. Now, the quality issue is one, Madam Speaker, that I would not bring into this debate, suffice to say that once a student is certified and meets the matriculation

requirement, that student ought not to be deprived of the opportunity of tertiary education. And, what we are saying, Madam Speaker, in terms of policy, that the reform of tertiary education would mean shifting the burden to the students to bear the burden. But, we have to be very careful because we don't want to create an alarm.

The Member from Central Kingston, the Opposition Spokesperson on Education pointed out that in other jurisdictions and he has specifically mentioned the United States, but he could also have mentioned in the United Kingdom, in Finland, in New Zealand, in Australia, in Canada, all over the developed world, the model that is used is one in which though…

(Cross talk)

The SPEAKER: (Gavels) I am going to insist that the chatter that is taking place cease.

Mr. CHUCK: And the whisper carries right across.

The SPEAKER: It is poor. And I am going to say something. Whether we face the electorate this year or next year, they are going to look at all of us and our behaviour here and see if we are in fact the people I am saying so, all potential leaders I have said about three times that the Prime Minister is on his feet.

The PRIME MINISTER: Thank you, Madam Speaker.

Now the model that is used in those countries to fund tertiary education is one clearly where the student carries the burden, but the burden must not be onerous while the person is a student.

So whilst the governments in those countries have shifted away from full or significant subsidy, what they have moved towards is making credit available and manageable. And that is the strategy that we will have to pursue. While we have to move away from direct subsidies, we have to make credit available, and manageable.

And credit is just as good as direct subsidy. In fact, credit is a fairer form of subsidy and the subsidy that we give, Madam Speaker, when we give credit would be on the interest rates, on the firms and on the length of the credit period. But more - and grace periods - but more importantly, Madam Speaker, when we move to this form of system we also must create underneath the credit, security for the credit.

Credit fails, Madam Speaker, when you don't have a system to secure it. So in the other developed countries they have something called a credit rating agency, or a credit bureau which we are now in the process of developing. Recently I met with persons who have interest in the credit bureau. That is very important. As the Member from Central Kingston pointed out, that some time ago when he returned to the island or he was planning to leave the island he would have to show that he complied. In other jurisdictions notably of course in New Zealand, if you are a student and you have a student loan you have to declare that you are up to date with your student loan before you can leave and you have to remit your student loan even if you are away. So we have to be clear when we move to that policy, that a student who is the beneficiary of a student loan cannot escape their responsibility of the loan. So whether or not they migrate - which a significant percentage of students who benefit from the education system here go overseas, I have no problem with that. But if you got a loan pay it back so that the additional five thousand who

\are going to seek a student loan can also get the chance.

(*Sotto voce* comments by Mr. M. Peart)

The SPEAKER: Member Peart,

The PRIME MINISTER: Well, Madam Speaker - so part of our strategy for reforming tertiary education actually lies on creating a solid credit market which involves developing a credit bureau. So that the first credit rating that anyone will get, will be a rating generated from their performance on their student loan.

Now that takes away the need, Madam Speaker, for collateral. In the present system, collateral is actually an obstacle to getting a loan, because you have to provide a guarantor and there are many students who don't even bother to come to the Students Loan because they can't find guarantors. So by putting in place a system of managing credit you actually eliminate the need for a guarantor. So that is one measure that we will be putting in place to reform tertiary education. (Applause)

A MEMBER: Hear! Hear!

The PRIME MINISTER: The worry that students will have, Madam Speaker, is that they will be saddled in the long term after they have finished their three or four year course of study, with heavy student loans.

What the Government has to do is to ensure that (a) the interest rates are subsidized; and that is, you have a significant differential between what market rates are for commercial loans and a rate that is significantly lower for student loans. That is where government ought to give subsidies.

The Government would have to also extend the life of the loan. Just as how we treat the real estate asset as a real asset and we amortize the repayment in a mortgage, so it is that we have to treat a tertiary education as a real asset and amortize the repayment over the useful life of the individual. Now, I am not here saying that you will see a 30 year student loan, but certainly we could look at a longer period than what now pertains.

The other thing we will have to do is to be strategic in our expenditure on tertiary. We have to look at what is in the national interest.

Now, it is very difficult when it comes to determine the national interest, Madam Speaker. Because you know, someone studying art history could very well feel that that is in the national's interest, and I don't want to, by making a determination politically which area of studies is more important than which. But there are some signals that you can look at. For example, you could very well see that there is a shortage of pharmacists and that may very well be one area that the government would want to direct subsidies to. It could be that the government wants to do an entire cadastral map of Jamaica, and that is a strategic area in which the government may want to direct resources to have land surveyors trained.

So, whilst I am very cautious about using the political directorate to determine what areas of studies will get subsidy, but there are some clear areas where the national interest is obvious and therefore you would support the national interest in that way.

Madam Speaker, these changes, the Government has been very cautious. I have been talking about them since 2007, about rebalancing the way in which we have done it, that is, we have funded tertiary education.

A part of the transformation of the economy is actually the transformation of the education system. (Applause) And therefore, some of the things that we will have to do in

the coming year involve transforming the education system in such a way to make it more efficient and make it more equitable.

I understand that students may very well be nervous about this, but I want to assure them that, seeing that there is an alignment of views in the Parliament as it relates to how tertiary education should be reformed, that no reform will be done to make any student worse off. The reforms will be gradual, and any reform will have a period of notice. I think if we make those three commitments that no student will be made worse off, that in fact under the new system they will be better off. Because under the new system what you would have created is a larger revolving student loan, which would mean that more students could get access to that revolving pool of funds.

So right now where you have only, I would say, you would have about close - student loans fulfilling close to about 70% of demand, but there is some infective demand of students who don't even bother to apply, though they may be qualified, but simply they just don't meet the requirements of having guarantors or meeting some other requirements of paying their part of the tuition that they have to pay, and they just don't bother. But once you make this pool accessible to all, you will see an explosion in persons actually taking up tertiary education loan.

In closing my presentation and in supporting the motion brought by the Member from Central Kingston, I want to share with the Parliament an interesting statistic about the Jamaican labour force. Sixty-seven per cent (67%) of the Jamaican labour force, employed labour force, is untrained, 67% untrained; 67% of the employed labour force, the employed labour force, untrained; 19%, of the employed labour force has a tertiary level degree; 14%, has technical vocational certification. So you can see how lop-sided the economy is by virtue of how the education system is. The real transformation of…

(*Sotto voce* comments by a Member)

The PRIME MINISTER: Tertiary degree which would mean a first degree or higher.

Now that is something that we must consider carefully. If you look at other developed countries, it is the reverse. The majority of their labour force would have technical vocational, but in our situation it is reversed. So, we have to look at that very carefully. So reforming the tertiary funding system is not just for universities, but it is to expand access to applications base, technical and vocational education. (Applause)

They would be called tertiary training. So, Madam Speaker, my limited contribution we will be coming with a comprehensive policy as was promised but it has to be integrated in all the reform measures that we will be taking in the year coming. Thank you.

Government MEMBER: Very good.

(Applause by Government Members)

(Cross talk)

Mr. CHUCK: Madam Speaker, just to allow other persons who would like to make a contribution to this particular motion, we'll ask for the suspension of this one and then the Member from Central Kingston could move to the next motion.

The SPEAKER: The question before the House is that we have the suspension of the debate on this particular motion to allow other Members to contribute at a later date.

Put to the House and agreed to.

The SPEAKER: The debate has been suspended.

COST OF REMEDIATION IN PUBLIC EDUCATION SYSTEM

Rev. THWAITES: Madam Speaker, I thank you for the opportunity of raising Motion No. 25 on the Order Paper which reads,

> "Be it resolved that this Honourable House debate the cost of remediation in the public education system and treat with ways in which it can be reduced".

Madam Speaker, I came across the situation recently where a serious pair of parents came to me to secure assistance for their child who was in the basic school - a good basic school, and who were very concerned because the teacher had indicated that the child needed extra lessons. Madam Speaker, if that wasn't so ludicrous of a child at a pre-primary stage being asked for extra lesson, the moment you get into the primary school, yes, and the closer you get to the GSAT examination this becomes de rigueur. And, Madam Speaker, if you follow the same child into the secondary school you will find that again this becomes not the exception for the challenged child but, in fact, becomes part of the normal routine whether it is Saturday Classes, the deficiencies are usually Maths education or Language education, is said to be supplemented by extra classes.

The Ministry of Finance will decide whether or not the considerations for these extra classes are all subject to taxation - I suspect they are not. And I have no criticism of those genuine teachers who see difficulties among their students and extend themselves either voluntarily or at very low cost for the upgrading of those students.

But for, Madam Speaker, the situation has gotten out of hand. Tremendous pressure is put on families. Children who are A-class students getting the highest grades are nonetheless urged and constrained to do these extra classes. A former Member of West Kingston would aver that in many instances this heavy concentration robs them of their childhood, and I don't think he's wrong. The fact of the matter is the time to play - the involvement in extracurricular activities is often curtailed to great social and physical disadvantage - cultural disadvantage because of this institution of extra lessons, because of this presumption about remedial education which has infected our system, and which plays upon these deficiencies in a way that is both inefficient and costly.

Madam Speaker, if you were to quantify the cost of extra lessons for the young but ambitious child, and if we were to have the aggregate of that sum available for investment in doing it right the first time in the formal institutions, I venture to say that the cost of educational transformation would be taken care of richly, adequately. The pressure that is put upon parents, the sense of inadequacy and shame when the extra lessons cannot be afforded are something that every Member of this House must be aware of as we interact with our constituents.

Madam Speaker, much of this feeds upon the inadequacy of our early childhood training and goes back to the earlier motion which you were kind enough to permit. The fact is that we have fallen into a system where we accept that numbers of our children do not achieve the correct standard for their grade but are

promoted, nonetheless, have obvious deficiencies because of the initial gap, and who then seek to make these up either with the assistance of the State in one of the many programmes that the Ministry of Education has for helping people to catch up, or by personal investment through their families and communities, and voluntary assistance. And my contention is that we are wasting these resources however well-intentioned they are. It is quite possible to be very sincere and very wrong at the same time, you know, Madam Speaker. And in this instance it is another aspect of looking at our main enterprise of concentration, that of the upliftment and human development of this country and determining whether we are using what are going to be and are limited resources - inadequate resources in the most efficient way possible.

And the contention of this resolution is that we must put the emphasis as I have repeated in this Parliament certainly since 2007, that we must ensure that we take children off the conveyor belt of promotion when they have not achieved the standard of their - (Applause) - of the previous standard. And one element and one instance of the consequences of this is that you end up having to spend double whether you are State, or you are parent, or you are church community or whomever, you end up having to pay double and often triple, yes, in order that we may, in fact, catch up on what we ought to have in the original.

Madam Speaker, I don't know about you but it is a source of embarrassment to me that as august an institution as the University of the West Indies has to have a use of English course, yes, when students have matriculated there, yes.

Madam Speaker, I have some experience teaching in the tertiary sector and the level of grammar, the proficiency in mathematics that many of our students - thank God they have reached that level of matriculation and I laud them, but at the same time, in terms of being efficient and competitive and cost effective they are below par. What are we going to do about this? Certainly, we cannot deepen this culture of finding a second chance and a third chance to make up for these deficiencies.

Madam Speaker, I'm fully aware that not everybody learns at the same level, in the same way and that there are always going to be substantial needs for special education. That is a different subject. Let us acknowledge that is the case and provisions must be made for that. But that has to be the exception that may be ten per cent of your student cohort at any one time at whichever level. But, Madam Speaker, what we have now is where the tail is wagging the dog, and where, in fact, the makeup class, the makeup facility, the programmes that seek to rescue those who didn't get a CSEC pass by giving them another chance, yes, limited though those opportunities are has become the norm and has become an expensive norm. And in my view, is an inefficient way of using the scarce resources for education that we have in this country. And, therefore, I believe that it may be controversial, it's bound to be because it will affect some people's extra money, yes. It will certainly go against the grain of a culture that has become so instilled over the last many years. But it is important that those of us who have the responsibility for urging on

educational policy and transformation seek to look at these inefficiencies and seek to change them in due course. It seems to me that we have to ensure particularly, particularly that the basic subjects in our schools, that the instruction and the achievement of requisite standards are adequate.

Madam Speaker, we are very glad when we advance two or three per cent (3%) in the Grade Four Literary Tests or when our CSEC results show some level of improvement. But, Madam Speaker, there is no amount of money that investors are going to bring into this country; there is no alchemy that any government we can come up with in terms of new policy that is going to overtake any inefficiency in our human development and in our capacity, yes, to ensure that we can measure up to the rest of the world.

The statistics given by the Prime Minister in the earlier debate regarding untrained labour, yes, are a matter of embarrassment to this Parliament and to those who have laboured so hard for human advancement and, therefore, this an urgent matter that we must deal with. It is part of a searching enquiry into every aspect of a system which, indeed, fully well intentioned has many encrusted and inefficient features which we must examine relentlessly, yet compassionately, and ensure the change of.

I believe that if we make the requisite investment in early childhood education, if we ensure that there is a trained teacher in our early childhood classes, if we insist that there is a concentration on literacy and numeracy and the rudiments of information technology along with the appropriate socialization up to the Third Grade of the primary school, we will find that the need and the impetus to expend on remedial education is vastly reduced. The consequence of this will be the freeing up of Billions of Dollars in aggregate of resources for investment at the other levels of the education system, not to mention the vast reservoir of personal satisfaction and community achievement which will ensue.

It is because of these sentiments and it is in order to spur on this kind of enquiry and the conclusions that will follow from it that I have advanced this resolution, and I thank you.

(Applause)

Mrs. HENRY-WILSON: Madam Speaker, I think it's important for us to define the terms of the debate that we're having, because I think we are using remediation in a sense that it may not necessarily - I know the Member went back to it. But I don't know how many of us have been following a series on CNN where they have been looking at education in the United States and I think perhaps there are three instructive things about that series.

First is that United States is almost at the bottom of the league tables in terms of educational achievement and yet, they are the largest spenders per capita of education. The two countries that are doing the best at this point in time are South Korea and Finland. Two different experiences in terms of how they treat education.

In South Korea, the Prime Minister of South Korea in response to President Obama's question about what is it that he would like to see changed about education. His response was that ironically those parents did not take education so seriously. Do you know that last weekend when they had what is their College Entrance Examination that they actually took policemen to make sure the children reached

on time? You're not allowed to honk your horns while the children are taking the exams. Nobody is allowed to enter the premises. I mean it's just a very, very rigid system.

Now, on the other hand, you have Finland which is now at the top of the league table and it's almost the reverse. It's a very relaxed environment. They don't spend as much. It's very decentralized. My point is I think we have to look a bit at our culture when we talk about achievement and not just look at it in terms of solely what happens in the classroom. But if we're talking about remediation, remediation actually goes beyond just providing for students who do not 'achieve'. Because as the Member said you have some persons in every cohort, the estimate is that you have about twenty-five per cent (25%) of the children who have problems in learning. Now, I'm very interested in that figure because, when I looked at the Grade Four results there were children who were taking the exams over and over again, some not turning up anymore because they are so frustrated. Remediation is supposed to take account of that phenomenon, where children are having difficulties in learning. So, it's not giving them extra lessons, it's finding another way to equip them with the basic skills of learning.

Now, I am very divided on the view as to whether we need more rigid education, or we need less rigid education. I think it is something we would have to look at. But the purpose we call it testing, but some of it is not testing, it is inventories we are taking of how children learn. But because we place so much emphasis on whether they get 70 or they get 30, rather than looking at what are they mastering; what do they master in Grade One. When we do that inventory it is not whether they pass the exam or fail the exam, it's whether they are ready for learning. And the intervention there is to determine what is the learning style of that child so that you can have the appropriate classroom environment for that child.

My point is that remediation is not something that you do after the child has failed. Remediation is an intervention, taking account of what may be the learning challenges that a child may have. And some of it, you know, we always look at the under achiever in terms of remediation, but a lot of our children are dropping out because they are over achievers and they are bored to tears, and so they are not doing anything.

So, I am really saying that we need to define the terms of what we are debating. It is not just a question of the $19 Billion that better off parents are spending on extra lessons. It is also to hone our system, cognizant of what are the cultural challenges. In these societies, parents are very present. In Finland you have almost an obligatory reading hour for every family. In South Korea, you have parents making sure that children, regardless of their social situations, have particular kinds of infrastructure. How do we bring onboard all of these social institutions so that we do not undervalue education among our children?

And I mean there is this ever contentious issue about English. I believe we need to take a position on it. We no longer teach people English, you know, we assume they speak English. I was taught English. I had to do Analysis and Parsing.

Mr. CHUCK: What's your position?

The PRIME MINISTER: But, what is your position?

Mrs. HENRY-WILSON: My position?

The PRIME MINISTER: Yes.

Mrs. HENRY-WILSON: They need to be taught English; they don't know English.

The PRIME MINISTER: But, say it, say it!

Mrs. HENRY-WILSON: But we are not teaching them English, we are assuming that they know English.

The PRIME MINISTER: But, I say you must say it too, or take a position.

Mrs. HENRY-WILSON: And it is no use us saying and I am not saying that children should not talk in patois, you know. There is an experiment that was done among a community in San Andres, where what – and this a largely a fisherman – a Jamaican fishermans' community, right…

(*Sotto voce* comment by some Members)

Mrs. HENRY-WILSON: …over in San Andres, and what they did was, they took the children, the first two years of their lives to give them creativity, give them confidence, whatever. They allowed them to speak in this very pitched kind of language, which was a mixture of Spanish, English and patois - they allowed them to speak in that language, and then in the third year they taught them English. Our children have to be taught English; they do not speak English. And don't ask them to listen to any read any newspaper or listen to any radio station, they are not going to learn English there either. So, what I am saying is that we need to take some definitive actions...

The PRIME MINISTER: I am very happy for that, very happy.

Mrs. HENRY-WILSON: …in terms of how we are honing this Education system. The pupil/teacher ratio is an issue, but equally as important is knowing how different children learn. And when you have a high teacher/pupil ratio – high pupil/teacher ratio, it's very difficult for you to, sort of, mould the class, and to have the kinds of activities. But, we are calling our children failing when I don't think we have adequately and this is not a criticism of anybody. It's just how we approach this thing - when we have not adequately honed the system, based on what our modern techniques, based on the fact that we know children are going to need some amount of remediation. We know that. And, we therefore need, from they enter Grade 1, to be able to come up with some of those strategies, so that our children are learning creatively; and that we are taking care of both the special needs children, and also, the children who are gifted, because they drop out too, after a while.

And my final appeal is that we stop converting and this is not a new thing we stop converting the rooms that are set up in these schools for remediation and as resource centres, we stop converting them into all kinds of other things besides what they were intended for. In recognition of the fact that you are going to have about 25 per cent of the population who need special assistance, these rooms were configured, especially among the primary schools, so that you take the children out of the class and you are able to give them special care. We have converted them into everything else but what they were initially used for. We have to find the space for those children.

Madam Speaker, we did an experiment during my tenure, where we had FISH, the

Foundation for International... just do a test among 20 schools in the inner city areas. Half of the children could not hear, and the other half could not see. Their parents knew that they could not see, but they did not have the money to give them the glasses. Those children were told that they were failing, but they could not read because they could not see. I wonder how that is replicated throughout the population.

As a part of that, therefore, a part of the Grade 1 inventory must be to test those basic skills. Can the children see? Those basic senses... Can they hear? And communities have to help us. All of this noise that continuously goes, the children are losing their auditory skills.

(Applause)

We know that. They have been tested and we know. So, this is where the community and the whole question of our culture come on board. How do we adapt what we are doing, making our children know that we want them to be high achievers, but giving them a chance. We don't need remediation for that, we need community support for that.

Thank you, Madam Speaker.

(Applause)

The SPEAKER: Very, very good.

Dr. RHODD: Madam Speaker, I am very warmed by the presentations earlier, and in particular, the former debate on the former motion, because it reinforces what I have always thought for some time that we really need on an issue as important as education, we need consensus. Everybody has to be on board for this. And whereas we might have different views as to how we get there, I think we have to all agree that education is going to be a very, very serious and important pillar, if not the most, on which we are going to build this country. And therefore, we have... we need everybody on deck.

(Applause)

It also has to do with the type of country we want to build. And this debate, I think, this motion is very, very important because what this is pointing us, I think, to is that we need to change the culture. I think we need to work towards developing a country where we take seriously, everybody. And I think, in general, there is great desire for this because I think every parent wants his or her child to learn, and want the best; because, if you ask the poorest of parents, they would spend practically everything for this extra lesson, or for the lunch money, or for whatever is needed.

But, I think we can do more. And I think, one of the things that we need to recognize, Madam Speaker and colleagues, is that before we even get to the stage of discussing remediation, we need to discuss the importance of parenting because the first teachers are the parents. Before the child even gets into basic school or whatever infant school, whatever early childhood institution, the child is exposed to a parent, or a guardian, or a grandparent, who is going to be that first teacher.

And I think within the mix somewhere, we need to discuss, we need to strengthen, Minister, Prime Minister, the whole Adult Continuing Education Programme in a very fundamental way, where our parents embrace education for themselves, to equip themselves with the tools, and with a new energy and a new interest in education overall. Because if they are more equipped, they would be better able to pass on some of the values and the

knowledge and the information to their little ones.

In my own constituency, we did that as a part a specific CDF project where we engaged - where we invested over $1 Million, utilizing teachers in our own institutions in strengthening a Continuing Education Programme for parents. So, I want to put in the mix - in the debate, as we look at remediation, how we also strengthen continuing education programmes for our parents.

I also think, Madam Speaker, we have to look at what is certainly now impacting a lot of our children, as young as the early childhood age, the new teaching tools around: the Internet, the media industry in particular in general, and our entertainers. And I think it is full time that we invite all of these persons to the table to let us have a frank discussion as a country, where we want to take this country. I mean, yes, we can have policies which regulate what takes place in media, but I think we need to go beyond that. I think we need, as we discuss Vision 20/30 and the type of country we want to create, we need to bring these people to the table and say, look, this is what collectively we want as a country, across the bi-partisan divide.

The church has already been… and significantly invests in education, historically. So, they are onboard and you can - nothing wrong again in re-energizing them, and re inviting them to the table although most of them are there. But I think, the point I am trying to make is, this sector is so important that we need to find a way to make everybody… for example, in Cuba where I studied for a number of years, one of the things which they did to sort of win a national support, they declared a year of education, in fact, several years of education. In fact, they had a year of, let us say, primary education, as against secondary, as against tertiary. And therefore, you had a focus of all the State entities, and all the sectors on Education. And that contributed to a culture change because everybody now is into - learning is a big thing; learning is like, you know, the thing to learn, and to want to learn, and to want to learn more. I think, in our culture… you have to, of course, take into consideration our historical and cultural nuances. But, I don't think it is something which we should shy away from.

I think all of us recognize how not - the negative impact of what the failing of our students has created, the impact on the crime and statistics. I mean, it is well documented, the number of young people who go on to become perpetrators, or victims of crime and violence; how it impacts on our health, the lack of knowledge about health, and how people involve in risky behaviour; how it impacts on our ability to train persons at a higher level, and therefore impacts on our employment, and even the jobs that people can create for their own selves.

So, I think there is no debate about not fixing education, and not investing in education from early because we all have seen from so much research, what not doing so results in. And the debate earlier on tertiary education, certainly, has pointed us more and more, I think, to the need to invest in early childhood education. And now we are discussing remediation.

I think, Madam Speaker, as we try to fashion strategies and plans, and try to build consensus, we certainly have to bear in mind the principles, I think, which underpin all of

this. And this is basically, closing here now. I think, as we look at all of this, it comes back to the whole question of how we create a just society, how we create greater equity. And some people would want to discuss how we speak to the whole issue of quality.

I think, on the whole question of justice and equity, we sing it talk about justice in our National Anthem. We speak about equity, almost all of us as political leaders on different platforms, and in different stages. I think if it is one thing that we can do to really make this become real, not necessarily in the life of this administration, or the other, but for future generations to look back and say what did this Parliament set of Legislators do to create a just society. Greater equity is if we really take this matter in a more profound way and look at building the consensus and getting all stakeholders to buy into a new culture of educating all our people, and also ensuring that the parents, who are going to be the first teachers, are better prepared.

One of the final thing I want to say also, is that, Minister and Prime Minister, we have a lot of retired persons who are sitting at home, who have vast amount of knowledge and experience. We have to find a way in this, what I call education revolution to engage them somehow. Whatever regulation that needs to put in, I think we have too many persons with skills retired persons in particular retired persons in general and retired educators in particular, who could be utilized in this new thrust.

We have also a lot of university students, college students, who sometimes need a job in the large three months twelve weeks summer holiday, who could participate more effectively in this education revolution. So, whereas we are looking for of course, this has financial implications funding implications, but if we are very serious about diverting funds from one area to the other and strengthening the lower rungs of the education ladder, I think what we need is to look at our total human resource capacity, and see how we engage them.

With these few remarks, Madam Speaker, I support the Resolution.

(Applause)

The PRIME MINISTER: Madam Speaker, some time ago, four years ago the former Minister of Education and myself were on a television interview - I'm sure she will remember. (Laughter) I did that interview. I pointed out to her that sometimes when you are in the forest you can't see the trees for the forest. And she pointed out to me that, when you are the Minister of Education - of course, at the time, she was the Minister of Education. (Laughter) She said, when you are the Minister of Education you will see what I mean.

(Laughter)

(Inaudible comment by Mrs. Henry-Wilson)

The PRIME MINISTER: No, I am listening to you speak now and I am wondering if you have now a different clarity of view and thought about the education system than when you were in the Ministry. You know, I welcome your statement.

Mr. CLARKE: A dynamic situation.

The PRIME MINISTER: Yes, it is dynamic and you see things from different perspective. But, I welcome your statement about how we should treat English.

I have been making some statements myself as it relates to that and I hope that

seeing that there is - and I use the term - alignment of perspectives on these critical issues, that we can now go with some kind of certainty as to how we move policy along. Because, some of the challenges we face are cultural and institutional that clearly, this body knows what it is that needs to be done. But you face some very strong institutional and cultural obstacles that make it difficult for the political directorate to actually make the change. But, our job as the Parliament of the land is to educate the people on the necessity of taking certain approaches to solving our problems. And I am speaking in general terms and I just want to specifically deal with the motion in-front of us.

> BE IT RESOLVED that this Honourable House debate the cost of remediation in the public education system and treat with ways in which it can be reduced.

I want to thank the member from Central Kingston for bringing the motion today.

I was reading some time ago, a passage from a UNESCO Report done on education in Jamaica. That Report was done 28 years ago. I am sure that the former Minister of Education would be aware of that Report. It's a very comprehensive Report on Education in Jamaica, done in the 1980s. It said:

> "Primary education is where the basic aptitudes and knowledge are supposed to be acquired, laying the basis for all that follows.
>
> The fact that about one in every two primary school-leavers is considered illiterate is alarming.

That was 28 years ago. It suggests-

> Massive inefficiencies in the delivery of primary education that has serious ramifications for secondary education, vocational training and in the labour market itself.
>
> It also means, that a good deal of effort, as well as public funds invested in primary education, have gone for nought. Through the remedial efforts in secondary schools, the students, in effect, are learning what they should have learnt in primary schools, but this represents a duplication of effort, as well as serious time delays in teaching schedules.
>
> Much of what should have been acquired in Grades 7 and 8 has to be put off until the student has reached the basic literacy and numeracy levels required, or it may never be learnt."

This was a statement made by UNESCO on the Jamaican education system 28 years ago.

Though we are not looking at a one-in-two of 50% of students leaving the primary school system illiterate, today, we can boast that by Grade 4, 72% of students are literate at the Grade 4 level, which is the basic level of literacy, and by Grade 6, we are projecting that this year more than 90% of students will be literate to at least the Grade 4 level. So we have come a long way in almost 30 years in terms of turning out students from the primary level that we would consider to be literate at the basic standard, which is the Grade 4 level.

But the cost of remediation - and I am saying remediation bearing in mind the qualification given by the former Minister of Education - that, whilst we accept that there is a certain percentage of your population that

would require remediation - and I want to disagree that it is 25%. I don't think it is as high as 25%. But I will agree with you.....

(Inaudible comment by Mrs. Henry-Wilson)

The PRIME MINISTER: But I will agree with you - I am going to - I will agree with you on one thing. That the society has to come to the understanding that not all students learn at the same pace, or it can learn apace with one teaching style. General education, the general education system as we have it in Jamaica, is not an inclusive one. It is an education system that is built on what is - we could probably call an autodidactic approach, where, if the teacher teaches the child will learn, you don't have to really go and investigate if there is any slippage between what the teacher is teaching and what the child is learning. It's only recently that we are trying to incorporate in the education system the approach of inclusive education.

I have two boys, Madam Speaker, and I get the opportunity to observe that they learn differently, that different things stimulate them. But if they are required to sit in a classroom with a teacher who is only doing chalk-and-talk, you could very well lose - well, we actually do lose most of our boys and we lose quite a few of our students.

So now we are trying desperately, to have our teachers change their teaching styles, to teach more according to how the student learns, rather than asking the student to learn according to how the teacher is teaching. That is a cultural shift that cannot happen overnight, retooling the teachers that are in the system now.

But, nevertheless, the idea of teachers accepting a diversified learning environment, accepting different learning style, I believe that that idea has at least taken root in the teachers. Whether or not they can actually do it, that's another question, but at least I am seeing where there is an acceptance and teachers are more willing to experiment and do new things.

The Ministry is investing significantly in in-service training, in making sure that our teachers are exposed to different learning styles, methodologies, and we are seeing the results. The former Minister of Education pointed out the different approach to education between the United States, Finland and South Korea.

Now, one would say that as it relates to GSAT, the Jamaican parent or most Jamaican parents would be more akin to the South Korean parent as it relates to how they treat their entire education system.

I want to agree with you that, I myself have not yet come to a conclusion as to whether or not a more deterministic rigid, rigorous education system is the best to have. It would appear, however, that historically, culturally, that is what we have.

In fact, historically, our education system has been built more on an elite system and a competitive system, rather than a system that is equitable and seeks to provide access to all. The challenge we face in our education system is how do we retain some of the good cultural things, because there is nothing wrong with competition. There is absolutely nothing wrong with competition, we are a competitive people, but how do you ensure that you have enough events to compete in, so that nobody feels that they are a loser.

Right now, the only game in town is GSAT to get you into a preferred school, and

we leave a large part of our society out of that competition, feeling as if they have very little value if they didn't do well in that competition.

Now, I will leave that point there and just return very quickly to the substance of the resolution. I want to agree again with the former Minister of Education. We have to make a distinction between remediation of students who can function normally in general education, but who are not functioning because of a failure of, either the school system, their home or their community.

In other words, if there is a child who could do well in General Ed, but this child is not doing well not because of any internal learning issues, but merely because of environmental issues, then having to spend money on remediation is technically wasting resources. And what we have had going forward from 20/30-years ago, is that we waste a lot of money trying to get students, who have no learning issues, who need no special learning strategies to gain the basics in literacy, because either, the school that they attend is failing, the home is not supporting them or the community is not supporting them. That is a significant waste of resources. Right?

The external environmental issues impacting on education that creates a waste of resources.

For children who learn differently that have to be incorporated in your education system and we have to give them the opportunity to grow and blossom in the education system. So that's not a cost. So I am going to take it that what the Member was talking about in his Resolution when he said that we have to manage the waste in remediation, is remediation specific to the extra spending that was described in what I read earlier from the UNESCO Report. A student going to school is simply not learning - not because of learning issues but because of environmental issues, external issues, issues having to do with the actual institutions themselves.

We recognize that that is significant inefficiency in the education system; and what we have done is to try to bring parents earlier into the education system rather than later. Parents tend to get involved in an integral way at GSAT. Sometimes months before GSAT parents start to get excited and scurrying around, by that time it's too late. By that time your efforts may yield some results but it's quite unlikely that it will yield any significant result. We have shifted the goalpost from GSAT to now the Grade 4 Literacy Test. So we are bringing in parents two years earlier. In fact, the parents now understand that if your child has not attained mastery of the minimum Grade 4 Literacy curriculum then that child will not sit GSAT. Many parents are now taking that very seriously and they are shifting their resources now to Grade 4 literacy to ensure that their child is literate at the Grade 4 level.

Now let me just say quickly about Grade 4. If a child at age eight masters Grade 4 - I am not saying that they are guaranteed to be literate - but having mastered Grade 4 they are now in possession of the competence to manoeuvre any knowledge system. Once you are able to master Grade 4 literacy, if you continue in education you will develop a very high level of literacy.

(*Sotto voce* remarks by Mrs. Henry-Wilson)

The PRIME MINISTER: Precisely. Yes.

Now the challenge we face is that we have had many Jamaicans going through the education system and not acquiring the learning skills, as the former Minister of Education pointed out, and therefore when they are exposed to different knowledge systems they are not able to manoeuvre them. So it is very difficult for someone who does not have at least a Grade 4 literacy competence to manage let us, say, a knowledge system around a computer interface - Let me put it in another way. Sometimes you would go to the ATM machine and you would see someone trying to manoeuvre their way around the ATM machine and finds it extremely difficult, and you are there standing up in the line wondering what is going on. Sometimes, of course, they can't see, but other times it is just the ability to manoeuvre a knowledge system.

Another one that we see often times is coming on the plane and someone is trying to fill out the Immigration Form and creates all kinds of problems just to detract from the fact that they are not able to. Someone with a Grade 4 literacy competence is able to fill out a form, write a letter, read a bus schedule, read data on the cable, makes inference from reading a paragraph. They have the basic skills.

The objective of the Government is to ensure that every child leaving primary school has those basic skills. Once they have that skill we say in the education system that from Grades 1 to 4 you are learning to read and from Grades 4 to 2 (sic) you are reading to learn. Once we have everyone in the society being able to read then they can, if they choose, read to learn. And that is the basis of a knowledge society, getting everyone literate. That is why we spend so much effort and time on literacy and ensuring that literacy is universal in the society.

Madam Speaker, I am pleased to report, pleased to report that this year we are expecting that 90% of students leaving primary school will be literate at the Grade 4 level. (Applause) That's not the target but we can rest assured that within a few years we will be at 100%. The target really is to have all students at Grade 4 literate at the Grade 4 level. That's the target. So if we could have 90% of students at the Grade 4 passing the test on the first sitting then you know, Madam Speaker, that we would have attained universal literacy in the society.

I see literacy as a matter of national security. Someone who is not literate is far more susceptible to being involved in anti-social and probably criminal behaviour. Cuba saw this as important. And my friend, the Member from East Portland, who studied in Cuba some time ago should be able to tell us about the Cuban Revolution and how seriously they took literacy. Literacy to the point, Madam Speaker, where in 1954, if I am not mistaken – don't hold me to that date, I believe is 1954, they launched a national literacy campaign.

(*Sotto voce* remarks by Opposition Member)

The PRIME MINISTER: No, not '64, '54. It's after the Revolution. The Revolution was in '59, so is '64. Actually it was 1961, it

was in 1961. And what Cuba did – well Cuba has a different political culture that is mobilized….

(*Sotto voce* remarks by Opposition Member)

The PRIME MINISTER: Precisely. In Cuba, the urban area in Cuba was literate and educated.

(*Sotto voce* remarks by Mr. Clarke)

The PRIME MINISTER: Nothing is wrong with that. My background is very diverse so - and I am a practical person. I look for what works. So in Cuba they took their educated youngsters, their teachers, and for one year they sent them out in brigades, not brigadista… (Laughter) …brigades, and sent them out into the rural areas and they took one year and taught all adults and adolescents to read, and I think they did it again after that. We don't have to do the whole year but that is how seriously they took it.

I give you better than that. The Member from South East St. Andrew mentioned Finland. Now Finland is an interesting case. Finland has 100% literacy, Cuba has about high nineties, but you could practically say they are universally literate. But in Finland, in the 1890s, the Lutheran Church, which is the State church of Finland, which is the only church in which you could married, said that, listen, you can't get married in the Lutheran Church unless both man and woman were literate.

(*Sotto voce* remarks by Mrs. Henry-Wilson)

The PRIME MINISTER: This is the point I am making, that those countries saw it as a national emergency for mobilizing their country. Now I am not certain, no matter how we try to raise the level of importance of literacy and we discussed it, look at the - in this room - but it is so important to national development that if we as a country don't - and I am very happy that you raised it, Member, again I congratulate you again for bringing it here, that it is so important. We talk about the macroeconomics, we talk about growth, but we keep missing the important thing. If your society is not literate the level of productivity of the society will be low. (Applause)

Madam Speaker, in closing I will say to you that I agree100% with what you have said, that remediation of students who do not need to be remediated if they were taught properly in the first place, if the system was efficient in the first place, that is a waste. And what were are trying to do now is to ensure that all students leaving the primary system are literate so we don't have to spend that money at the secondary level trying to correct what should have been done at the primary level. You have to make allowance for diversity. Not all students learn in the same way and your system must be flexible enough to teach according to how the students learn. That is a cultural change. From my feeling, from what I have seen it is happening. We have to do more in-service training to empower our teachers and to ensure that our teachers have access to the resources to make that change. (Applause)

At the end of the day, Madam Speaker, at the end of the day when we come to talk about the success of our nation, it will not be, Madam Speaker, how fast we ran, how well we played in cricket, the good music we make, it will be how well we have empowered our

people to fulfil all their dreams and the empowerment of people starts with education. (Applause)

Mr. CHUCK: Madam Speaker, once again we have started a very important motion, which I really believe that other Members should be allowed the opportunity to speak; and so we will urge that we have a suspension of debate and then hopefully next week we can close both.

Mr. CLARKE: Close it off in January.

Mr. CHUCK: Or February.

The SPEAKER: The question before the House is that we do suspend the debate on the particular motion until next week to allow other Members to contribute.

Put to the House and agreed to.

ADJOURNMENT

Mr. CHUCK: Madam Speaker, we don't intend to do any further business, so I ask for the House to be adjourned until Tuesday, the 22nd of November, at 2:00 p.m.

The SPEAKER: The question before the House is that we adjourn the sitting of the House until Tuesday, the 22nd of November, 2011.

Put to the House and agreed to.

The House accordingly adjourned its sitting at 5:48 p.m. to Tuesday, 22nd November, 2011 at 2:00 p.m.

TUESDAY, November 22, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at the Jamaica Conference Centre, Kingston at 2.24 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern, Minister of Justice and Leader of the House.

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.

ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of Agriculture and Fisheries.

MINISTERS OF STATE

THE HONOURABLES:

OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, Minister of State in the Ministry of Transport and Works.

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:18 p.m.

The SPEAKER: This Honourable House now resumes its sitting.

CALL OF THE ROLL
(See Listing)

STATEMENT BY MINISTERS

Mr. CHUCK: Madam Speaker, there will be a Statement from Minister Grange but she's not present, so the item will have to be recommitted at a later stage.

ANNOUNCEMENTS

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

- **Ministry Paper Nos. 85 to 92**
  Annual Report for the Western Regional Health Authority for the Financial years July 1999 to June 2007
- **Ministry Paper Nos. 93 to 99**
  Annual Reports and audited Financial Statements for the South East Regional Health Authority for the period July 1999 to June 2007
- **Ministry Paper No. 100**
  Annual Report and audited Financial Statements for the North East Regional Health Authority for the Financial year 2006/2007
- **Ministry Paper No. 101**
  Government Guarantee of loans of US$115 Million from the Bank of Nova Scotia Jamaica Limited and US$133 Million from the Inter-American Development Bank to the National Water Commission for the Jamaica Water Supply Improvement Project
- **Green Paper No. 3**
  Entitled National Sports Policy for Jamaica
- The National Policy for Gender Equality
- The National Minimum Wage (Amendment) (No. 2) Order, 2011 under The Minimum Wage Act.
- The Minimum Wage (Industrial Security Guards)(Amendment)(No. 2) Order, 2011 under
  The Minimum Wage Act
- National Plan of Action for Child Justice 2010-2014
  (On compact disc)
- The Independent Commission of Investigations
  Interim Report entitled Confronting the Challenges
- The Provisional Collection of Tax (Transfer Tax) (No. 4) Order, 2011 under The Provisional Collection of Tax Act
- The Provisional Collection of Tax (Stamp Duty) (No. 5) Order, 2011 under The Provisional Collection of Tax Act
- The Provisional Collection of Tax (Road Traffic) (No. 2) Order, 2011 under The Provisional Collection of Tax Act

(The Speaker leaves the Chair, the Deputy Speaker presides)

Rev. THWAITES: Mr. Speaker, I can't find the paper on Gender Equality. Has it been distributed?

The DEPUTY SPEAKER: It should have been. We are going to ask the Orderlies to just…

(HON. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister with responsibility for Telecommunications and Public Sector Efficiency, entered and took his seat.)

The DEPUTY SPEAKER: Member Thwaites, the papers in question had just arrived, at 1:30, when the Clerk was heading here; and so they will be with us before the session is over.

Rev. THWAITES: Mr. Speaker, as a matter of practice, sir, I don't think they should be announced unless they are available.

The DEPUTY SPEAKER: Noted.

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

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

NOTICES OF MOTIONS GIVEN ORALLY

Mr. CHARLES: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move The National Minimum Wage (Amendment) (No. 2) Order, Resolution 2011:

WHEREAS by virtue of subsection (1) of section 3 of the Minimum Wage Act (hereinafter referred to as the Act) the Minister may by Order publish in the *Gazette* fixed minimum rates of wage for any occupation in the island either generally or in any specified area, place or district in any case in which he is satisfied that the wages being paid to any person employed in any such occupation are unreasonably low and may, if he is satisfied that it is desirable so to do, fix a national minimum wage applicable subject to the provisions of this section to occupations generally;

AND WHEREAS by virtue of section 5 of the Act where any minimum wage has been fixed by the Minister under the Act any employer shall in case to which the minimum wage is applicable pay wages to the person employed at not less than the minimum wage and if he fails to do so shall be liable on summary conviction in a Resident Magistrate's Court to a penalty;

AND WHEREAS by virtue of section 13(2) of the Act, notwithstanding the provisions in section 29B of the Interpretation Act, regulations made under the Act may provide for the imposition of greater penalties than those specified in that section, so however that the minimum penalty that may be imposed on summary conviction in a Resident Magistrate's Court shall be a fine not exceeding One Million Dollar or imprisonment for a term not exceeding one year or both such fine and imprisonment;

AND WHEREAS it is provided by subsection (5) of section 3 of the Act that an Order made under the section in relation to national minimum wage shall be subject to affirmative resolution of the House of Representatives;

AND WHEREAS on the 21st day of November, 2011 the Minister made the National Minimum Wage (Amendment) (No. 2) Order increasing the penalties to more realistic levels;

AND WHEREAS it is desirable that the National Minimum Wage (Amendment) (No. 2) Order, 2011 be affirmed:

NOW, THEREFORE, BE IT RESOLVED by this Honourable House as follows:

1. This resolution may be cited as the National Minimum Wage (Amendment) (No. 2) Order, 2011
2. The National Minimum Wage (Amendment) (No. 2) Order, 2011 which was laid on the Table of the House on the 22nd day of November, 2011 is hereby affirmed.

(HON. WILLIAM JAMES CHARLES HUTCHINSON, (JLP), St. Elizabeth, North Western, Minister of State in the Ministry of Agriculture and Fisheries, entered and took his seat.)

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

MINIMUM WAGE – SECURITY GUARDS

Mr. CHARLES: Second resolution, Mr. Speaker: The Minimum Wage (Industrial Security Guards) (Amendment) (No. 2) Order Resolution 2011:

WHEREAS by virtue of section 3 of The Minimum Wage Act (hereinafter referred to as the Act), the Minister may by Order publish in *the Gazette* fixed minimum rates of wage for any occupation in the island either generally or any specified area, place or district in any case in which he is satisfied that the wages being paid to any person employed in any such occupation are unreasonably low and may, if he is satisfied that it is desirable to do so, fix a national minimum wage applicable subject to the provisions of this section to occupations generally;

AND WHEREAS by virtue of section 5 of the Act where any minimum wage has been fixed by the Minister under the Act an employer shall in case to which the minimum wage is applicable pay wages to the person employed at not less than the minimum wage and if he fails to do so shall be liable on summary conviction in a Resident Magistrate's Court to a penalty;

AND WHEREAS by virtue of section 13 (2) of the Act notwithstanding the provisions of section 29B of the Interpretation Act, regulations made under the Act may provide for the imposition of greater penalties than those specified in that section, so however that the maximum penalty that may be imposed on summary conviction in any Resident Magistrate's Court shall be a fine not exceeding One Million Dollars or imprisonment for a term not exceeding one year or both such fine and imprisonment;

AND WHEREAS it is provided by subsection (5) of section 3 of the Act that an Order made under that section in relation to the national minimum wage shall be subject to affirmative resolution of the House of Representatives;

AND WHEREAS on the 21st day of November, 2011 the Minister made The Minimum Wage (Industrial Security Guards) (Amendment) (No. 2) Order, 2011 increasing the penalties to more realistic levels;

AND WHEREAS it is desirable that The Minimum Wage (Industrial Security Guards) (Amendment) (No. 2) Order, 2011 be affirmed by resolution:

NOW THEREFORE BE IT RESOLVED by this Honourable House as follows:

1. this resolution may be cited as the Minimum Wage (Industrial Security Guards) (Amendment) (No. 2) Order Resolution 2011.
2. The Minimum Wage (Industrial Security Guards) (Amendment) (No. 2) Order, 2011 which was laid on the Table of the House on the 22nd day of November 2011 is hereby affirmed.

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

THE PUBLIC BODIES MANAGEMENT AND ACCOUNTABILITY ACT (REGS)

Mr. SHAW: Mr. Speaker, the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011, were laid on the Table of the House on November 15, 2011, and this supersedes the Regulations tabled on Tuesday, September 27, 2011. Accordingly, at a later stage today I'll seek the leave of the House to withdraw the Resolution relating to the Regulations standing in my name at Item Number 7 on the Order of Business, notice of which was given on Tuesday, September 27. And I now beg to give notice that at the next meeting of the House I will move, the Public Bodies Management and Accountability Act, the Public Bodies Management and Accountability (Information and Particulars) Regulations 2011:

WHEREAS by virtue of subsection (1) of section 24 of the Public Bodies Management and Accountability Act (hereinafter referred to as the Act), the Minister may make regulations giving effect to the provisions and purposes of the Act;

AND WHEREAS section 2A(1)(b) provides that information necessary for the compilation of the Fiscal Responsibility Paper shall be provided by a public body;

AND WHEREAS section 21 provides that a public body shall seek prior written approval of the Minister before the formation of a new company;

AND WHEREAS on the 15th day of November, 2011, the Minister made the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011, specifying the information to be provided for the compilation of the Fiscal Responsibility Paper and the particulars to be included in the application by a public body for the formation of a new company;

AND WHEREAS it is provided by subsection (2) of section 24 that regulations made under subsection (1) shall be subject to affirmative resolution;

AND WHEREAS it is desirable that the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011, be affirmed;

NOW, THEREFORE, BE IT RESOLVED by this Honourable House as follows:

- These Regulations may be cited as the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011;
- The Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011,

which were laid on the Table of the House on the 15th day of November, 2011, are hereby affirmed.

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

Dr. PHILLIPS: The institution Regulations are going to be taken up?

(DR. THE HON. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Commerce and Investment, entered and took his seat.)

Mr. SHAW: Yes, all three.

In fact, I should indicate to the Member, Mr. Speaker, that while we're on the substituting the ones that we referenced, we will, in fact, take the Financial Administration Audit (Fiscal Responsibility Framework) Regulations; the Public Bodies Management and Accountability (Information and Particulars) Regulations; and the Public Bodies (Financial Distribution) Regulations, all three we propose to take.

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

THE PROVISIONAL COLLECTION OF TAX ACT (ROAD TRAFFIC)(NUMBER 2) ORDER RESOLUTION

WHEREAS by virtue of subsection (1) of section 3 of the Provisional Collection of Tax Act (hereinafter referred to as the Act), the Minister may make an order providing for the variation of any tax for the time being in force, or for the renewal for a further period of any tax in force during the previous financial year or which was imposed for any limited period;

AND WHEREAS pursuant to that section the Minister made the Provisional Collection of Tax (Road Traffic) (Number 2) Order 2011, and which was published in *the Gazette* on the 21st day of November, 2011;

AND WHEREAS subsection (4) of section 3 of the Act provides that every order made under subsection (1) of that Act, shall cease - that section - shall cease to have effect unless it is confirmed with or without modification by resolution of the House of Representatives within the next 30 days on which the House sits after the date of publication of the Order in *the Gazette*;

AND WHEREAS it is desirable that the Provisional Collection of Tax (Road Traffic) (Number 2) Order 2011, be confirmed;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives as follows:

- This Resolution may be cited as the Provisional Collection of Tax (Road Traffic) (Number 2) Order 2011, Resolution, the Provisional Collection of Tax (Road Traffic) (Number 2) Order 2011,

which was laid on the Table of the House on the 22nd day of November, 2011, be hereby affirmed.

WHEREAS by virtue of subsection (1) of section 3 of the Provisional Collection of Tax Act (hereinafter referred to as the Act), the Minister may make an order providing for the variation of any tax for the time being in force or for the renewal for a further period of any tax in force during the previous financial year or which was imposed for any limited period;

THE PROVISIONAL COLLECTION OF TAX (TRANSFER TAX)(NUMBER 4) ORDER 2011

AND WHEREAS pursuant to that section the Minister made the Provisional Collection of Tax (Transfer Tax) (Number 4) Order 2011, which was published in *the Gazette* on 21st day of November, 2011;

AND WHEREAS subsection (4) of section 3 of the Act provides that every order made under subsection (1) of that section shall cease to have effect unless it is confirmed with or without modification by resolution of the House of Representatives within the next 30 days on which the House sits after the date of publication of the Order in *the Gazette*;

AND WHEREAS it is desirable that the Provisional Collection of Tax, (Transfer Tax) (Number 4) Order, 2011, be confirmed;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives as follows:

- This Resolution may be cited as the Provisional Collection of Tax (Transfer Tax) (Number 4) Order 2011, the Provisional Collection of Tax (Transfer Tax) (Number 4) Order, 2011, which was laid on the Table of the House on the 22nd day of November, 2011, is hereby affirmed.

And, Mr. Speaker:

THE PROVISIONAL COLLECTION OF TAX (STAMP DUTY)(NUMBER 5) ORDER 2011

WHEREAS by virtue of subsection (1) of section 3 of the Provisional Collection of Tax Act (hereinafter referred to as the Act), the Minister may make an order providing for the variation of any tax for the time being in force, or for the renewal for a further period of any tax in force during the previous financial year, or which was imposed for any limited period;

AND WHEREAS pursuant to that section the Minister made the Provisional Collection of Tax (Stamp Duty) (Number 5) Order, 2011, which was published in *the Gazette* on the 21st day of November 2011;

AND WHEREAS subsection (4) of section 3 of the Act provides that every Order made under subsection (1) of that section shall cease to have effect unless it

is confirmed with or without modification by Resolution of the House of Representatives within the next 30 days on which the House sits after the date of publication of the Order in *the Gazette*;

AND WHEREAS it is desirable that the Provisional Collection of Tax Stamp Duty Number 5 Order 2011, be confirmed;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives as follows:

- This Resolution may be cited as the Provisional Collection of Tax Stamp Duty Number 5 Order 2011, Resolution, the Provisional Collection of Tax (Stamp Duty) (Number 5) Order, 2011, which was laid on the Table of the House on the 22nd day of November 2011, is hereby affirmed.

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

THE PROCESSED FOOD (AMENDMENT) ACT 2011

Dr. TUFTON: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time, a Bill shortly entitled: The Processed Food (Amendment) Act, 2011.

THE STANDARDS (AMENDMENT) ACT 2011

Mr. Speaker, again I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time, a Bill shortly entitled: The Standards (Amendment) Act, 2011.

(DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, entered and took his seat.)

Mr. CHUCK: Mr. Speaker, there are other matters under the item Notices of Motion Given Orally, but it will have to be recommitted at a later stage today. But at this time I'm asking for a recommittal of the item Statements by Ministers.

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

The DEPUTY SPEAKER: The question is that we have the recommittal of item 'Statements by Ministers'.

Put to the House and agreed to.

STATEMENTS BY MINISTERS
(Recommitted)

Mr. CHUCK: Miss Grange will now give a –

Dr. PHILLIPS: Where is she? She has to be here. You can't write a statement and she is not here.

Mr. M. PEART: Is not she that?

Dr. PHILLIPS: Virtual statement.

Mr. M. PEART: That lady over there is not Miss Grange? That lady across the floor? (Laughter)

(Inaudible comments)

Mr. CHUCK: The Member from Central St. Catherine has indicated that...

(Miss Grange enters the Chamber)

A MEMBER: See har deh.

The DEPUTY SPEAKER: Minister Grange.

INTERNATIONAL DAY FOR ELIMINATION OF VIOLENCE AGAINST WOMEN

Miss GRANGE: Mr. Speaker...

A MEMBER: What are you doing out there soh? This is serious business yuh nuh.

Miss GRANGE: ...November the 25, marks the International Day for the Elimination of Violence Against Women, is an annual observance which involves persons all over the world who join together to recognise abuses against women and girls.

In keeping with this year's theme, *"Unite to End the Violence Against Women: Peace in the Home and in the Society"*, the International Day for the Elimination of Violence Against Women, provides an opportunity to highlight the numerous efforts which have been advanced by the Government of Jamaica, in collaboration with ministries, departments and agencies as well as other key stakeholders, towards eliminating gender-based violence.

Violence against women and girls has vast social and economic costs. It impedes the contribution of women to the development process and further hinders their participation in other efforts towards peace and security.

Ending violence against women is a task which every Jamaican should undertake as it affects all members of our society, regardless to rank or status.

The Government of Jamaica is committed to achieving gender equality as evidenced through our endorsements of international, regional and national conventions, treaties and agreements. These include our commitment to the Convention on the Elimination of Violence Against Women - violence of all forms of discrimination - against women (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women - that's the Convention of Belem do Para - as well as other human rights instruments.

November 25, not only commemorates the International Day for the Elimination of All Forms of Violence Against Women, but it also signifies the beginning of the Sixteen Days of Activism against Gender Violence Campaign during the period November 25 to December 10.

The Bureau of Women's Affairs in partnership with multiple stakeholders will be involved in a number of activities during this period to educate the public on gender based violence, as well as proposed strategies towards eliminating gender based violence.

This year's observance is indeed significant as it highlights Jamaica's participation in the UN Secretary General's 'UNiTE to End Violence Against Women' Campaign.

Mr. Speaker, I was honoured to lead the Jamaican delegation to the Caribbean launch of the UNiTE Campaign, which took place on October 11 and 12 in 2010, in Barbados. The Jamaican leg was launched on March 31 of this year, and since then, several of our 'conscious' artistes who have signed up on to the campaign have been spreading messages of peace within the home and the wider society through powerful anti-violence lyrics.

Under the UNiTE Campaign, several public service announcements were also aired on our leading television stations and cable

networks. Other efforts to eliminate gender based violence include the involvement of men.

Colleague Parliamentarians, through the Speaker, other efforts to eliminate gender based violence include the involvement of men through the Bureau's Male Desk. A series of training and sensitization activities are being carried out to involve men and boys in the fight to eliminate gender-based violence.

The Sixteen Days of Activism period also highlights other significant dates, including November 29, International Women Human Rights Defenders Day; December 1, World AIDS Day, and December 10, which marks the observance of Human Rights Day.

The Sixteen Days of Activism is also a strategy used by local, regional and international bodies to call for the elimination of all forms of violence against women and girls, as well as to raise awareness about gender based violence as a human rights issue. It also serves to strengthen national efforts around gender based violence and provide a forum in which the issue can be discussed with various stakeholders. In addition, it allows us to develop effective strategies to eliminate gender based violence. And when we talk about gender based violence, we are talking about violence against women and girls, and violence against men and boys.

Parliamentarians all, through you, Mr. Speaker, the wearing of the purple ribbon today, is not only to raise awareness to the issue of gender based violence, but it also signals our commitment to working together to address this ill. And if you check the **Bible**, and you just google the colour purple, you will understand that it is about royalty and it is the colour that empowers the women of the **Bible**.

(*Sotto voce* comment)

The observance of International Day for the Elimination of Violence Against Women allows us, as a nation, to renew our commitment to ensure that gender based violence in any shape, or form, is eradicated, and that we put systems in place to protect the rights of all and to foster peace in the home and in the society.

Mr. Speaker, it is my pleasure today that we have brought to Parliament, and have now Tabled, the National Policy for Gender Equality. And I know it will be distributed to all the Parliamentarians. It will be on the Table soon, and I welcome your responses and your participation your active participation in addressing the National Policy for Gender Equality.

Thank you, Mr. Speaker.

(Applause)

The DEPUTY SPEAKER: Thank you.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. CHUCK: There are no answers available today, Mr. Speaker.

A MEMBER: What!

Mr. M. PEART: Mr. Speaker, last week, there were some questions to be asked of the Prime Minister, and we were advised that it would be deferred until today. I would like to know if we are going to go through with it, if the Prime minister is coming late, or we are going to defer it until later today, or what is the position?

The DEPUTY SPEAKER: Leader of Government Business.

Mr. CHUCK: You had intimated that you would give some indication of the...

Dr. PHILLIPS: Mr. Speaker, we had enquired of the Prime Minister, through the Leader of the House whether, in fact, it was intended that he would continue with the practice, as had been done by his predecessor, of taking questions without notice under Prime Minister's Question Time as stipulated in the Standing Orders. Where the... in fact, there were proposals before the House Committee, that the provision now for notice would have been removed. And the previous Prime Minister had said that he would take questions without notice on the second sitting each month. I had indicated to the Prime Minister that there were some questions, and I think the Leader of the House had indicated that we do them this week. I had informally told him what they were about. And I believe, if my memory serves me correct, the Leader of the House said that he would indicate to us this week whether the practice that had become a feature of the current Parliament would, in fact, be continued under the tenure of the current Prime Minister. So, I don't know if he

Mr. CHUCK: As soon as the Prime Minister comes, Mr. Speaker, I will have words with him.

The DEPUTY SPEAKER: Okay, thank you.

Member Davies.

(Mr. M. Peart indicated that he wished to speak)

The SPEAKER: Hold on, you want to go first?

(*Sotto voce* comment by Mr. Chuck)

Mr. M. PEART: When you say you will have words with him, that doesn't clarify the matter, you know.

Mr. CHUCK: Huh?

Mr. M. PEART: That doesn't clarify the matter.

Mr. CHUCK: No. When he comes I will discuss with him whether he will take the questions at that time.

Mr. M. PEART: Mr. Speaker, I thought that was the arrangement.

Mr. CHUCK: Yes, yes, but I we have not had any discussion, and so when he comes he will make himself available, hopefully, for the questions.

Mr. M. PEART: So, you didn't do your homework, sir?

The SPEAKER: Member Davies…

Mr. CHUCK: We had dealt with it last week.

The DEPUTY SPEAKER: Member Davies.

Mr. VAZ: We had conference, man.

(*Sotto voce* comments/Laughter)

Mr. VAZ: Put on a show for you.

Mr. M. PEART: I understand. You had a good show too.

(Applause/Laughter)

Dr. DAVIES: Fifty Million Dollars I hear im spend.

Mr. VAZ: That a chicken feed - small change.

(Laughter/*Sotto voce* comment)

Dr. DAVIES: Mr. Speaker, the last sitting, I had posed some questions of the Minister of Transport and Works, and I had some followup questions which he indicated he would be unable to respond to on the spot. And, your advice was that I should formally present these questions. But, there has been a shift, in terms of so, I have read through the media, that there has been a shift in responsibility for a particular area, and I have

some questions, so, could you guide me as to what I should do with them?

The DEPUTY SPEAKER: I would advise that you table them.

Dr. DAVIES: You would advise me to Table them?

The DEPUTY SPEAKER: Yes.

A MEMBER: To whom… to whom?

Dr. DAVIES: And they should be tabled to whom?

The DEPUTY SPEAKER: The Minister responsible for the programme.

Dr. PHILLIPS: Mr. Speaker, it is the norm and I don't know whether it's just the conference again but, it is the norm that when there are such changes in the assignment of responsibilities between portfolios, that the House is notified. Is it the intention to notify the House, albeit belatedly, or is it just an oversight?

Mr. CHUCK: In due course, Mr. Speaker, it will be done. So, the questions that were in pursuance last week the questions that were in pursuance of those that were asked appropriately could still be tabled to the relevant Minister.

The DEPUTY SPEAKER: Yes, because my understanding is, it is a followup question, you know, because you had tabled those previously and you had asked for additional information, and we had asked you to do it and document it for a followup, and this is what you are speaking of. So, there is - in my Chair, I would say, Table them, and the respective Minister will respond.

Dr. DAVIES: Well, should I formally Table them now? I have submitted them to the Clerk.

The DEPUTY SPEAKER: Yes, yes!

A MEMBER: To be answered in the regular period of 21 days.

(*Sotto voce* comments/Laughter)

Dr. DAVIES: And this is… I hear a lot of noise and I would like your guidance.

Mr. PICKERSGILL: Your cycle is 21.

The DEPUTY SPEAKER: You have already handed a copy…

A MEMBER: You leave that argument alone because you have no luck with that.

The DEPUTY SPEAKER: Gentlemen, you have already given copies to the Clerk, and what we are saying is that we will get a commitment for those responses for you.

Dr. DAVIES: Can I get your guidance? Follow up questions are treated in the same way as new questions?

Government MEMBER: No.

The DEPUTY SPEAKER: No, they don't. They are not presented as a new question on the Order Paper. And that's why...

Dr. DAVIES: So, can you...

The DEPUTY SPEAKER: We will forward them to the relevant Minister, so that the responses can be made.

Dr. PHILLIPS: Who is the relevant Minister?

The DEPUTY SPEAKER: The Leader of Government Business will clarify that for you.

Dr. DAVIES: But…

(Laughter/*Sotto voce* comment)

The DEPUTY SPEAKER: Anything else, Member?

Dr. DAVIES: Yes, I like that. Even if it is the last time round, drop little on him.

Mr. CHARLES: You cannot ask the new Minister follow-up question and you cannot ask the old Minister...

Dr. DAVIES: I wouldn't even ask you a first question.

(Laughter/*Sotto voce* comments from Government Members)

Dr. DAVIES: But, Mr. Speaker...

(*Sotto voce* comment by Mr. Charles)

Dr. PHILLIPS: They know what they do.

Dr. DAVIES: The same rules, in terms of, do I say, at the expiration of 21 days?

The DEPUTY SPEAKER: No, no!

Dr. DAVIES: So, what is...?

Mr. M. PEART: Follow-up question.

Dr. DAVIES: Yes, but what is your guideline, in terms of the time lag between my posing the questions?

The DEPUTY SPEAKER: We will have them sent to the Minister the appropriate Minister presently, and ask for that response. And as soon as we get that timeline from him, then we will advise you.

Dr. DAVIES: You know the concept of waffling, Mr. Speaker.

The DEPUTY SPEAKER: No, no, I have never seen you….

Dr. DAVIES: It wasn't about you, sir; it wasn't about you, sir. I just asked you if you knew the concept of waffling.

Government MEMBER: That's out of order.

The DEPUTY SPEAKER: But we will pass it on. We will pass it on.

Dr. DAVIES: Man a yard has perfected that, waffling.

(Laughter)

Government MEMBER: Breakfast club, waffle.

The DEPUTY SPEAKER: Member Thwaites, under Questions and Answers to Questions.

One MEMBER: Last week.

Other MEMBER: Good bye.

Rev. THWAITES: Mr. Speaker, I am very concerned about the answer to Question 34. Could you indicate when that will be dealt with, please?

The DEPUTY SPEAKER: Leader of Government Business, can you...?

Mr. CHUCK: I cannot indicate now, the Member from Central Kingston. Indeed, I am asking for a deferral of all the I am asking for a deferral of the existing questions for at least another week, okay, at which time I will be in a better position to indicate when they will be answered.

A MEMBER: I agree.

Rev. THWAITES: Mr. Speaker, of course, but that's very disappointing, and I am hoping that next week the answer will be forthcoming. It is a matter of great importance.

The DEPUTY SPEAKER: Okay, point taken.

PUBLIC BUSINESS

Mr. CHUCK: Mr. Speaker, a number of matters will be taken under Public Business, including after 'Recommittal', an amendment to the Representation of the People Act. Also, this Guarantee from the Minister of Finance will be taken, and a number of motions that were started over the last few weeks will be closed today, if there are no other contributions from Members. But we'll start off this afternoon, Mr. Speaker, with the Guarantee from the Minister of Finance.

(*Sotto voce* comment by Opposition Member)

Mr. CHUCK: Yes, I just mentioned that we will take it after the recommittal, okay.

The DEPUTY SPEAKER: Minister of Finance.

Mr. SHAW: Mr. Speaker, the matter before us - let me indicate it is a - that some time ago.....

(*Sotto voce* comment by Opposition Member)

Mr. SHAW: The Guarantee, the Guarantee, yes.

Dr. DAVIES: The Guarantee?

Mr. SHAW: Yes. Some time ago, Mr. Speaker, this Honourable House approved a Guarantee for a loan to be arranged....

(Discussion between the Speaker and the Clerk)

Mr. Speaker, there are some procedural matters here, sir. Mr. Speaker, perhaps there needs to be a recommittal, because notice wasn't given, so could I proceed with the Regulations and then we could maybe come back to that?

The DEPUTY SPEAKER: Go ahead.

Mr. SHAW: Thank you.

Mr. Speaker, the other matter before us, has to do with the issue of the Regulations. And I wish first of all to seek the leave of the House to withdraw the motion standing in my name at Item No. 7 on the Order of Business as I had indicated.

The DEPUTY SPEAKER: Is it the wish of the House that the motion be withdrawn?

Put to the House and agreed to.

Dr. DAVIES: What is the motion?

(Laughter by Members)

The DEPUTY SPEAKER: Motion withdrawn.

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

The DEPUTY SPEAKER: The question is that the Standing Orders be suspended to enable the Minister to take the motion, notice of which he gave earlier?

Put to the House and agreed to.

FISCAL REGULATIONS – PUBLIC BODIES ETC.

Mr. SHAW: Thank you, Mr. Speaker.

As I indicated, Mr. Speaker, there are three (3) Regulations, one of which I tabled a substitute on the 15th of November, and I wish to take the three of them together. One falls under the Financial Administration and Audit Act, referred to as the Financial Administration and Audit (Fiscal Responsibility Framework) Regulation, 2011. And the other, the other two fall under the Public Bodies Management and Accountability Act, specifically, the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011, and the Public Bodies (Financial Distribution) Regulations 2011.

The Honourable House of Representatives is asked to consider and approve these Regulations.

The amendments to the FAA Act and the PBMA Act to legislate the Fiscal Responsibility Framework adopted by the Government were passed in this Honourable House in March 2010, and again, on September 16, 2011, to further strengthen the Fiscal Responsibility Framework.

The Minister is authorized under Section 51 of the FAA Act and Section 24 of the PBMA Act, to make regulations to give effect to the provisions of the Act.

The Fiscal Responsibility Framework Regulations are designed to assist in the

implementation of the Fiscal Policy Framework and also to enhance compliance with fiscal policy rules and procedures.

In addition, the Regulations under the PBMA Act outlines the information requirements of the Fiscal Policy Paper and the formation of new companies, and the rules under which financial distributions will be made by Public Bodies to the Consolidated Fund. These Regulations are presented for the affirmation of the House of Representatives, and as I indicate, Mr. Speaker, have already been tabled.

In relation to the FAA Act, Regulation 2 addresses the receipt of a Loan or a Grant by Department, agency or on budget public body, where any of these entities intend to benefit from a Loan or a Grant, the Permanent Secretary responsible for that entity must first develop and submit a proposal to the Planning Institute of Jamaica for appraisal and pre-selection. The proposal must provide information such as the rationale for the Loan or Grant, the potential financing source, and cash-flow instructions as issued by the Financial Secretary from time to time.

Contravention of this Regulation may result in sanctions, which may be in the form of a surcharge where there is financial loss, a reprimand by the Financial Secretary or a report to the Public Service Commission for appropriate action.

Regulation 3 sets out the conditions under which the Minister may withdraw, suspend or impose a condition on a warrant as provided under section 9(2)(a) of the Act. And a report must be made to the Cabinet, stating among other things, the reason for the decisions taken.

Regulation 4 in section 16, subsection (3) of the principal Act is amended and requires that where there is a change of policy, which will have adverse budgetary implications within the financial year, that is current, the accounting officer must first get the written assessment and recommendation of the Financial Secretary.

This Regulation sets out the information that would be required for an assessment by the Financial Secretary. And a breach of this Regulation is subject to the Financial Secretary submitting a Report to the Public Service Commission for appropriate action.

Regulation 5 reinforces that the total debt will be reduced and maintained at a prudent level in accordance with 48(d) of the principal Act.

Regulation 6 makes provision for Permanent Secretaries to submit a three-year Business Plan at the time of the submission of the annual budget. A breach of this Regulation will result in the Financial Secretary deferring finalization of the budget with the relevant accounting officer, until there is full compliance.

Regulation 7 sets out in detail the procedure for approval by Parliament, where there is an excess or supplementary expenditure. It also includes the applicable sanctions where there is failure to comply. And Regulations 8 to 11, outline information that must be included in the Fiscal Policy Paper, which will include a fiscal responsibility statement, a macroeconomic framework and a Fiscal Management Strategy.

Regulation 12 makes provision for the Auditor General to examine and assess the Fiscal Policy Paper and report to the

Parliament within the six weeks of the Paper being tabled.

Regulation 13 provides for the Minister to notify the Auditor General where any information is reserved under section 48(E)(2) of the principal Act. And Regulation 14 provides that one of the Reports required to be tabled under Section 48(E)(3) of the principal act be tabled within three months after the end of the second quarter of the financial year that is then current.

The Honourable House is asked to affirm the Financial Administration and Audit (Fiscal Responsibility Framework) Regulations 2011. I am indicating, Mr. Speaker, that much of this we have actually started, because you will recall that we tabled a Fiscal Responsibility Paper in Parliament at the time of the budget in April.

In terms of the PBMA Act (Information and Particulars) Regulations, this regulation outlines that Public Bodies in submitting information for the Fiscal Policy Paper should provide information on their performance and explanations for substantial deviations in their targets, as well as, any change in policy direction and explanations for the fiscal and economic effects from the changes.

The Regulation also specifies the information requirement of the public body seeking to form a new company under Section 21 subsection (1) of the Act, including a financial analysis covering at least five years, as well as analysis to demonstrate the need for creating such a new body.

And the final list of Regulations, Mr. Speaker, has to do with the Public Bodies (Financial Distribution) Regulations, 2011. This Regulation outlines the conditions under which self-financed public bodies are to make financial distributions to the Consolidated Fund.

Critical elements of the Regulations include:

- the Regulation which applies to self-financing public bodies;
- the Minister may grant an exemption from payment of the distribution;
- distributions are to be made from audited net profits;
- the Financial Secretary may require a special distribution;
- directors should seek to allocate a minimum of 5% of audited net profits. This should be agreed with the Financial Secretary.

That minimum of 5% of course, would be remitted to the Consolidated Fund.

And in setting financial distribution targets, consideration would be given to the financial needs of the public body, including adequacy of working capital, financing for capital projects, foreign exchange exposure and appropriate debt to equity ratio.

The Honourable House is being asked to affirm the Public Bodies Management and Accountability (Information and Particulars) Regulations, 2011, and the Public Bodies (Financial Distribution) Regulations, 2011; as well as, the Honourable House being asked to affirm the Financial Administration and Audit Fiscal (Responsibility Framework) Regulations, 2011.

The DEPUTY SPEAKER: Member Phillips.

Dr. PHILLIPS: Mr. Speaker, the - I think all of us in the Parliament can subscribe to the general intention behind these Regulations. There are some areas - the purpose essentially, is to ensure more effective management of the

limited resources of the State and to bring public bodies under some particular central direction from the Ministry of Finance.

Just dealing with some of them in turn, Mr. Speaker, certainly in relation to the Public Bodies Management and Accountability (Information and Particulars) Regulations, there is no particular issue that arises in relation to these.

In relation to the (Financial Distribution) Regulations, I think there are a couple of specific questions. In the first instance, in Regulation 3, which provides for the Minister to exempt a self-financing body from the provisions of paragraph (1). And paragraph (1) basically empowers - requires that all public bodies should be subject to these Regulations. The question is whether the blanket provision of ministerial exemption, without any provision of - as to the circumstances that may warrant a ministerial exemption really leave us open to the exercise of too wide a discretionary power on the part of any Minister. It's not an *ad hominem* consideration. It is just simply to say, what we are providing for here is a set of regulations, and at the same time, we are giving the Minister the power to simply exempt any entity from regulations.

And it would seem to me - it says, can exempt a self-financing body from the provisions of paragraph (1), either indefinitely or for a limited period. I'd much prefer to see some - the regulation specify the particular set of circumstances, the rationale for the exercise of such ministerial discretion. Because then, you have here the prospect that what we are doing is just simply exercising futility.

Some Minister, may arise that just simply decides for arbitrary reasons to exempt enterprises from these provisions and I think it's too wide a power that is being given here.

In relation to Regulation 3, subsection (3) where there is the provision here that 'notwithstanding any other Act the Financial Secretary may at any time require a self-financing public body to pay to the credit of the Consolidated Fund, at such times and in such manner, as the Financial Secretary directs such amount by way of a special distribution'. Again the question arises as to the broad ambit of the regulation. My concern here is what specific role for the Boards of such enterprises is provided for in the Regulations.

For example, should a Financial Secretary make an order for the provision of monies by the enterprise to the Consolidated Fund, and the view of the Board is that this jeopardizes the financial health or the capacity of the entity to carry out its mandate as provided for. How does that matter get resolved? There doesn't seem here, apart from in subsection (7) where there is some provision for the allocation of money, there is no provision here of any specific role for a Board in determining what - the validity of the instructions, the desirability of instructions, and it may be that what we are doing is setting up for potential conflicts between Boards and the instruction of the Ministry of Finance. So that is a specific issue which I would ask that the Minister help us resolve. Apart from that, I mean, as I said before there is certainly general support for the provisions contained in the Regulations.

But I think some of the – in relation now particularly to the whole Fiscal Administration and Audit, the FAA, fiscal responsibility framework and the Regulations, in relation to the benefit from any loans and the authority,

my question is, how do these Regulations now work? What we have here is a provision that any on budget public body that seeks to get a loan, needs to develop proposals and have them vetted by the Planning Institute of Jamaica. No problem with that. And then there is an approval process which presumably has to be settled or be followed. Now that approval process is where we have some questions. Is it that after the Planning Institute of Jamaica it is expected that the Ministry of Finance specifically, then needs to approve the procedures? And then secondly, what is the role of the Cabinet in granting final approval and at what levels?

The question arises, I think generally speaking though, is that if we have these Regulations, but if there is - it requires, apart from the Cabinet, it ought to require if these borrowings are to take place, I would suggest that somewhere, if we are to contain the debt, there ought to be some consultative process with the appropriate Parliamentary Committee, not after the event but during the process as well, if we accept that we are facing a major problem and have faced a major problem with our high levels of debt. Part of what this is seeking to resolve, in a sense, is the process whereby enterprises proceed on their own to secure loans and then end up coming back to the Consolidated Fund, often when things have gone bad. And often this debt is accumulated and the Parliament is called upon to provide guarantees after the event and simply have to comply in order to save the good name of Jamaica. I think that it would be worthwhile including in this process before the final sign off is done, or in tandem with that, a process for the appropriate Parliamentary committee, which is the PAAC in this particular case.

As I said, Mr. Speaker, I think we all recognize that there is need for greater fiscal responsibility. Our debt numbers, despite the much vaunted Jamaica Debt Exchange and the relief that that provided, our debt ratios keep climbing; and it is to the detriment of the fiscal health of the public accounts and the detriment to the development of our country in the future.

Thank you very much.

The DEPUTY SPEAKER: Minister.

Mr. SHAW: Thank you very much, Mr. Speaker, and I thank the Honourable Member for his very careful observations that he has made.

Mr. Speaker, let me indicate to the Member, first of all, I think that each point that he has raised is worthy of a careful examination and certainly I will therefore be passing that on to my technical people to have a look at it.

In relation to - the first point that has been made in relation to the financial distribution and the provision for the Minister to make an exemption - I think that what this section calls for is that it anticipates that there might very well be extenuating circumstances that would call for some kind of Ministerial discretion, so to speak, depending on the circumstances. But I would agree with the Member that in looking at a further refinement going forward that we could seek to more carefully circumscribe the circumstances that would guide a Minister in granting that exemption. I am speaking quite frankly as the Minister now but as you indicated any Minister in the future, there is no problem, it is better that we tighten it up so

that it provides the sort of straight jacket that is required in order to keep things together. So that is something that we undertake to look at.

And in the second point that has been made in relation to the question, is it the work of the Financial Secretary in looking at special distribution and the relationship with the Boards? Well let me say that, you know, in putting together these regulations it's not going to be deadly perfect that you have public sector – that's why we have the public service where we have the civil service, permanent professionals, we have politicians that are policymakers and we come and go, so to speak, but you have the Permanent Secretary or the permanent Financial Secretary. Remember that these rules that have been imposed are being put into place here in terms of regulations, do not form a whole new framework. There is already an existing framework that requires the Financial Secretary to exercise his normal prudential authority. And one of the things that I would say to the Member is that while this assumes that the Financial Secretary will not be acting in any arbitrary fashion, he certainly would have an obligation to ensure that there is adequate consultation with the Board and the executive authority. But here again I think it is worthy of being looked at again to see how it can be fine-tuned but without creating any sort of roadblocks in the way, just enough, make sure the transparency and the responsiveness is there but without putting up an unnecessary roadblock.

And in terms of the question of the FAA Act, I think you made reference to that, and the need perhaps for the Parliament to look at issues of increase in debt generally, certainly, there are rules already that are in place for that and those rules are very careful as to what must definitely, by law, come to Parliament for guarantee, as in the case of the one that we are about to debate shortly. But here again I think that one of the mischief we are trying to deal with here is that a lot of agencies just routinely go and work up a little more debt on the side and sometimes being done without the permission of the Ministry of Finance. That has to be reined in; and we are taking the view no matter how small the debt, it has to have the approval of the Ministry of Finance no matter how small, because small things can grow into larger things.

So, Mr. Speaker, what I want to indicate to the Member is that this is not by any means a perfect set of regulations. But I am suggesting that – I have taken on Board his observations and I am conveying them to my technical people to have them analyzed and to the extent that we feel that there is merit and that there is room for us to make even further tightening provisions then we can do that and I will come to the Honourable House with further amendments later on. On that basis I do ask, however, for the approval of what is before us today.

Thank you very much.

The DEPUTY SPEAKER: The question is that the Regulations as mentioned by the Minister be affirmed.

Put to the House and agreed to.

Mr. SHAW: We need to have it tabled now.

Mr. CHUCK: Mr. Speaker, could we have a recommittal of item Notices of Motions Given Orally?

The DEPUTY SPEAKER: The question is that we recommit the item Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN ORALLY

(Recommitted)

The DEPUTY SPEAKER: Minister of Finance.

THE CONSTITUTION (AMENDMENT)(IMPEACHMENT) ACT, 2011

Mr. CHUCK: In the meantime, Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time A Bill shortly entitled the Constitution (Amendment) (Impeachment) Act, 2011.

THE DEFAMATION (AMENDMENT) ACT 2011

Mr. Speaker, I further beg to give further notice at the next meeting of the House I will move to introduce and have read a first time a Bill shortly entitled the Defamation (Amendment) Act, 2011.

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

> BE IT RESOLVED that with reference to Ministry Paper No. 101/2011 dated November 22, 2011, which was laid on the Table of the House on November 22, 2011, that this Honourable House of Representatives approves the issues of two Government of Jamaica Guarantees under the provisions of the approved Organizations and Authorities Loans (Government Guarantee) Act in respect of a syndicated loan of US$115 Million from a syndicate of local financial institutions and a loan from the Inter-American Development Bank in the amount of US$133 Million, both for the financing of the Jamaica Water Supply Improvement Project to be executed by the National Water Commission.

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 the motion.

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

The DEPUTY SPEAKER: The question is that we recommit Notices of Motions Given Orally.

Put to the House and agreed to.

Mr. SHAW: No, not Notices of Motions.

Dr. CHANG: To take the Bill.

Mr. SHAW: To take the Bill.

Dr. CHANG: To take the motion.

The DEPUTY SPEAKER: The question is that we take the motion, notice of which had been given earlier.

Put to the House and agreed to.

LOANS GUARANTEE – SCOTIA/KMA WATER REHAB

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, the matter before us is really a Guarantee that the House already had guaranteed over a year ago, I think it's about a year and a half ago – the Minister of Water is beside me here.

The House will recall that some time ago we approved a loan of Two Hundred and

Eleven Million US Dollars, (US$211M), to be financed by a syndicate, headed by, I think, the Bank of Nova Scotia, but I think out of the head office in Toronto – and to finance a programme of rehabilitation of the water systems in the Kingston Metropolitian Area, as the main project.

What followed over that interim, that – there was an interregnum, Mr. Speaker, in which there were difficulties in actually finalizing the loan. Among the problems was that the Bank of Nova Scotia was requiring a Guarantee from…

Dr. CHANG: The World Bank.

Mr. SHAW: …the World Bank through its MIGA Programme. And for whatever number of reasons, there seemed to be – it has been held up.

And with time, the Ministry of Finance and the Planning Institute of Jamaica, along with the Ministry of Water and Housing, decided to re-look at the whole scope, and look at the financing arrangements, and in fact, Mr. Speaker, have come up with a programme that is more comprehensive than originally planned. Because instead of just the KMA, the programme of Water Rehabilitation will extend to Old Harbour, May Pen and Mandeville, in terms of working on water systems in those areas - and in the process have renegotiated a financing arrangement which is no longer Two Hundred and Eleven Million, ($211M), admittedly, it is Thirty Seven Million US Dollars, (US$37M) more, for a total of some Two Hundred and Forty-eight Million United States Dollars, (US$248M).

It is broken down into two main components, the original Two Hundred and Eleven Million US Dollars, (US$211M), based on the Toronto BNS plan, has been converted initially to a One Fifteen Million Dollars, ($115M) local BNS-led programme.

The significance of that, however, Mr. Speaker, is that although it is a locally driven financing programme, you will recall that one of the complaints that even myself had when we had the first approval, was that the interest cost on the original projected loan was some 9 per cent – in excess of 9 per cent.

Dr. CHANG: 9.7.

Mr. SHAW: It was in fact 9.7 per cent on the Two Hundred and Eleven Million US Dollars, (US$211M) loan.

(*Sotto voce* comments)

Mr. SHAW: I am now to indicate – calm down, folks, calm down, calm down.

(*Sotto voce* comments)

Mr. SHAW: I know you are excited, but calm down.

Mr. PICKERSGILL: You campaigning again tonight?

Mr. SHAW: So, Mr. Speaker, it's important that the Honourable Members focus with me. Because the BNS loan is now One Hundred and Fifteen Million dollars, ($115M), but significantly, the interest rate is no longer 9.7 per cent (9.7%). The interest rate is now 5.25 per cent (5.2%) interest rate above LIBOR. (Applause) And LIBOR at present stands at 0.55 per cent (0.55%). So we are therefore talking about a loan that is - in terms of the cost of the loan, the financing cost is significantly reduced.

And what I think is important about this, Mr. Speaker, is that for the first time in a very, very long time, we are seeing a locally-generated loan at such relatively low interest rates in Jamaica, 5¼ per cent (5.25%) above LIBOR.

(Applause)

(*Sotto voce* comments from an Opposition Member)

Mr. SHAW: Yes, but it's still low. Because even in US dollar terms on local accounts, Mr. Speaker, it has been much higher than that, and the Member can research it and be aware of that. This is virtually an all-time low, in terms of local financing of foreign exchange loans.

The second component of the loan, Mr. Speaker, was even more attractive. We turned to the Inter-American Development Bank, and we asked them for One Hundred and Thirty-three Million United States Dollars, (US$133M). And I am to indicate to this Honourable House, that the Board of the IDB, on Thursday of last week, approved the loan of One Hundred and Thirty-three Million US dollars, (US$133M), at an interest rate of 1.3 per cent (1.3%), 1.3 per cent (1.3%). (Applause)

Mr. VAZ: That's why Man a Yaad say dem must apologize to…

(*Sotto voce* comments)

Mr. SHAW: Mr. Speaker, I am simply – I simply want to indicate, Mr. Speaker, that this financing programme has been long overdue, because the water infrastructure, especially in the Kingston Metropolitian Area, is in a very, very poor condition. And so, if they are going to be rehabilitating selected water treatment and production facilities, there is going to be a reduction of commercial and physical losses. Because one of the problems we face is that after the Water Commission chlorinates its water and all of the expenses surrounding that filtration system, puts it into the system, and 60 per cent (60%) of water or more, is unaccounted for. And unaccounted for means most of that water is actually gone back into the aquifers by leakages, in a system that is severely in need of restoration. So we can save the water for distribution.

So they are also going to rehabilitate the water supply networks in the Forest Hills and Red Hills areas, and there will be a new Rio Cobre Water Treatment Plant.

In addition, there will be the construction of an aquifer recharge system designed to sustain the water resource capacity in western Spanish Town, and there will be the rehabilitation of water supply improvement works in selected urban centres, including the design, construction and implementation of water production treatment and distribution systems for Old Harbour, May Pen and Mandeville, in Manchester.

So, Mr. Speaker, as I said, this Guarantee has been on the books here in Parliament, approved by us before, except a smaller amount, but most certainly at a much higher interest rate. We have enhanced the amount in order to make the scope of the works larger, but at the same time, we have gotten money from the IDB and the BNS locally, at interest rates of between 1.3 and 5.25 per cent.

I beg for your approval of this Guarantee.

(Applause)

The DEPUTY SPEAKER: Member.

Dr. PHILLIPS: Mr. Speaker, in many respects this Guarantee covers much the same ground that we were covering when we were looking at the earlier regulations, in so far as the Parliament is once again being asked to guarantee an element of debt, debt due to the National Water Commission, but which is going to ultimately - possibly become a charge on the Consolidated Fund if the Water Commission does not make good.

I think there are three general areas that we need to be mindful of. First of all, are the issues specific to the Guarantee. And then there are the issues, secondly, relating to the purposes for which the money is being borrowed, namely, the enhancement of our water supply systems. And then I want to say some things on the overall Debt portfolio of the Government of Jamaica, and the adequacy of the controls being exercised.

We are being asked to guarantee Two Hundred and Forty-eight Million US Dollars, (US$248M), and despite the – we are clear, despite the celebrations that we were hearing. The fact is that what we have is One Hundred and Thirty-three Million Dollars, ($133M) that was being – that is being lent by the IDB, and there is no problem with that. But, in reality, as far as the One Hundred and Fifteen Million, ($115M) from the BNS loan, the fact is, we still – which is really being – where the interest rate is 5.8, LIBOR plus 5.25 – the fact is that we are – we only know the terms of the Fifty Million, ($50M) – of the Fifty Million ($50M) that is being lent by BNS.

And so, one question which we have is, when the balance is raised by private placement, is it that the other creditors are tied to these rates? Or is it that they are at large – BNS, as the syndicator, is at large in determining the rates?

If they are at large, then my further question is, will that segment of the loan be coming back – of the Guarantee be coming back to this House? Because as of now, we don't know the terms on which that other segment is in fact likely to come out at. And so, we need to have some idea of the Guarantee.

The second issue which I believe ought to arise, Mr. Speaker, relates to the assurances that this House should be seeking, and the assurances that the Minister may or may not be able to give us, as to the likelihood that the Water Commission is going to be able to make good on the revenue stream that is needed to repay this loan. I don't think we should be over the long term - as we are seeking to ensure fiscal prudence for the country, as a whole, we shouldn't be really giving the guarantee on the assumption that ultimately it's going to be the Consolidated Fund that is going to have to make good. Because what we really need to know is, at what point are we going to be in a position where the Balance Sheet of the NWC is going to be able to meet these obligations without necessarily needing a guarantee at every point.

And it didn't start with you but the truth is that overtime we need to have these entities being able to meet. And, in fact, they would be much more flexible at that point and able to provide a greater level of service if we can be assured.

There is nothing and, indeed, it is probably a deficiency because there is nothing in this document - this Ministry Paper that is before us that is providing any assurance to this Parliament which is being asked to vote on this Guarantee, that gives us any assurance whatever that it is not certain to become a charge on the Consolidated Fund.

Which leads to the point I was making earlier, in our previous debate on the regulations, that there is probably need for some mechanism in the Parliament and I believe that it would be appropriate for the for the PAAC to really have an opportunity to go

into the details of these loans being contracted and the likelihood of us being able to repay and what is the adequacy of the revenue streams. Because let's face it, we have a problem of high debt - mounting debt and we need to develop new systems that are going to ensure that we don't just stay on this debt escalator forever as a country.

Which leads me to the question of the overall debt control. I don't know if the Minister could give us some assurance as to the level of guarantee, currently, that the Government of Jamaica has given? What is the total stock of guaranteed debt...

(Inaudible comment by a Member)

Dr. PHILLIPS: ...and the adequacy of the controls that are there? Because, Mr. Speaker, my understanding is, for example, that the Government of Jamaica recently contracted a loan for the purchase of an additional two hundred and fifty buses and given the first set of bus purchases which went on - was it last year or year before that caused problems with the Fund programme. My question is whether there are adequate controls being exercised on entities who are mounting this debt? I don't know if that particular loan is going to require, I think it is Ninety-six Million Euros, if it is going to require a further government guarantee. If this guarantee falls within the overall programme of the government; if there is an exercise on the part of the Cabinet over the various entities, in this case JUTC, entering into these agreements which are not only threatening our current arrangements with the International Monetary Fund but are threatening to drown us all in debt.

And so I think we need to be assured as we go through here - we have no objections to the terms of this specific loan. Although, as I said, we are concerned that we are not giving a blanket guarantee loan for a loan. A second tranche of the BNS where we don't know the Terms, that I would not be comfortable with doing, right. And I would need some assurance that it would be coming back to the House for that second tranche. And I know that the syndicators need to be to know that a Guarantee is given in principle but the specific terms need to be voted on by this House again.

But I'm concerned that we need to be assured further, that when we get loans that we can be certain that the loans are adequate for the purposes that they are being sought. Otherwise, we are going to be ending up just simply giving guarantees and that they can be spent as was apparently happening with the JDIP where as one newspaper described it, it was like a drunken sailor on shore leave. We don't need that to happen with any other loans and I think we also need to be assured that 'there are adequate controls because I'm very concerned about what we have heard about the additional - this Euro loan that is being contracted by the Government of Jamaica to purchase buses when there are lots of buses simply in need of repair. Why do we need new buses when we have this massive debt upon us?

Thank you very much, Mr. Speaker.

The DEPUTY SPEAKER: Member Davies.

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

Mr. Speaker, the Ministry Paper is divided into three (3) substantive sections one deals with the loan which didn't materialize, that's section 2, and I'll come back to that. Section 3 deals, very briefly, with the proposed new

loan which Scotiabank is seeking to anchor, and I'll come back to that. And section 3 deals with the IDB loan.

Now I noted that my friend and colleague from North West St. Andrew spoke about the extraordinary low interest rates. What you look friend and colleagues, is spread over LIBOR and the Minister has great influence, but not over on LIBOR. That is a reflection of the situation throughout the world.

(Inaudible comment by Government Member)

Dr. DAVIES: Now, let us take each of the - somebody else gwine apologize or pay for it but anyhow that's another thing.

Let us deal with the things. I think the Minister heeds to explain to us why should we believe that this loan will have a greater chance of success and that two years hence we won't be revising, as we are now revising, the previous proposal. And my colleague, the Member from East Central, made reference to the fact that we went ahead provided a guarantee for something which didn't come through. So one issue - and he may not be able to give a guarantee, but, is there a timeline an outer time limit and say unless something is firmed up within this period we're going to cut it off? But it is untidy for us to have a guarantee out there and we don't know what has happened.

The truth is until the Minister brought this back I suspect most of us who voted for the last guarantee thought the NWC was busy doing good things with the money. And so that's an interesting thing we need to know, what is the timeframe before we either make a decision to terminate Scotia's - does Scotia have an open-ended timetable or are they required to present a resolution sooner rather than later?

Now another issue, Mr. Speaker, and I'm going to come back to the terms of the proposed loan is that if you look at the sheet the financing terms, the principal repayment which is given here on page five section 4, does the NWC have the capacity to pay quarterly - to make eighteen quarterly payments of $2 Million each and a final payment of $80.5 Million? And again it relates to the point raised by my colleague from East Central. Are we fooling ourselves to speak about a guarantee or is it a direct charge...

Dr. PHILLIPS: On the Consolidated Fund.

Dr. DAVIES: ...on the Consolidated Fund? Can we say that the financial status of the NWC - and this is not about the NWC *per se* - either now or in that timeframe will allow it to finance the repayment?

I ask this question, Mr. Speaker, because one of the things which - and the Minister knows it, so he ran past it very quickly is that this arrangement is for a shorter time period than the previous arrangement. So essentially they have said, over two years we weren't able to find the financing but those two years count and you must make this repayment in seven (7) years. The Minister knows that it is not feasible to make infrastructure investments to be repaid in seven (7) years. It is just not feasible. Not even if you were making white rum you could make that repayment -

Dr. PHILLIPS: Drunken sailor.

Dr. DAVIES: Yes, that's the drunken sailor. So is it feasible for the NWC to finance the repayment of this?

Now, Mr. Speaker, I urge you to look closely at what is said in paragraph 3.1, it says that, "*...Scotia will put up $50 Million".* So we know the terms of Scotia's $50 Million. And let me quote, *"seek to replace the remaining $65 Million,* and I'm speaking U.S. Dollars, *"with other institutions on a 'best effort basis'".* Now I don't think it's possible to get Scotia to agree to anything more firm, but don't believe that you have anything firm. It says a *'best effort basis'.*

So my question to the Minister tied to the question of a timeframe, at what stage do you determine that this deal isn't on? One, two, we're being asked to provide a guarantee on terms we have no idea what Scotia's best effort will be? And so we need to know from the Minister what is the...

Mrs. NEITA-HEADLEY: What is the bottom line?

Dr. DAVIES: ...bottom line?

Mrs. NETTA-HEADLEY: What is it?

Dr. DAVIES: What is the outer boundary? And why this question is so relevant, Mr. Speaker, is that the Minister has just concluded the debt swap with regard to the loan from Venezuela. And what is being put out there to finance that loan is a bond of over nine per cent (9%)? Now, something isn't kosher. The Government of Jamaica is out in the market - and if I had money I would grab it because I have faith in the government to repay - put a bond out—U.S. Dollar bond of over nine per cent (9%) and now Scotia is going to go in that same market and seek on 'best effort'. This is too iffy, Mr. Speaker. It's very difficult for this Parliament to justify providing a guarantee based on the iffy -

Dr. PHILLIPS: They would have to come back.

Dr. DAVIES: No, the guarantee stands. We are not going to be guaranteeing part of the loan. We're giving Scotia a ticket and saying, go out and look on your best efforts, but there is a Government Guarantee. And this is something which worries me because they were unable to mobilize the funds in the first two years. And so is it that in order to carry out the well-needed project Scotia has a free angle and can proceed to shop and they are going to say to us you have just gone out and you're seeking money at nine per cent (9%) my best effort is nine per cent (9%); is it that this is acceptable to us?

My final question to the Minister - and perhaps the Minister with sector responsibility may wish to respond - is the IDB offer and loan a standalone? In other words if it doesn't say this, it is packaged. Is it a stand-alone? Is it that the components of the IDB Programme - listed on page 4 - could be instituted if the best efforts fail? Or is it that if the best efforts fail, the IDB loan is not required? So we need to know whether the four components listed for the IDB loan, if that can go ahead - as the Trinidadians would say - 'irregardless' of whether the other section materializes.

So, Mr. Speaker, these are some questions and I'm asking them in spirit of recognition of the extremely critical debt situation that a Government of Jamaica, which is offering 6% on Jamaica dollar bonds. You're trying to shop in the domestic market, is the 6%? I'm certain that in one of your rantings you've mentioned the number, that of 7%.

A MEMBER: How yuh soh unkind?

Dr. DAVIES: Say how I'm so untidy?

A MEMBER: Unkind.

Dr. DAVIES: How would you describe it?

(Inaudible comment by A Member)

Dr. DAVIES: No, he's shouting, he's shouting. But at the same time, we're in the market for US Dollar loan bond for over 9%...

Mr. CHARLES: Yuh say dat already – bout 40 times.

Mr. PICKERSGILL: Shut yuh mouth.

Dr. DAVIES: That's to help you to understand.

(Inaudible comment by Mr. Charles)

Dr. DAVIES: Okay, all right, you've grown - and now at the same time, we have a best effort situation. What is the feasibility of us being able to have that loan - that bond purchased at lower than that which we're in the market for?

(Inaudible comments by Government Members)

Dr. DAVIES: So, Mr. Speaker, Mr. Speaker, these are the issues - the questions I have about - there's no question about the need for the improvement in the water infrastructure, no question, we're at one on that. Where we have questions relate to the money which we need and the cost of getting that money to carry out this project?

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

Dr. CHANG: Mr. Speaker, I'm seeking your permission to speak from a seat other than my own.

The DEPUTY SPEAKER: Permission granted.

Dr. CHANG: All right. Let me first commend both speakers for supporting the principle of getting the water company into a viable position and I'll seek to answer the questions, I had pretty close – I dealt with this full loan very closely at the very beginning.

Mr. CHARLES: Right.

Dr. CHANG: First of all they are two separate components and therefore the Inter-American Development Bank loan can be implemented totally independent of the other component, and I will explain that in a little while. In the first case, of course, where there was the BNS loan of $115 Million, which was approved here and guaranteed some two years - in fact, more than 18 months - two years and few months back in September of 2009, just when we were coming out of the severe flooding - severe drought - when we moved aggressively to acquire funding to correct the problem in the Corporate Area from out of that situation, and with support across the room.

That loan did not go through primarily because while we had the Guarantee and the agreement with BNS, the Bank of Nova Scotia sought a further guarantee from the World Bank, multilateral international guarantee in certain in MIGA. At the time there were not only preconditions being said to be difficult, but I think MIGA themselves did not see Jamaica as - especially Jamaica - as the leader of a MIGA guarantee.

The explanation to us at the Ministry of Water and Housing, was that in fact, MIGA is designed for political risk and there were a number of us who did not feel that Jamaica require that and we should go elsewhere. And in fact, it's not commercial, the multilateral at the time, were really discussing with IDB, loans for the Water Sector.

BNS - we however, had designed a programme, separate project in the Jamaica Water Sector Programme, which was designed to bring additional water into the Corporate Area, and in fact, had a contract with the - established with the company and started the

programme with the component from the French banks, which most people are aware of is - would've seen the work done in the Rio Cobre Gorge, as part of the programme. Much work has been done in the Constant Spring, Seaview, and Stony Hill areas, which has been ongoing. So the contract and the work in fact started, because they went for a private insurance - Co face Insurance - and then in discussion with BNS we decided, after the interest rate picture change, we decided to look at a local syndicated loan.

I can assure the Members from discussion with BNS - and I know things can change it's not documented - that they have in fact looked at - well let me pause here - they were originally taking that loan from BNS Canada, which is when they sought the MIGA guarantee on the basis that they were going to heavily exposed the Jamaica. On this occasion, when we had further discussion we decided to change the local syndicated loan and BNS had that discussion with local financial houses. I'm quite confident that the terms they agreed to will be applied across the entire loan programme, and that they have takers for the entire syndicated amount.

We have a 90-day period in which to do this. If it is not settled in 90 days we'll have to look at reviewing it and if - we'll either lose the loan, or if the conditions change significantly as has happened now, we'd have to come back to the House. So that we can assure you of. But we are confident that the loan will be taken up by the financial institution at - that has been consulted and we'll have this work begin early in the New Year.

Dr. PHILLIPS: At the same rate?

Dr. CHANG: At the same rate as indicated here. Much discussions took place in the last year when we realized we were not going with MIGA to in fact come up with this kind of programme.

In terms of repayment, which is of major concern to the Members, and correctly so, the Water Commission went through some difficult times and we're not going to correct it overnight, but we have taken some steps to do so. In fact, part of the loan is the institutional strengthening here from the IDB.

Dr. DAVIES: No, it is not a good term, institutional strengthening.

Dr. **CHANG:** It is a good term in this case.

Dr. DAVIES: Two Million Dollars?

Dr. CHANG: It is designed to, in fact, examine the magnet structure that the Water Commission would be having, made dramatic changes in, and look at the entire operations to...

Dr. DAVIES: In the entire district?

Dr. CHANG: No, new water, new Water Company.

Dr. DAVIES: Refurbished and... (Inaudible)

Dr. CHANG: And in terms of the repayment, you should appreciate in 2008 when we sought the review of the rates, part of what we instituted in our Water Commission rating was the K Factor - the recovery component, which over the period it is the set for - it is a 15 year period - will accumulate about US$500 Million. And much of the loans we are now taking is designed to be repaid from that component of the Water Commission bill.

Currently, we actually take out of our

monthly accounts, about $250 Million a month. It is likely to increase significantly because when the first component of this loan is complete, we'll be taking out about 20,000,000 gallons a day additional water. We agree we'll lose some of that, because of the current situation, but the second component - ideal components over another five-year period to, in fact, reduce our nonrevenue water in the Corporate Area, from 65% to about 40 - 45%, which will, in fact, in itself, increase by another 20,000,000 gallons per day.

Indeed - and I would not want to quote them because they're just too generous - if we should successfully complete those programmes in terms of non-revenue waters, stop all the leaks and bring on the new plant at the Rio Cobre Valley, along with our artificial recharge activity, we would be very cash-rich at the end of the 10-year period, right. (Laughter) But I know in the nature of things it's not one that I would shout too loud across the room. But we are fully confident, given the current structure of the Water Commission bills, we can, in fact, repay from K Factor.

We also have a constant review with the OUR in terms of our rates, because right now we are having some problems with our base rate, which pays the regular bills because of the increase in energy cost. And indeed, that was why energy component was installed in this and, in fact, the Inter-American Development Bank has put a whole component - a separate loan to deal with energy efficiency not in the public sector. Because that has moved from under $300 Million to run nearly $500 Million per month and it is putting pressure on the Water Commission.

Mr. SHAW: JPS?

Dr. CHANG: Yes, JPS.

So that is a major problem and we're looking at ways to reduce those costs, as we increase our efficiency level and make significant changes in the actual physical infrastructure. The pumps that are gonna go in - and we are rehabilitating all 29 in the Corporate Area - will, in fact, significantly reduce the energy usage, with the 19 in St. Catherine in the first KMA Programme. And that has in fact, demonstrated that we can pump a lot more water with the same amount of power or even less.

And the KMA Programme which we initiated and have completed - just about completing - as pointed out, brought in an additional five billion gallons of water per day on a daily basis to what we had before, which is - although we didn't have any serious drought this year, would have put us in a much better position to deal with the drought this year.

So at the end of the day, before we get the IDB non-revenue water we will be putting in place another 25,000,000 gallons of water in the system in the Corporate Area. With our current surplus I said I'm convinced, you can accept this confidence that we will not be a call on the Consolidated Fund at this point. And we are working closely with the OUR...

Dr. PHILLIPS: Is it that I can go ahead and get water?

Dr. CHANG: Yes, you will get water.

(Inaudible comments by Dr. Phillips)

Dr. CHANG: At the end of the JSIF Programme you will have water, and when the NRWA is finished with the IDB Programme, the entire Corporate Area, but Downtown is a critical part of this programme in terms of covering our...

(Inaudible comment by a Member)

Dr. CHANG: ... alleged red areas. We've not been as aggressive down there because we want to give them water on a reliable basis before we start discussing with them, the best means of payment. But we expect to deliver water Downtown under the circumstances.

Dr. PHILLIPS: In Jamaican dollars?

Dr. CHANG: In Jamaican dollars, and we commit ourselves to that.

(Inaudible comments by Dr. Phillips)

Dr. CHANG: So I want to assure Members on that side, that we agree, the programme is necessary to bring our water supply system up to scratch. And the way it's structured financially, the terms are reasonable, and in due course the Water Commission can repay these funding from their own resources and it will not be a call on the Consolidated Fund.

The DEPUTY SPEAKER: Member Kellier.

Mr. KELLIER: Thank you, Mr. Speaker.

I wish to support the points raised by the Members of the Opposition so far, but I have an additional input in this Ministry Paper, that I would love to get some clarity on. On page 2 of the Ministry Paper, Mr. Speaker, in the middle of the paragraph here it says, 'several other rural water supply projects spread across the island, have also been included in the project'.

Now, you are asking me to support this Guarantee, but I have no clue as to where these several other rural water supply projects are in rural Jamaica. It says here, that the water supply projects are also aimed at significantly increasing the percentage of rural households...

A MEMBER: Where?

Mr. KELLIER: ...with access to use potable water supply.

Mr. CHARLES: Household with access, yuh nuh know dat too?

(Cross talks)

Mr. KELLIER: It further states, Mr. Speaker, that the NWC is using this as an attempt to satisfy its obligation under the United Nations Millennium Development Goals, Number 7. But really it's nothing to talk about, it's telling us - this thing came here before yuh nuh, and we gave our assent to it, hoping that some things would've happened.

Dr. CHANG: Many things have happened, unless yuh caan read.

A MEMBER: That is a badman attitude.

(Cross talks/*sotto voce* comments)

Mr. KELLIER: Mr. Speaker, the constituency that I represent, we have some water problems there, where the NWC system has broken down completely. Only for some pipes to be connected from one section to another 1700 footage of pipes, over the last - from the time we approved it last year till now and nothing has been done.

A MEMBER: How many years ago?

Mr. KELLIER: Two years ago.

The Minister himself, when we inquired at the last time this was done, indicated that some action would be taken on some of these rural schemes. To date, the people of Garlands and Brothers Retreat have no water, because of the need to connect 1700 foot run of pipe, and we asked him to approve and guarantee a loan of an enormous amount of money. I have no problem in supporting the Guarantee, but it is only reasonable that the people of Garlands and Brothers Retreat should get some water, all they need is 1700 foot run of pipe. (Applause)

A MEMBER: Yes.

(Inaudible comment by a Member)

Mr. KELLIER: Seventeen hundred foot run of pipe is what they need in Garlands to be connected, two years now...

Mr. PICKERSGILL: Same reason why you ... (Inaudible)

Mr. KELLIER: ...and nothing has been done...

Dr. DAVIES: And yuh collecting.

Mr. KELLIER: ...and you're bringing in an additional measure here to increase the amount of money that you want, and the people of Garlands still don't have any water. And the system is there for it to be connected to, while we await the major system from Niagara to come down. I don't know when that is going to happen.

(Inaudible comment by Dr. Davies)

Mr. KELLIER: But the Minister had indicated that he would take some action.

Mr. Speaker, I am saying to the Minister of Finance today, I am supporting his Guarantee... I am supporting his Guarantee call, but I am also saying to the Minister who has responsibility for water, that I am asking him to ensure that we get the seventeen hundred foot run of pipe in Garlands. Seventeen hundred foot of two-inch pipe don't cost a lot of money.

Dr. PHILLIPS: Seventeen hundred foot run of pipes...

Mr. KELLIER: And I am asking the Minister to get it connected as quickly as possible.

(Sotto voce comments by Members)

Mr. KELLIER: No, no, no, we guaranteeing a loan for money. We are guaranteeing a loan today for funds for the Water Commission. And the stated objective here says: For rural households, the percentage, it is said here. So, I am appealing to the Minister today, in giving my full support, I am appealing to the Minister to ensure that the seventeen hundred foot run of two-inch pipe is given to Garlands...

Dr. DAVIES: Non-negotiable.

Mr. KELLIER: ...as soon as possible.

(Cross talk)

Mr. KELLIER: So, Mr. Speaker, on that note, I offer my full support to him.

Dr. CHANG: Thank you.

The DEPUTY SPEAKER: Thank you. Member.

Mrs. NEITA-HEADLEY: Mr. Speaker...

The DEPUTY SPEAKER: Go ahead, Member.

Mrs. NEITA-HEADLEY: When we approved the last loan, I spoke with the Minister who indicated, at that time, that it would have included a new well at Wakefield which would have serviced areas like Giblatore, Content, Spring Vale, *et cetera.* I am still having a difficulty, Minister, with the fact that most of Portmore's water, Duhaney Park and elsewhere is coming from Bog Walk - Tulloch Springs, and yet quite a number of the communities that - you would have bypassed quite a number of these communities - the pipes go through the communities, and yet it affords those communities no water.

And so, myself, I have no difficulty guaranteeing this loan on behalf of the people of rural communities. It's really what we want. But, I would also like to be assured that the people of East Central St. Catherine - a source from which most of the water coming into Portmore and Kingston is coming from, would also be able to access the precious commodity.

So, the communities of Giblatore and Spring Vale and Content, rather than seeking to wait for a $700 Million project coming from Wakefield, that we would seek to see how best we can accommodate them presently, on the KMA water supply that is coming through from Tulloch Springs. And Minister, please, I am appealing.

(Sotto voce comment by a Member)

The DEPUTY SPEAKER: Thank you, Member.

Mr. D. PEART: I too, have a problem with this. A number of years ago, I spoke to the Minister and the Minister of State - maybe two-three years ago, I spoke to the Minister and the Minister of State about Mile Gully Water Supply. The Minister said that he had funds, and he was going to start it. I think it was two years ago, he said he was going to start the Mile Gully Water Supply.

(*Sotto voce* comment by Government Members)

Mr. D. PEART: To date - two years ago, the Minister said he was going to start the Mile Gully Water Supply; to date nothing has been done.

(Inaudible comment by Mr. Vaz)

Mr. D. PEART: I doan waan hear from you, man. I didn't ask you. I don't want to hear anything from you. With the greatest of respect I not asking you. You have JDIP, you all right now. I spoke to him - I spoke to the Minister of State and he promised me faithfully, so, I am hoping, Mr. Minister...

(*Sotto voce* comment by Dr. Chang)

Mr. D. PEART: No, I don't want to hear it is on it again, you know. I want to hear that it is going to be done, and I want a date. I want a date when it is going to start. Because all the studies that have been done - all the studies that have been done. You identified the well source, you have checked the water, you have done the designs already, you have done costing, you have done everything. I am hoping - I know we gwine have an election early, you know. So, I am saying that maybe after election, we will get it, but I am just mentioning it any way. The new Minister of Water will implement it. I know that.

Thank you very much.

The DEPUTY SPEAKER: Member Guy.

Dr. GUY: Thank you, Mr. Speaker.

I know that you are happy that I am standing up Speaker, to speak because my concerns are as much as yours - Agualta Vale, Minister. It is part of this. And we want to be reassured that - because, as you know, in other areas regarding your portfolio, there are some housing developments that are awaiting water getting into it.

But there is another matter I have that I seek to raise Minister, and I am glad that Minister Shaw is listening, and the Minister in the Office of the Prime Minister is also listening.

Mr. D. PEART: You mean JDIP - JDIP?

Dr. GUY: In an effort to reduce the non-revenue loss of water, my concern is that, very often – I know the debate is taking a different turn, Minister - very often, it is said by people and in the news, that as soon as a road is fixed...

Mr. D. PEART: Dem dig it up.

Dr. GUY: The National Water Commission comes and digs up the road. I want to know whether, in terms of the planning, that...

A MEMBER: Your roads have been fixed?

(*Sotto voce* comments by some Members)

Dr. GUY: No, I don't have any. And they still not digging them up. In terms of the planning for this reduction in the loss of non-revenue water, whether any forward planning has taken place to ensure that roads that have been fixed now, under JDIP, or any other programme are not disturbed as a consequence of this improvement work that is going on. That is just the concern I have, Minister.

Mr. WARMINGTON: DK siddung nuh.

(*Sotto voce* comments by Members)

Mr. D. PEART: Bartlett, have a seat man, have a seat!

Dr. DUNCAN: Mr. Speaker, I had read the Ministry Paper - whatever the number is on this - concerning this issue, and I assumed it was politically neutral and therefore, I didn't intend to rise as such, but I noticed that the present Minister has nodded every time a Member has got up and mentioned a water supply scheme. So, if it is only by default - I don't want to sit here.

(*Sotto voce* comment by Dr. Chang)

Dr. DUNCAN: It is on it? It is on it?

Dr. CHANG: No, it's different.

Mr. DUNCAN: It is on the K-Factor so I can sit. I can take your word for it for the fifteenth time?

(Dr. Chang nods)

Dr. DUNCAN: So, you have nodded. I just wanted make sure, Mr. Speaker, that **Hansard** recorded the nod.

(Laughter/*Sotto voce* comment by Dr. Chang)

Dr. DUNCAN: Thank you very much because I have just printed a brochure which said exactly what you said.

Thank you very much.

The DEPUTY SPEAKER: Thank you. Minister... Minister...

Mr. SHAW: Thank you very much, Mr. Speaker, and I thank the Honourable Members for their contributions and questions.

Mr. CHARLES: And support.

Mr. SHAW: Let me, perhaps, just deal with a few domestic matters first. The Minister of Water has handed me a list of projects that are, in addition to the KMA, Old Harbour, May Pen, Mandeville, that I mentioned before. And he wants me to mention that other projects that are air-marked in rural areas are: Albert Town, New Market, Mason Hall, Kitson Town, Mile Gully, and Agualta Vale. The Mile Gully would be the Green Hill project. That is in relation to this project.

(Cross talk)

Dr. CHANG: Go online you will see all of the programmes.

Mr. SHAW: Mr. Speaker, a number of points have been raised and I will answer some of them.

First of all, I think that - please, I can't speak in this noise. First of all, Mr. Speaker, I think the Honourable Minister of Water has sought to answer questions in relation to the ability of the Water Commission to be able to service its debt because, bear in mind that with this programme, once implemented, there will be, without any question, a significant enhancement of revenue at the Water Commission.

It goes without saying that if you can stop leakage - and by his estimate, a saving of some 25 million gallons of water, that would be, per day, a saving of 25 million gallons of water per day. I don't know if you have the

numbers on that in terms of savings, but that is significant if you are able to achieve that level of savings. And so, in that context...

Dr. DAVIES: Is it saving or savings...?

Mr. SHAW: ...it will be able to assist in servicing...

Dr. CHANG: Savings, stop leaking.

Mr. SHAW: ...adequately servicing the debt.

(*Sotto voce* comments)

Mr. SHAW: And, let me indicate also, that the former Minister of Finance raised the issue, Mr. Speaker, of the question of the interest rates on the NROCC bonds. I want to indicate that that was, first of all, although it was an NROCC bond, it was not on a Government of Jamaica issue in the traditional sense. And the former Minister would be aware of what I would mean by that. But to indicate that the interest rate at which the bonds were raised was definitely in line with the yield curve that exist at this time for our bonds on the global bond market, so that the... I think the important issue - and it has always been a concern that I have had - and it is -1 lay it on the table. I said, bluntly, Madam Speaker, that we cannot afford to rely exclusively on any one source for your funding. We can't just come to an end with borrowing with where we are. We have to continue to borrow but we have to borrow smarter; we have to borrow cheaper. And we have to... Inevitably, there will be a mix, in terms of the rates that are available to you.

And the truth is that the NROCC situation was not a very healthy situation. It is one of the inheritances that we have, and that we have to be dealing with in turn, including the inheritance of the Bandes/Euro loan which we found ourselves saddled with. And, it was exposed because of the foreign exchange risks, in terms of exchange rate movements on the international market. There was exposure, and we had to deal with it. Happily, we have now dealt with it in a way that we have been able; even to yield some resources from it to assist us to deal with the problem of the Mount Rosser debacle. That is now a part of the solution.

So that, Madam Speaker, I am still proud of the fact that, here we can talk about - here today we can be talking about nine per cent (9%) at the top, five per cent (5%) BNS locally at the middle, and 1.3 per cent (1.3%) from the IDB, US$133 Million at the bottom.

MEMBERS: Hear, hear!

(Applause)

Mr. SHAW: As a matter of fact, when I met - we did the signing for an Energy loan this morning at Jamaica House with the Prime Minister.

Dr. CHANG: Tremendous improvement.

Mr. SHAW: The total amount of money approved by the IDB last Thursday in investment loans for Jamaica is US$218 Million, representing US$133 Million for water; US$20 Million for energy efficiency and improvement and US$65 Million for tax administration and customs administration in order to enhance the revenue collecting potential of the Government of Jamaica, today.

(Applause)

So, so… Mr…. You know, Madam Speaker, there are certain comments that are - that we shouldn't rush to make. (Laughter) There are certain comments in relation, for

instance, to the JDIP, when the Member refers to the management of the JDIP as if some drunken soldier is….

(*Sotto voce* comments by both sides)

Mr. SHAW: Some drunken sailor.

(Disturbance by both sides)

Mr. SHAW: And I want to, and I want to ask, I want to ask a question.

(*Sotto voce* comments)

Mr. SHAW: I want to ask a question?

(*Sotto voce* comments by Mr. D. Peart)

Mr. SHAW: Madam Speaker, Madam Speaker….

Mr. D. PEART: Nah tak bout dat!

Mr. SHAW: …when the Negril to Montego Bay….

Mr. D. PEART: Careful!

Mr. SHAW: Highway....

Mr. D. PEART: Rubbish you gwaan tell us!

Mr. SHAW: …was being constructed, the initial cost was US$25 Million. The cost of the Negril to MoBay Highway, I believe that the now Opposition spokesman on Finance was then the Minister of Transport and Works. The Negril to Montego Bay Highway did not end up at $25 Million as projected. The cost was $76 Million United States Dollars, a 200% overrun on that project. I wonder who was the drunken sailor then?

(*Sotto voce* comments by Government Members)

Mr. CHUCK: Lots of drunken sailors.

Mr. SHAW: Madam Speaker, on the Montego Bay to Ocho Rios section…

Dr. DAVIES: We heard you Sunday!

Mr. SHAW: ...on the Montego Bay to Ocho Rios section, the original cost was US$60 Million. And the final cost was *US*$176 Million, another 200% overrun!

(*Sotto voce* comments by both sides)

Mr. CHUCK: Lots of drunken sailors.

Mr. SHAW: I wonder who was the drunken sailor at that time!

(*Sotto voce* comment by Mr. D. Peart)

Mr. SHAW: Then, Madam Speaker, from the Ocho Rios to Port Antonio segment, the original cost was $6 Billion Jamaican Dollars.

Government MEMBER: What!

(*Sotto voce* comments)

Mr. SHAW: If you took the entire claim afield, the final cost would be $16 Billion Jamaican Dollars.

Mr. CHUCK: It may be $10 Billion.

(*Sotto voce* comments by Members)

Mr. SHAW: Because they claim is $10 Million. We are trying to renegotiate that downwards now. But, Madam Speaker, you see, I wonder who was the drunken sailor at that time.

(*Sotto voce* comments by Mr. Pickersgill and Dr. Phillips)

Government MEMBER: Bobby, Bobby was the drunken sailor in the House.

(*Sotto voce* comment by Mr. D. Smith)

The SPEAKER: (Gavels) Members, Members, Members, Members....!

(*Sotto voce* comments by both sides)

The SPEAKER: Members.

Mr. SHAW: Madam Speaker….

The SPEAKER: (Gavels)

Mr. SHAW: Madam Speaker, despite the overrun.

(*Sotto voce* comments by both sides/Disturbance)

The SPEAKER: (Gavels) No!

(The Speaker was on her feet staring at the Members)

The SPEAKER: No, but I am simply - I am hitting the gavel and the whole of Jamaica

is watching us and we are all getting ready to go to the Electorate. Please!

(*Sotto voce* comment by Mr. D. Peart)

The SPEAKER: Ahm, no, Member Peart, please, please, I don't expect!

Mr. SHAW: Madam Speaker…

The SPEAKER: I don't expect that of you.

Mr. SHAW: Madam Speaker…

Mr. PICKERSGILL: The roads are there.

The SPEAKER: Ahm, Member!

Mr. SHAW: …the road from Port Antonio or Ocho Rios to Port Antonio, which started…

(*Sotto voce* comments by both sides)

Mr. PICKERSGILL: …talk about that, talk about that project!

(*Sotto voce* comments by Government Members)

(*Sotto voce* comments by both sides)

Mr. CHUCK: The Speaker just spoke.

The SPEAKER: Members, Members, there are some Members that are behaving in a manner that is not becoming of them and not like them at all, and I am asking them, please. If you want to say something, this House is a democratic place; you will be able to say it. But, certainly, we cannot have all of this in Parliament. And I don't wish at this point to name anyone.

Mr. CHUCK: You are behaving like drunken sailors.

Mr. SHAW: Madam Speaker, Madam Speaker, on the Highway from Ocho Rios to Port Antonio, from Ocho…

(*Sotto voce* comments by Mr. Pickersgill)

Mr. SHAW: I will - I am not going to be interrupted! I am not going to be interrupted!

(*Sotto voce* comments by both sides)

(*Sotto voce* comments by Mr. Pickersgill)

Mr. SHAW: On the Highway – on the Highway, which was managed by you!

(Mr. Shaw points to Mr. Pickersgill)

Mr. PICKERSGILL: Yes!

Mr. SHAW: By you!

Mr. SHAW: Yes. That's right! The overrun was from $6 Billion to $16 Billion.

(Inaudible comment by Government Members)

Mr. PICKERSGILL: Sit down! Sit down! Shut yu mout!

The SPEAKER: Ahm, ahm, Members, I am going to start naming Members in this House if you will not behave.

(*Sotto voce* comments by Mr. Pickersgill and Dr. Phillips)

(*Sotto voce* comments by Mr. Charles)

The SPEAKER: The Minister is on his feet. The Minister is on his feet.

Mr. CHARLES: Mr. Pickersgill, have respect for the Speaker.

Mr. PICKERSGILL: Sorry, Madam Speaker.

The SPEAKER: Ahm, Member Pickersgill, that is not like you. You can have an opportunity to speak. You just have to indicate.

(*Sotto voce* comments by Dr. Phillips)

The SPEAKER: But this is not the way to behave. And that is not your style.

(*Sotto voce* comment by Mr. Pickersgill)

The SPEAKER: No, I am not going to argue with you, I am on my feet, and I am not proud of our behaviour at all.

(*Sotto voce* comment by Mr. D. Peart)

The SPEAKER: Member Peart, please. It is most unbecoming.

(*Sotto voce* comment by Mr. D. Peart)

The SPEAKER: Member Peart.

(Laughter)

Mr. SHAW: Madam Speaker, Madam Speaker, Madam Speaker, I am raising these issues because the Opposition Members have raised the issue of JDIP, which so far has been reported to this Parliament by the Auditor General in which she has identified procedural issues related to the management of the programme. Other issues - we have publicly stated, the matter has been taken on board by no less a person than the Prime Minister himself, who has taken charge of the programme and will be doing the necessary due diligence in order to report further to the people of Jamaica.

(*Sotto voce* comments by both sides)

Mr. SHAW: However, I feel it incumbent on me as Minister of Finance to point out these massive overruns that took place on projects.

(*Sotto voce* comments by Opposition Members)

Mr. SHAW: And in the case, in the case of the… (Disturbance by Opposition) And in the case of the Ocho Rios… (Disturbance by Opposition) in the case of the Ocho Rios to Port Antonio Highway…

(*Sotto voce* comments by Messrs. Phillips and Pickersgill)

Mr. SHAW: Madam Speaker....

Mr. PICKERSGILL: Call the police!

Mr. SHAW: ….in relation to the Ocho Rios to Port Antonio Bypass…

(Disturbance by both sides)

Mr. SHAW: Madam Speaker, in relation…

Mr. PICKERSGILL: (Inaudible) …furniture up deh, tell the police!

Mr. SHAW: …to the Ocho Rios to Port Antonio Bypass, the White Hall section of the road has collapsed!

A MEMBER: Yes!

Mr. SHAW: That road has collapsed!

Mr. CHUCK: A drunken sailor was there.

Mr. SHAW: Then now, Madam Speaker, we can go to the Mount Rosser Bypass.

(*Sotto voce* comments by Government Members)

Mr. SHAW: When the Mount Rosser Bypass… When the Mount Rosser Bypass…When the Mount Rosser Bypass was approved. When the Mount Rosser Road was approved, Madam Speaker, it was approved against the geo-technical advice that was provided by the technical people at the Ministry of Works, and you (Pointed to Mr. Pickersgill) were the Minister!

(*Sotto voce* comments/Disturbance by Government Members)

Mr. SHAW: And, Madam Speaker, it was estimated to cost... it was estimated to cost US$55 Million. We have spent US$120 Million already. And the one kilometer section of that road cannot connect the two roads, because of a geo-technical problem!

Mr. PICKERSGILL: Who said that?

Government MEMBERS: You!

(Government Members shouting, you!!)

Mr. SHAW: The final cost will be in excess of US$160 Million, an overrun of 200% again!

(*Sotto voce* comments by Opposition Members)

(*Sotto voce* comments by Government Members)

Mr. SHAW: Madam Speaker, Madam Speaker, these people who presided over these…

The SPEAKER: (Gavels) Ahm…

Mr. SHAW: …they are not drunken sailors, they are mad drunken sailors!

(Laughter by Government Members)

(Sotto voce comments by Opposition Members)

Dr. PHILLIPS: Call the police.

Mr. VAZ: The police doing Trafigura, I told you that already!

Dr. PHILLIPS: Call the police.

Mr. VAZ: Go testify and… (Inaudible)

(Disturbance)

Mr. SHAW: Madam Speaker...

(The Speaker gavels)

Mr. SHAW: Madam Speaker.

The SPEAKER: Ahm, Ahm, Member Peart, please. This is the last time I am going to ask you not to do that. Please.

Government MEMBER: Run im out! Let im out!

The SPEAKER: I am asking you, please, not to do that.

Mr. SHAW: So, Madam Speaker, I end by simply saying….

(*Sotto voce* comment by Mr. Charles)

The SPEAKER: (Gavels) Ahm, Member Charles.

One Opposition MEMBER: We can hear yu man!

Other Opposition MEMBER: We caan hear you! We caan hear!

The SPEAKER: Member Charles, please. I am asking both sides to stop.

Mr. SHAW: Madam Speaker, I end by simply saying that the refinancing arrangements that we have negotiated for this important infrastructure project is very much in line with this Government's policy of lower interest rates for major infrastructure projects. And with that, I beg for your approval of this Government Guarantee.

(*Sotto voce* comments by both sides)

Mr. CHARLES: I hear you outside boasting about… (Inaudible) you!

The SPEAKER: The question before the House is that the motion to guarantee the loan be so approved?

Put to the House and agreed on.

Mr. CHARLES: Madam Speaker, I beg to move for the suspension of the Standing Orders to enable me to take the motion of which I gave earlier.

Mr. PICKERSGILL: Use the mike man, caan hear whe yu sey!

Mr. CHARLES: I didn't know you were deaf too.

(Laughter by all)

Mr. CHARLES: If you have a problem I'll give you the solution.

(Laughter)

(*Sotto voce* comments/Laughter)

The SPEAKER: (Gavels) Members, the question before us is that the Standing Orders be suspended to allow the Member to take the motions, notice of which he gave earlier?

Put to the House and agreed to.

The SPEAKER: Go ahead, Minister.

NATIONAL MINIMUM WAGE

Mr. CHARLES: The Speaker, has indicated that she heard clearly.

(Laughter)

Madam Speaker, this Honourable House will recall that on January 11, 2011, it passed an amendment to Section 13 of the Minimum Wage Act, in order to facilitate the increase in fines and penalties payable for breaches of the provisions of the National Minimum Wage

Order, 1975. And the Minimum Wage (Industrial Security Guards) Order, 1982.

As you will recall, Madam Speaker, we also had the Amendment Act, Section 29(B) of the Interpretation's Act provided that where an Act confers power on any authority to make or issue regulations, a person who commits an offence under that Act, is liable to a fine not exceeding $1,000 or to imprisonment with hard labour for a term not exceeding three months. Or, to both, such fines and imprisonment, unless that specific Act provides otherwise.

Consequently, Madam Speaker, before the fines and penalties under the Minimum Wage Order could be increased to a necessary fine in excess of $1,000….

The SPEAKER: (Gavels)

Dr. DAVIES: Yes, run dem out!

Mr. CHARLES: …or custodial sentence.

The SPEAKER: I can't hear the Minister.

Mr. PICKERSGILL: You can't beat the man without the campaign.

Mr. CHARLES: This amendment to the Act was passed by the Senate on the 28th of January 2011 and the Bill became law on February 24, 2011 after the assent of the Governor-General was received. As promised, I now introduce into this House for affirmative resolution the National Minimum Wage (Amendment) (No. 2) Order, 2011 and the Minimum (Industrial Security Guards) (Amendment) (No. 2) Order, 2011, which now seeks to increase the outdated fines and penalties.

Madam Speaker, the Minimum Wage Act was passed in 1938 and provides legal framework for the payment of minimum wages to persons engaged in employment within Jamaica.

(*Sotto voce* remarks by Mr. Pickersgill)

Mr. CHARLES: Is the second time you can't believe. Go and read the history of Bustamante.

Mr. PICKERSGILL: All right, nuh bother lecture mi. It nuh suit you.

Mr. CHARLES: I am hearing very clearly.

Section 3 of the Act gives the Minister the power by order to fix the minimum wages for any occupation in the island either generally or in specific areas where he is satisfied that the wages being paid are unreasonably low. The Minister may also fix the national minimum wage which is applicable to occupations generally.

The rationale, Madam Speaker, behind all this minimum wage legislation has been for the protection of wages of persons who may be vulnerable to exploitation in relation to the wages they earn. It is appreciated that some of these workers may not have the bargaining power to negotiate for suitable wage. The legislation therefore establishes a minimum standard for payment for wages and prohibits the employer for paying wages which fall below the minimum standards.

Various Orders have been promulgated using the power under Section 3 of the Act to regulate wages for workers in specific occupation. However, over the years workers engaged in several sectors who are protected by specific orders became unionized whereby removing the need for the protection of the minimum wage legislation. These workers are now able to bargain for stable wages through their union representatives.

The main Orders still utilized in practice are the National Minimum Wage 1975 and the Minimum Wage (Industrial Security Guards) Order, 1982. The National Minimum Wage Order establishes a general national minimum wage which encompasses all sectors and a specific minimum wage for household workers in paragraphs 4 and 5, respectively.

Additionally, Madam Speaker, this Order makes provisions for the workers to be allowed a rest day under paragraph 3, item 1. The payment of wages below the minimum wage is expressly prohibited under paragraph 8 and the offences and penalties for breaches are set out in paragraph 7.

As it relates to specific order promulgated under section 3 of the substantive Act, the security guards industry has committed - has continued to benefit from particular attention because of the perceived unreasonable wage the security guards receive. The minimum wage and benefits payable to industrial security guards are set out in paragraphs 4 and 6 of the Minimum Wage (Industrial Security Guards) Order, respectively.

Additionally, this Order makes provisions for the worker to be allowed a rest day under paragraph 3, item 1, and receives holiday with pay under paragraph 7. Life insurance coverage for security guards is provided pursuant to paragraph 8 and the offence under the Order for penalties and breaches are set out in paragraph 9.

Madam Speaker, it must be recognized that the Minimum Wage Order will not be effective unless adequate sanctions are imposed for breaches of the provision. Regrettably, the current fines and penalties under both Orders are woefully inadequate and cannot act as an effective deterrent to the breaches.

Currently, these fines and penalties are as follows: paragraph 7 of the National Minimum Wage Order prescribes the fine of $100 or three months imprisonment if an employer deducts from the wage of a worker any amount for lodging, for food supply or to the worker for any other benefits conferred on that particular worker. The same penalty applies if a worker is paid less than a higher rate of pay prescribed by specific order for the particular worker. And paragraph 9 of the Minimum Wage (Industrial Security Guards) Order prescribes a fine of $100 or three months imprisonment if an employer deducts from the wages of any industrial security guard any amount for lodging or for food supply to the worker, or for any benefits conferred on the industrial security guard.

Sections 3 and 14 of the Minimum Wage Act, Madam Speaker, say that fines and penalties have to be amended in order to subject an affirmative resolution. I hereby ask this Honourable House to affirm the following amendments:

- Paragraph 7 of the National Minimum Wage Order to be amended by increasing the fines and penalties to $1 Million and/or imprisonment for a term not exceeding one year.
- Paragraph 9 of the Minimum Wage Order (Industrial Security Guards) Order to be amended by increasing the fines and penalties to $1 Million and/or imprisonment for a term not exceeding one year.

Madam Speaker, I now seek the affirmative resolution of this House in relation

to the National Minimum Wage (Amendment) (No. 2) Order and the Minimum Wage (Industrial Security Guards)(Amendment) Order (No. 2), 2011.

Madam Speaker, this matter is not controversial. It was passed here earlier and in keeping with the rules and regulations I have now brought the Order as set out.

Thank you.

The SPEAKER: Minister Kellier.

Mr. KELLIER: Thank you, Madam Speaker.

Section 3 of the Minimum Wage Act, Madam Speaker, does give the Minister the power by order to fix minimum rates of wages for any occupation in the island. And as is well known, the Minister also has the responsibility to fix a national minimum wage which is applicable to occupations generally.

The Opposition is on record, Madam Speaker, having expressed its concern over time about the protection of wage rates for persons that may be vulnerable to exploitation at the workplace, and we supported the legislative action that will act as a deterrent to unscrupulous employers.

Madam Speaker, the message must be very clear to all and sundry, coming from this Parliament, that we are really serious about the protection of workers' rights, non-unionized and unionized alike. And in this instance the Ministry of Labour and Social Security, through its public education programme, and indeed the Jamaica Employers Federation, must continue to sensitize the public and employers alike about this issue. For too long we have had instances and reports of persons that have violated the principle of minimum wage, and really because the rates have been so low for the fines people have just ignored it.

The Opposition is on record, Madam Speaker, for giving its full support to the International Labour Organization's convention on the Decent Work Agenda, which was promulgated about five years ago. And this convention speaks to the general conditions at the workplace as well as equitable remuneration for workers, meaning decent pay as well, among other things.

The monitoring, Madam Speaker, by the officers from the Ministry of Labour and Social Security has to be intensified, particularly in this period where the employment is scarce, jobs are scarce and the temptation to exploit workers may be heightened. So we have to ensure that the vigilance is stepped up to avoid any breaches taking place.

The increase in penalties for breaches as proposed by the Minister is supported by us on this side. And I wish to commend him, although it took a little while for him to bring the matter here for us to pass into law.

Mr. PICKERSGILL: He hasn't said anything about a liveable wage.

Mr. KELLIER: We hope, Madam Speaker, that other issues relating to the minimum wage, not directly relating to the fines, but issues that we had reached some agreement on earlier in the year when we discussed the minimum wage, that a committee would have been put in place to determine what the livable wage would be. And the Minister undertook, in good faith, to have that executed….

Mr. PICKERSGILL: He hasn't done it.

Mr. KELLIER: …and I believe some work has been done on it. But I would want to urge the Minister to bring that livable wage package here before the Parliament is closed for this year, because it would be useful for us to understand what the committee came up with and for us to be able to - based on the cost of living right now, the minimum wage is almost obsolete right now, because it cannot purchase the basket of groceries that is recommended by the Ministry of Health that is to sustain a family, the minimum wage cannot do it. And in this period of increasing utilities, charges and so on - if time does allow, I would urge the Minister to bring that to us so that we can take a position on it and have a debate on it before the Parliament prorogues for this year.

Again, Madam Speaker, I wish to give my support to the – and that of the Opposition – to the measure and to commend the Minister for bringing it to the table. (Applause)

Government MEMBER: That's how we like to see Parliament work.

Mr. CHARLES: Madam Speaker, I want to assure the Opposition spokesman on Labour, that we have received a first draft, and I am prepared to share it with him. We have read it and requested some further information and proposals on the matter. I will share the content of the present with you while we await any further recommendations, and have you agree before we take it to the Parliament. I think it's the people's business, and there is no need to have it separated because of party line. It's a burden on all of us.

Madam Speaker, I now move that the Order be affirmed, as proposed.

The SPEAKER: Member, the question before the House is that the two Orders as proposed by the Minister be affirmed.

Put to the House and agreed to.

The SPEAKER: The Orders are affirmed.

Mr. CHUCK: Madam Speaker, I would like to ask for the recommittal of the items Notices of Motions Given Orally, and also Announcements. Announcements and Notices of Motions Given Orally.

The SPEAKER: The question before the House is for the recommittal of Notices of Motions Given Orally and Announcements.

Put to the House and Agreed to.

Mr. CHUCK: Sorry, Madam Speaker, may I just ask also for the recommittal of the item Reports from Committees.

The SPEAKER: Members, the question before the House is also for the recommittal of the item Reports from Committees.

Put to the House and Agreed to.

The SPEAKER: So we are going to have recommittal of Announcements, Reports from Committees and Notices of Motions Given Orally.

ANNOUNCEMENTS
(Recommitted)

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

- **Ministry Paper No. 102**
  Cabinet Agenda Issues for the 7th of November, 2011.
- Report of the Regulations Committee of the House of Representatives on its Deliberations on the Inter-American Development Bank Amendment of the Appendix to the First Schedule Order, 2011.

REPORTS FROM COMMITTEES (Recommitted)

Dr. BARTLETT: 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 Inter-American Development Bank Amendment of the Appendix to the First Schedule Order, 2011.

NOTICES OF MOTIONS GIVEN ORALLY (Recommitted)

Mr. CHUCK: 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 shortly entitled, The Representation of the People (Amendment) Act, 2011.

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 introduce the Bill, have it read a first time, move for second reading, and take it through all its concluding stages.

(*Sotto voce* comments by some Members)

Mr. VAZ: 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 shortly entitled, The Telecommunications (Amendment) Act, 2011.

Dr. BARTLETT: 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 Inter-American Development Bank Amendment of the Appendix to the First Schedule Order, 2011, which was laid on the Table of the House on Tuesday, the 22nd day of November, 2011, be adopted.

(*Sotto voce* comments by some Members)

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 the motion.

The SPEAKER: (Gavels) I can't hear what is happening, please!

A MEMBER: You need to name, name!

Mr. E. SMITH: Name Pickersgill! Call him by name!

Dr. DAVIES: When you arrive?

Mr. E. SMITH: Long time!

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. CHUCK: Madam Speaker, I beg to 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 Representation of the People (Amendment) Act, 2011.

The SPEAKER: Members, the question before the House is that the Standing Orders be suspended to enable the Minister to introduce and have read a first time, the Bill.

Put to the House and agreed to.

Mr. CHUCK: Madam Speaker, I beg to give notice of second reading of the Bill – no, of first reading.

Bill shortly entitled

The Representation of the People (Amendment) Act, 2011,

read a first time.

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

PUBLIC BUSINESS

Mr. CHUCK: Madam Speaker, Minister Bartlett will – sorry, the Member from Eastern St. Andrew will deal with his matter, and then I will deal with the Representation of the People (Amendment) Act, 2011.

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

The 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.

Dr. BARTLETT: Madam Speaker, I now move that the Report be adopted.

The SPEAKER: The question before the House is that the Report be adopted.

Put to the House and agreed to.

The SPEAKER: The Report is adopted.

THE REPRESENTATION OF THE PEOPLE ACT

Mr. CHUCK: Madam Speaker, I now move for the suspension of the Standing Orders to enable me to move that the Bill shortly entitled, The Representation of the People (Amendment) Act, 2011, be now read a second time and taken through all its concluding stages.

The SPEAKER: Members, the question before the House is that we have the suspension of the Standing Orders and that we – to allow the Bill to be read a second time and taken through all its stages.

Put to the House and agreed to.

Mr. CHUCK: Madam Speaker, this is a very important Bill, some changes to the Representation of the People Act. And the changes – the amendments we are making are a few of the changes that were recommended in a Report to Parliament. There are other amendments to be taken at a later time, but at this time we believe that the changes – the amendments being proposed today are very useful, relevant and also helpful in the electoral process.

Madam Speaker, the Jamaican Electoral System has made great progress since the establishment of the Electoral Advisory Committee in 1979. This progress has been recognized nationally, regionally and internationally. Notwithstanding this advance, there is room for continued improvements.

In this Report to Parliament on continuing legal reform, dated October, 2010, the CLR Report, the Commission recommended measures that will further strengthen and enhance the governance of the electoral process, as well as operational matters related to the electoral machinery.

Madam Speaker, of the many recommendations that were outlined in the CLR Report, only those relating and concerning the amendments to the Representation of the People Act, (ROPA), have been incorporated into the present Bill before this Honourable House. It is anticipated that the other recommendations made in the CLR Report will be brought before Parliament in short order. The ROPA, Madam Speaker, governs the conduct of parliamentary elections.

The Commission is of the view that it is not prudent for the ROPA to remain static, in light of improvements in the infrastructure of the country, advancements and new inventions in technology, changes in the behaviour of the electorate, and points of conflict that arise in

the execution of elections that can be readily resolved by more explicit instructions. Accordingly, in the CLR Report, 2010, the Commission made recommendations related to issues arising in respect of the broad categories alluded to above.

The CLR Report was tabled in Parliament on December 7, 2010, and approved on March 1, 2011. This submission proposes the adoption of the recommendations of the CLR Report, 2010, as they relate to the Representation of the People Act, (ROPA), and the consequential amendments to the Parish Councils Act and the Kingston and St. Andrew Corporation Act.

Some of the features of the Bill include provisions for the following:

- the time and manner of the delivery of official list of electors to candidates;
- the transfer of electors in special cases;
- the banning of the use of cellular phones, digital cameras, and other image-recording devices from use in polling stations;
- the repealing of sections dealing with the use of motor vehicles and their regulation, with respect to the transportation of the electors to the poll, and changes to the composition of the constituted authority.

Madam Speaker, it is against this background that I will now proceed to mention the clauses of the Bill before us, the Representation of the People (Amendment) Act, 2011, clause by clause.

Clause 1 cites the Title and the Representation of the People (Amendment) Act, 2011.

Clause 2 relates to section 18 of the ROPA, and its deletion and substitution to stipulate that all candidates should be provided with four (4) copies of the official list on Nomination Day, following their nomination. The Official Voters' List is actually comprised of four (4) parts, Madam Speaker –

- a Police Voters' List, (see Schedule 4);
- a Military Voters' List, (Schedule 3);
- an Election Voters' List, (Schedule 5);

And the balance of what remains from the exclusion of the aforementioned List, constitutes –

- the Civil Voters' List.

Members inside here, Madam Speaker, will appreciate that these separation, you take out those Police, Military and also your PD workers from the List, because those persons might have voted elsewhere – basically, the Military and Police List. And based on that, Madam Speaker, the remainder will be the List that will be voted on election day, as the Police and Military vote a few days before.

Madam Speaker, the Civil Voters' List is the one used in polling stations on Election Day. The ROPA stipulates that within seven (7) days after Nomination Day, the Returning Officer shall deliver or send by registered post to each candidate, a copy of a Military List, a Police Voters' List, and an Election Officers List, prepared in relation to each constituency. What the ROPA does not currently require is that the Civil Voters' List should also be provided to candidates at the same time as the other three lists. Normally, Madam Speaker, we get the Voters' List on Nomination Day. But what this is providing – either it is provided that same day the other List, or

within seven (7) days of Nomination Day.

Currently, therefore, if sufficient time is afforded to candidates to independently verify that the Police List, the Military List, the Election Officers' List, and Civil List, add up exactly to the official Voters' List.

Consequently, this has the potential to lead to suspicion as to the credibility of the Civil Voters' List, which as mentioned before, is used in polling stations on Election Day. This amendment was untaken so that all four components of the official list be distributed to candidates at the same time prior to Election Day.

Clause 3, this clause relates to section 28 (3) and 28 (3A) of the ROPA and their deletion and replacement and by so doing now, places a onus on the returning officer "*within seven days after nomination day to deliver or send by registered post to each candidate the prescribed number of copies of the notice referred to in subsection (2) together with* -

(a) a list of the presiding officers and poll clerks who will officiate at each polling station and;

(b) a list of the person assigned to transport ballots boxes from polling stations."

Madam Speaker, **Clause 4** deals with the deletion and substitution of section 35 (7) and 35 (8), and 35 (9) of the ROPA. The amendments outlined,

"Where an elector intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote -

(a) the presiding officer shall -

(i) issue a warning to the elector and request that the elector returns the ballot paper to him forthwith, and the elector shall forthwith restore the ballot paper to the presiding officer ;

(ii) deface the ballot so as to render it a spoilt ballot; and

(iii) deliver a second ballot paper to the elector.

Madam Speaker, if an elector is given a second ballot paper and continues to act in the same manner after having been warned by the presiding officer that second ballot shall be returned or defaced and no further ballot shall be delivered to the elector thereafter. In other words, after the first warning he gets a second warning, if he shows it again, the open vote, it is again defaced and both ballot papers will be rendered null and void.

Section 35 (9) relates to use of a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper. Madam Speaker, digital technology has made it possible for cameras to be included in a wide range of devices and has also made it easy to transport and conceal such devices.

One of the foundations of democracy is the secrecy of the ballot. Digital cameras, cellular telephones and similar devices can be used by electors to record their ballots thus violating the principle of the secrecy of the ballot. Consequently, section 35(9) of the ROPA was amended to include a provision prohibiting the use of recording devices, digital or otherwise, to be used by electors to record their ballot after it has been marked and to make violation of such a prohibition and to render the ballot in question null and void.

Madam Speaker, it is clear that the Electoral Office with these two provisions

must publicize the effect of persons who try to engage in open ballot or who try to record how they vote using a cellular phone, because in both cases the end result may well be that their vote is null and vote. What the electoral officer is asking for, Madam Speaker, is for the secrecy of the ballot and in both cases if the elector fails to protect the secrecy of the ballot then the elector may well lose that right to cast a vote because that elector would not be operating according to what the Bill is now proposing. But there is a burden on the Electoral Office, Madam Speaker, to explain to all electors across Jamaica that **open balloting** is no longer permissible; and, secondly, that cellular phones or recording devices must not be carried into the polling station, and if they are carried into the polling station they must not be used. Because once they're used to record the ballot those ballots may well be declared null and void.

Clause 5, Madam Speaker, treats with section 44A of the ROPA which was amended and replaced. Under the original section 44A of the ROPA the constituted authority which comes into effect whenever an election notice is issued, is comprised of the three selected members of the Committee and two other persons, one of whom shall be a retired Judge and one of whom shall be a member of the Privy Council.

Madam Speaker, it is useful to note that the Electoral Commission (Interim) Act increased the number of selected members on the Electoral Commission from three to four. Consequently, Madam Speaker, in order to achieve congruence with the relevant section of the ROPA it was necessary to amend the selected members on the constituted authority from three to four.

Clause 6, treats with the repealing of section 71, 72, 73, and 74 of the ROPA. These sections treat with the use of motor vehicles and their regulations with respect with the transportation of electors to the poll.

Madam Speaker, in this post-modern era the sections of the ROPA that applies to the use of motor vehicles to convey voters to the poll:

- section 71; the registration of motor vehicles as electoral vehicle,
- section 72; the special provisions relating to urban constituencies,
- section 73; and the restriction on users of registered electoral vehicles,
- section 74 are no longer necessary and should be deleted.

The effect of this, Madam Speaker, is that you no longer at election time have to register vehicles and if they are not registered police officers will usually not only stop them but they may well...

Mr. WARMINGTON: Seize them.

Mr. CHUCK: ...seize them and they can be no longer used during the day of the election. What this amendment is seeking to do, electors can be transported to the polling station by the use of any vehicles, by donkeys, by bicycles, whichever is convenient, Madam Speaker, and neither the donkey nor the bicycle nor the van nor the car need to be certified or registered.

Mr. PICKERSGILL: Jeep, jeep, jeep!

(Cross talk)

Mr. CHUCK: Or jeep. Even a jeep!

Government MEMBER: Your Jeep can carry out road works?

Mr. CHUCK: Even a jeep.

Mr. PICKERSGILL: Gwaan use jeep.

Government MEMBER: A good jeep that can drive. One that can drive but that not going anywhere.

Mr. CHUCK: A good jeep can be used but not one that cannot drive. (Laughter)

(Cross talk)

Government MEMBER: That not going anywhere.

(Cross talk)

Mr. CHUCK: Clause 7, Madam Speaker, section 76 (1) of the ROPA is amended by deleting the words:

(i) "section 71 or of section 74 or of"; and

(ii) the word "sections" and substituting therefor the word, "section".

In addition **Clause 7** amends section 76 (2) by the deletion of the '*numerals 71 and 74'* wherever they appear.

Madam Speaker, these changes restrict the right of a Constable police officer to detain registered electoral vehicles and question passengers who are transporting persons to the poll in regard to suspected breaches of the ROPA. So police officers no longer will have a right to stop persons on Election Day and ask questions, where are these persons going to.

Mr. M. PEART: Good move, good move.

Mr. CHUCK: Clause 8, subsection (1) of section 105 of the ROPA is amended by deleting the words "*forty-eight hours*" and substituting therefor with the words '*seventy-two hours*'. In addition section 105 is further amended by inserting next after subsection (2) the following as a new subsection (3) -

(3) *no agent of a candidate shall be transferred between polling stations within the same polling location."*

What this is saying, Madam Speaker, is that PD workers from the same constituency very often work in other polling stations as PD workers, as indoor agents or presiding officers. And because they are not in that exact PD they can still vote because they can't leave that PD during the day to go vote elsewhere. But what is important is for the candidates to inform the returning officer not forty-eight hours but now seventy-two hours who are your indoor agents working in particular PDs. So that they can cast their vote in the PD in which they are working and not in the PD in which they're registered. So that is the effect of that section, Madam Speaker.

Section 105 of the ROPA deals with the transfer of electors in special cases. The ROPA allows candidates to apply for the transfer of agents from the polling division of original registration to another polling division to which they have been appointed to serve. The transfer is effected provided that the returning officer receives a written notification from the candidate not less than forty-eight hours before the opening of the poll and that has now been changed to seventy-two hours. As a result of the substantial increases in the number of such applications, returning officers need more time to process and effect such applications for the reason for the change.

Madam Speaker, in treating with the amendments made to the ROPA, it was realized that consequential amendments ought to be applied to comparable sections of the Kingston and St. Andrew Corporation Act and the Parish Councils Act with respect to such matters as the time and manner of the delivery of official lists to candidates, the transfer of

electors in special cases, the banning of cellular phones, digital cameras and other devices that could capture the image of the marked ballot and the repeal of legislation related to motor vehicles used to transport electors to the poll.

Consequently, Madam Speaker, Clause 9 treats with all these consequential amendments to the Kingston and St. Andrew Corporation Act and the Parish Councils Act which are embodied in the Schedule of this Amendment Act.

The consequential amendments to the Kingston and St. Andrew Corporation Act, Madam Speaker, amends Section 34A, the official list to be supplied to candidate; delete Section 44(b) the granting of a poll. Amend Section 51, transfer of votes in special cases; amend Section 53, general mode of taking ballots; amend Section 62, the halting of taking of poll to allow for a five-sixths majority of the vote of the members of the constituted authority to halt the taking of the poll this corresponds with the amendment made to section 44A of the ROPA; repeal section 104 to 106 the use of registered electoral vehicles; amend section 107 the power to detain vehicles and question drivers of registered electoral vehicles. This is amended so as to reflect repeal of sections 104 to 106 of the ROPA.

Consequential amendments to the Parish Council's Act amend Sections 12A official list to be supplied to candidates; amend Section 29, transfer of electors in special cases; amend section 31 (7), 31 (8), 31 (9) and 31 (10) general mode of taking ballots; amend section 40A (1) halting of the taking of the poll; amend section 40C (2) (a) halting of the taking of the poll; repeal Section 79, 80, 81 and 82, use registration and power to retain electoral vehicles for conveying electors to the poll. This is amended to appropriately reflect the repeal of sections 79 to 81 of the ROPA.

In conclusion, Madam Speaker, this Honourable House is accordingly invited to give consideration to the Bill and recommend that the Bill entitled: "The Representation of the People (Amendment) Act 2011", be introduced into and approved by this Honourable House of Representatives.

Thank you.

Dr. BAUGH: Not controversial.

(Sotto voce comment by Mr. Warmington)

Mr. BUNTING: Madam Speaker, I must say I am surprised that the Member from South West St. Catherine is actually sounding supportive of a piece of legislation to do with the Electoral Commission of Jamaica. But, Madam Speaker, we the Opposition supports this Bill. We supported it when the Report on Continuing Legal Reform came to Parliament and the amendments are not controversial. And, therefore, we have only one or two comments to make on the matter.

The issues like the vehicle registration that is just impatient of debate. It's just the passage of time has changed the nature of the country that we live in and I think those are no longer relevant.

I had one concern with the clause relating to the digital cameras. It seems to me that in a way this is trying to - you know, in a way the horse would have already gone through the gate. The ideal would have been the prohibition of these matters, but it has been explained to me that as a practical matter short of searching - body searching electors there's

really no way to guarantee that they may not take a camera, small cellular phone in to their pockets, *et cetera,* into the polling station.

But I think it still shows that the poll clerk and presiding officer will have to be very vigilant, because it may not be easy to ascertain when the person goes behind the screen or the low cardboard voting booth whether they still are able to do that recording, because some of these devices can go as close as two inches to the object that they are taking a picture of. But I think this is probably as good as we can get in this round.

There is one matter though, Madam Speaker, which is a very simple amendment, but it is fundamental. It really only requires us to change one word. We have already had this agreement at the Electoral Commission and I really hope, Minister, that we could make this small amendment when we go to committee.

What that amendment has to do with, Madam Speaker, is the expenditure allowed by candidates during the election campaign period. That expenditure is currently $3 Million and it was set many, many years ago. Madam Speaker, you would well know what it does is to make liars of the candidates to try and show a return where they expended less than $3 Million. In today's day and age that is virtually impossible, in most seats anyway, to spend less than that during the period of an election campaign.

At the Electoral Commission an adjustment, a calculation was made for the effects of inflation on that original $3 Million and other – and we have agreed ten, and we agreed that ten would be the appropriate figure. That amendment…

(*Sotto voce* comments by Members)

Mr. BUNTING: That amendment, Madam Speaker, would only require changing one word in the relevant clause - I would ask the Parliamentary Counsel representative to just look up the clause for me - to change it from three to ten.

It is unlikely we are going to get another chance to amend the ROPA before the next general elections. So I think we should just use the opportunity to change that one word, which is now set at an unrealistically low figure and therefore almost guarantees that your candidates are going to have to make returns which don't really reflect the truth. And I don't think I think that is a bad thing. And I think we have an opportunity now, with a simple amendment, to just correct it. It has been agreed at the Electoral Commission and I am sure every Parliamentarian would concur that it makes sense and it's practical.

So with those few comments, Madam Speaker, I will say that we support the amendments with that additional amendment.

Dr. DUNCAN: Madam Speaker, the Member from South West is at his - is correct. I shouldn't really have to add anything, but I just wanted just for the record, to add one or two little points. To the uninformed public it may appear as if the Electoral Commission and the Parliament might be just nitpicking and taking out one or two little sections of the Act and not be aware, the uninformed public, that what we have here is just part of a larger picture…

Mr. WARMINGTON: The Report that came here.

Dr. DUNCAN: In a Report that came here which cannot, which in our opinion we cannot pass into law. We may not be able to

pass into law if the hints given by the Prime Minister are to be taken very seriously about the possibility of elections before the end of December. So I thought I would just clarify that one.

Two, to state that this therefore represents part of the whole question of election preparedness and to keep improving the system as we go along.

The point made by the Member from Central Manchester – the other member of the Electoral Commission who sits in this House, the other two sit the Senate - is that that amendment that is being proposed is part of the campaign financing report which is to come to this House, but for the same reasons - that the Prime Minister might be in a hurry to demit office - that we want to do it as things that can be done that are not controversial. We are proposing that these things be done.

You are aware, Madam Speaker, also that there is the work of the ECJ, *et cetera*, which resulted in the Parliamentary Counsel - the Bill that is now being prepared for the registration financing of political parties, again it's all part of that larger picture.

I am painting this picture, Madam Speaker, not to justify anything but to also suggest to this House and to the Parliament that the Commission actually does, Member from South West, a lot of work that takes a lot of time other than the regular meetings, to get all this done. And I am sure the Member from South West would want to join me in congratulating…

Mr. WARMINGTON: Not the Commission.

Dr. DUNCAN: …the work done by all of these stakeholders, including the representatives of the political parties.

(*Sotto voce* comment by Mr. Warmington)

Dr. DUNCAN: But, the Member from South West, as a successful businessman knows how a board operates and know that you have things like policies and you have implementation, and it is in that context that we speak.

Other than that, Madam Speaker, I would like to make an appeal that when we next have the opportunity of meeting to consider the improvement in the electoral system that we put as a priority, the whole question of campaign financing. The document which is to be presented very shortly, once we are meeting either here or, as I am told, we may have our meeting in December at the new – the previous location. I don't know if the Prime Minister will allow us the opportunity to meet there before he dissolves the Parliament. But it is a critical tool what is being proposed in the campaign financing report, report on campaign financing is very important; and an attempt is being made to get the agreement of the two political parties to voluntarily sign on to some non-controversial things, like agree on things that we already do, who are permissible donors and who are impermissible donors.

The question that the Member again from Central Manchester raised for further, which is not here, but we are asking to be put in, is also part of the trying to move into the culture of actually reporting on what we do. We need some amount of integrity when we send in those reports about what we spend at election time. But that's also part of a larger piece of the campaign financing proposals, where political parties will be asked to make fulsome reports, as well as candidates, as to where they get their money from, how this money is spent

and also to move to the point where we don't have secrecy in campaign financing, where we have full disclosure, where we have things like caps on spending. And one of the things that we hope we can agree on also is the use of the State apparatus, for example, the State media in terms of equal time for the stakeholders at election time.

So, Madam Speaker, what I am trying to paint as quickly as possible in keeping with the relevant point made by the Member from South West, that we get along with this since we may have to go out into the field shortly to inplement with the things out there; that we understand that clearly that we have made great strides in the electoral process and there are greater strides to be made. But in the course of doing those things we have to bring the public fully into what is happening so that they may understand and support where they think it is right to support, what is being proposed by the people, the various stakeholders including the People's National Party, the Jamaica Labour Party representatives, civil society, including the church groups etcetera, who have all had an input into some of these items which are in front of us now, but more critical items to come. And in this regard I would like to congratulate the Electoral Commission of Jamaica that continues to do an excellent job in improving our electoral system.

Mr. M. PEART: Madam Speaker, I would just like to ask for some clarification with regard to section 2, where the list has been disaggregated to comprise a major voters list, a police voters' list, election officers' voters list and the civil list. The question I want...

(*Sotto voce* comment by Mr. Shaw)

Mr. M. PEART: …clarified is, who comprise the election officers voters list?

Mr. WARMINGTON: The indoor agents.

Mr. PICKERSGILL: Shut yuh mouth.

Mr. M. PEART: Madam Speaker, there has been some confusion in the past where it is alleged that not only those people that work - election day workers that work on election but those who have applied but didn't get a job.

Mr. WARMINGTON: No!

A MEMBER: Yes.

Mr. PEART: That is one allegation that has been made. My understanding is, that it's supposed to be those who are working plus a reserve -who are notified that they are reserved to be called and if they are required to work.

A MEMBER: That's it.

Mr. M. PEART: But I am just asking for the clarification here today.

Mr. PICKERSGILL: Madam Speaker…

Mr. WARMINGTON: What's wrong with you this time?

Mr. PICKERSGILL: You soon find out.

Mr. WARMINGTON: Yuh soon find out?

Mr. PICKERSGILL: Yes. Look at you! (Laughter) Look at you! You have a nerve more than a bad tooth.

I thought when this matter came up here some time ago that we would have made provision for a candidate to state categorically that he or she is a Jamaican citizen and enjoys only one citizenship.

(*Sotto voce* comment by Mr. Warmington)

Mr. CHUCK: Not in this case.

Mr. PICKERSGILL: So we are going to go into the election which has caused so much problem.

Mr. CHUCK: With the possibility. (Shrugging his shoulders)

Mr. PICKERSGILL: Why just a shrug? Why we can't correct it?

Mr. CHUCK: A constitutional change.

Mr. PICKERSGILL: What makes it a constitutional change? That's not a constitutional change.

(*Sotto voce* comments by some Members)

Mr. PICKERSGILL: That is not a constitutional change.

(Cross talk)

Mr. PICKERSGILL: Make a declaration and they know that when they do that they can be disqualified.

Mr. M. PEART: Automatically.

Mr. PICKERSGILL: Yes. And I mean we have been through all of this. Why we going back there?

(*Sotto voce* comment by Mr. Warmington)

Mr. CHUCK: Let me respond.

Madam Speaker, in responding I will go in the reverse order. The point that the Member from East Central St. Catherine is making North Central North West St. Catherine, I am sorry – North West St. Catherine is making is one which sounds reasonable but we rarely do anything in relation to the Electoral Commission unless we get a recommendation from them. This recommendation is one that we, hopefully, will refer to the Electoral Commission election, that in any future election that the candidate must have signed a declaration, including this one, that they are a Jamaican citizen and maybe hold no other of citizenship of say any other country or any other non-Commonwealth country.

Mr. PICKERSGILL: I made that recommendation.

Mr. CHUCK: I know, but the recommendation having been made it was not taken on by the Electoral Commission and therefore not been sent to us as yet.

In relation to the Member from South Manchester, the position, Member, is that as pointed out, where there are election officers those election officers who are working in other divisions, that they will be identified so that the four lists will comprise the final voting list; and the idea that you should get it within seven days of Nomination Day is so the candidates can make sure that there is no addition or subtraction on the official voters list.

Mr. M. PEART: Madam Speaker, just to clarify what I'm asking. If a person applies for a job with the Electoral Office, to work on Election Day, but is not given that job, but may be recorded on that list of Election Day workers, he may not know. He might, therefore - he will go to the polling station on Election Day and will not find his name there, because it was on the electors - the Election Day workers' list.

Mr. CHUCK: The point, Madam Speaker, the point - and I can only put it as I understand it - the four lists will comprise all the electors in that constituency. So if the person is not on one of those lists he doesn't belong to that constituency.

Mr. BUNTING: Madam Speaker, if the Minister would yield I think I could be of assistance.

The SPEAKER: Yes.

Mr. BUNTING: We've discussed this

matter at the Electoral Office and what happened is - sorry the Electoral Commission - and when we recruit...

A MEMBER: Buoy yuh bright.

Mr. BUNTING: ... when the Electoral Office recruits Election Day workers, they say they need 18,000 workers approximately - they recruit an excess of 20% above that. Because things happens, persons drop out, unavailable, something happened between the recruiting and the day. So there will be, you know, two, three, four thousand persons who will be on the Election Day workers voting list who will actually not work. But if they don't vote on that earlier day, they will not get a chance to vote because the lists have already been divided. So the point was made - and I think it created some confusion in 2007 - and the point was made that the Electoral Office has a special responsibility to contact all those reserved workers, who may not be called to work, but who have to vote on that earlier day to ensure that they're alerted that they must vote on that earlier day.

(Inaudible comment by a Member)

Mr. BUNTING: Well, you may say it's unnecessary but they have to train a surplus, because if they only train the exact number, you'll always have people who fall away for sickness, some unforeseen eventuality and therefore you wouldn't have enough workers on Election Day, enough poll clerks and presiding officers. So the point is an important point, it created confusion before. And I thought I'd be able to help you, Minister, just because it's being addressed at the Electoral Office and they have that special responsibility at the Electoral Office to contact those reserved workers even if they don't call them out to go to - make sure that they are aware that they have to vote on the earlier day set aside for election day workers, military and police. Thank you.

Mr. CHUCK: Thank you very much, Member.

In response to the Member from Western Hanover...

A MEMBER: No, no!

Mr. CHUCK: ...Eastern Hanover...

(*Sotto voce* comment by Dr. Duncan)

Mr. CHUCK: Could you please let me have one? I understand that Commissioner, you're selling these maps for $110,000, I can't afford them. So I need one.

(Inaudible comment by a Member)

Mr. CHUCK: The map - the plastic ones, they're been sold for $110,000 and I would like one.

The Member, Madam Speaker, is quite right. There are - an enormous amount of work is being done by the Election Commission - Electoral Commission, and a number of recommendations have been made, but to the best of my knowledge, not all have been signed off on. The truth I understand, in respect to the $3 Million to $10 Million, only yesterday I got a letter signed by all of you, recommending the change from $3 Million to $10 Million. So based on that it is likely that - and I've checked with the legal officers - that we can move section 55 from $3 Million to $10 Million, and if there's a problem when it gets to the Senate, maybe the Senate could simply return (back) to the $3 Million, but I cannot foresee that there's a problem. The Commissioners basically recommended, in the light of inflation from 2007, that it be moved to...

A MEMBER: To $10 Million.

Mr. CHUCK: That's right, to $10 Million, and I see no reason with that recommendation - which is a letter from the Commissioners, which I saw on my desk yesterday, or this morning - that we can move to that.

In the circumstances, Madam 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.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Representation of the People Act",

read a second time.

The SPEAKER: Members, 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 1.

Put to the House and agreed to.

The CHAIRMAN: I now put Clause 2.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 3.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 4.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 5.

Put to the Committee and agreed to.

The CHAIRMAN: Clause 6?

Mr. BUNTING: Madam Chairman, I think this is where you put in...

The CHAIRMAN: Right, which one is that, clause...

Mr. BUNTING: I think you would...

Mr. CHUCK: May I propose at this stage, a new Clause 6, and it would be - in that new Clause 6, we would ask that the word "*three"* be deleted and substitute therefor, the word *"ten"*.

A MEMBER: The number.

Mr. CHUCK: Write the number – no, the word, the word, the word!

So we're saying, Madam Chairman, the - in Clause 6, we're asking that section 55 of this principal Act - in section 55 of the principal Act be amended so that the word - delete the word *"three"* and substitute therefor the word *"ten"*. Okay, that's the new Clause 6, Madam Chairman.

Mr. BUNTING: Madam Speaker, if the Minister could just read it again just - because he made a couple corrections while he was going, so could he just...

Mr. CHUCK: So we are inserting a new clause 6 and the new Clause 6 would read: Section 55 of the principal Act is amended by deleting the word "three" and substituting therefor the word "ten".

Mr. BUNTING: Thank you.

The CHAIRMAN: Those in favour of that amendment of inserting in the new Clause 6, the word - that the word three be deleted and instead the word ten be inserted from section 55 of the principal Act?

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 7.

Mr. BUNTING: No, you'd have to now have the consequential renumbering.

The CHAIRMAN: All right, Members I now put the new clause 6 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I now put the new Clause 7.

Put to the Committee and agreed to.

The CHAIRMAN: I now put the new Clause 8.

Put to the Committee and agreed to.

The CHAIRMAN: I now put the new Clause 9.

Put to the House and agreed to.

The CHAIRMAN: Members I now put the Schedule...

Mr. BUNTING: No, the new Clause 10.

The CHAIRMAN: ...the new Clause 10.

Put to the Committee and agreed to.

The CHAIRMAN: And we now move to the Schedule. I now put the Schedule *en bloc* - as is.

Put to the Committee and agreed to.

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

Put to the Committee and agreed to.

The CHAIRMAN: Members, the question is that I do report the Bill as having passed Committee Stage with one (1) amendment to the new Clause 6 as agreed.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: Members, I do report the Bill as having passed Committee Stage with one (1) amendment.

Mr. CHUCK: Madam Speaker, the question is - I now move that the Bill be read a third time.

The SPEAKER: Members, the question before the House is that the Bill be now read a third time.

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Representation of the People Act",

read a third time and passed. (Applause)

Mr. CHUCK: Madam Speaker, I now move for the suspension of Standing Orders to allow final matter, the Private Member's Motion that was opened by the Member from South West St. Catherine, to continue.

Dr. DUNCAN: Could you yield.

Madam Speaker, before the House Leader move, I'd just like to put on record - I think the other Member of the Electoral Commission in this Parliament today, would agree with me to congratulate the new Minister for the speed with which he has dealt with a number of matters in recent weeks, with the Electoral Commission.

(Inaudible comments)

The SPEAKER: Members, the question before the House is that the Standing Orders be suspended to allow us to take the Private Members Motion, that of the Member from South West St. Catherine.

Put to the House and agreed to.

PRIVATE MEMBERS' MOTION

The SPEAKER: Member from South West St. Catherine.

Mr. WARMINGTON: Madam Speaker, the House Leader said - I'll just close the four Private Members' Motion that I opened before. There's no controversy here, I spoke to the Member from Central Manchester, but I was hoping that the House Leader would've taken Private Members' Number - Motion Number 53, so as to amend section 14 subsection (1) of the Provisional Pension Act. And section 4 sub-section (1) sub-subsection (a) of the Prime Minister's Pension Act, and section 1 - 7 – sub-subsection (1) sub-section (a) of Legislature Pension Act.

I'd spoken to the House Leader, I don't think it's a controversial issue, it's just to align the pension situation between Members of the House, the Governor-General and the Prime Minister. I don't believe this will take two minutes or three minutes, it's just to take the section of the Act that we're asking to do. So I'm asking whether the House Leader will allow - we've been here this hour, can we allow an extra five minutes to conclude the amendments of these three sections?

A MEMBER: No.

Mr. WARMINGTON: It's not a difficult issue, so I would just like to just take it, it's not more than five minutes, just to align the pension situation.

(Inaudible comments)

The SPEAKER: Why? Why not?

Mr. WARMINGTON: Or they come down to us.

(Inaudible comments by both sides)

Mr. WARMINGTON: Yes, it's going up.

Mr. CHUCK: Member, remember please, I urge you, just close the four matters you opened. And the reason why I mentioned to you about the pension matter, there's a whole raft of pension reform that is likely to be discussed sometime soon. So before you even take that motion, let us see what pension reform is pending. So please continue with the four matters you opened.

Mr. WARMINGTON: I'm surprised that the - I'm going to go with the recommended suggestion of the House Leader, but I'm pretty surprised.

(Inaudible comments by a Member)

Mr. WARMINGTON: No, no, but I'm surprised at the stand of the Leader of Opposition Business.

Mr. PICKERSGILL: Why?

Mr. WARMINGTON: When I spoke to him that was not his position. But I can't take it not having any support to members. And I'm very surprised at the Member from South Manchester.

(Inaudible comments by a Member)

Mr. WARMINGTON: Yes.

(Inaudible comments by Members)

Mr. WARMINGTON: Madam Speaker, two weeks ago we had dealt with the Private Members Motions 33, 34, 35, 36. This in itself is a continuation of the Bill brought here today by the Leader of the House, where I asked of section 35 subsection (3) to be amended. This section ask that the ballots be marked by using a black indelible pen - pencil - and it ought to be a cross. And what I'm asking here, for this to be deleted and replaced by anything that is used by the elector that can be discerning as to what the elector intend - intention was, should be taken as a valid ballot, but not limited to a black indelible pencil, but whatever is used.

And I stated before that someone leaves a pen by the screen; some ignorant person go behind there, uses a pen, that ballot is spoilt and it is not a fault of the elector. So, that's limiting the person to the black pencil.

The other section is section 41A sub-section (1), whereby it states that the outdoor agent should not be less than twenty yards from the polling from the precincts of the polling station. And there are many cases in which the candidate's representative that is provided by law is placed all the way down the street, unable to do the work that the outdoor agent is supposed to do on behalf of the candidate. So, I am asking for section 41A subsection (1) to be amended to allow the outdoor agents to be within the precincts of

the polling station to carry out the duty that he is assigned to do on behalf of the candidate, instead of being less than 20 yards from the precinct. But to remove the section that says not less than 20 and put them within as long as they are not... There are cases in which police are the one day police say they have to be one hundred yards down the road and this was not the intent.

As I stated before, if the law provides for the candidate to provide - to have an outdoor agent representing him or her, that person should be posted, or positioned where that person can carry out the responsibility that is given to them by law, representing that candidate. So, it should be "*less than*", it shouldn't be "*not less than twenty*" but "*be less than twenty*" within the precinct itself to carry out the duty. And the other one deals with the section 44, subsection (3), where I asked for:

> BE IT RESOLVED that this section be amended to add '*or, that the counterfoil is removed above or below the perforated line'.*

So, regardless where the ballot is done, you put or, if this is removed above or below, it's a valid ballot because it might be the fault of the presiding officer not tearing it properly, so it should not be a disqualified ballot or a rejected ballot. It is no fault of the elector.

And the other one… I asked for the amendment to section 33 to increase the hour of voting. It now states from 7:00 to 5:00. And I stated then, this was in the days when in the country you didn't have electronic age where you can get the thing in time, and you had bad roads that you use donkey carts and those things, or donkeys to get the ballot box down. These days have gone and you have good roads, everything. So, I am asking for this to be amended so the time for voting is between 6:00 in the morning to 7:00 in the afternoon to allow the electors like I mentioned that people from even from Old Harbour have to work in Kingston, unable to vote before leaving for their jobs, and most are unable to get back in time by 5:00. So, increase by an hour in the afternoon and by an hour in the morning, so that we can facilitate these persons.

Madam Speaker, I put before you I ask you to put before the House the four amendments that I have asked for.

The SPEAKER: The question before the House….

(*Sotto voce* comments)

Mr. M. PEART: Madam Speaker, I humbly request that the Member considers that we refer these recommendations to the Electoral Commission for review and consideration.

Mr. WARMINGTON: Madam Speaker, we will be delegating responsibility to it is our responsibility to make these stuff. What the… The Member should have asked first, is to have it referred to your Committee for consideration, but not to ask to send it to the Electoral Commission for consideration and recommendation. It is our duty to formulate laws and amendments. It is our duty, not the Electoral Commission. So, we can't refer it to them. It is the duty of Parliament to enact laws, not their responsibility. So, that's a bad advice given to...

MEMBERS: A request, a request.

Mr. WARMINGTON: No, no, I am asking that we carry out the responsibility given to us by law and not to delegate our

responsibilities elsewhere. It goes to them, they are going to formulate the stuff eventually.

(*Sotto voce* comments)

The SPEAKER: Members of the House, the question before us is that the recommendations be approved *en bloc* as brought by the Member from South West St. Catherine.

Mr. JACKSON: Madam Speaker, was I understanding the Member to suggest that he will favourably consider the matter being referred to your Committee?

(*Sotto voce* comment)

Mr. WARMINGTON: No, no, no! What I said that if there are any recommendations, it goes to her, but not to withdraw the responsibility to us. They are here; we pass them, or we reject them. When it is passed, naturally, between the Parliamentary Counsel and the Electoral Commission will have to get together to put them in the order that they ought to be, but our job is to pass the amendments, then between the Electoral Commission and the Parliamentary Counsel, they formulate the whole stuff eventually there. It will be sent back to her Committee.

(*Sotto voce* comment by Members)

Mr. PICKERSGILL: No her here… Madam Speaker. Bout yu her.

Mr. M. PEART: Madam Speaker, based on how we have been operating with the Electoral Commission, it will be inappropriate for us to agree to these amendments without their consideration or input. That's all I am saying. I am making that point that somewhere along the line, the Electoral Commission must review these recommendations and give us their proposition. That's all I am saying.

Mr. WARMINGTON: If a Parliamentarian, elected by the people of Jamaica, comes to the House provided by the people of Jamaica for his or her representative to come and represent such elector, and we come here, put forward amendments that we believe are in the interest of the electors, and then we send to the Commission, the Commission has grouse with it, then the Commission rejects whatever is recommended from Parliament, then where do we go from here? Who has the power and the authority? We have to careful, you know, when we make recommendation; we have to look at the ramification. Where are the elected representatives?

This is not breaching tradition or whatever it is, or usurping the authority of the Electoral Commission. What has happened in most cases, the authority of Parliament is usurped elsewhere, so we cannot allow this. It is our duty, so we cannot kick the can down the street and leave it to someone unelected. It is our duty. So, we cannot. So, Madam Speaker, I cannot go along with the recommendation. It is our responsibility under the law. How could we delegate it elsewhere?

MEMBERS: All right, all right, siddung, siddung!

Dr. DUNCAN: Madam Speaker, we have, over the last, since 1979 and now, been involved in building an institution to address the difficulties that we have experienced with our electoral system over the years prior to that time. It has been a long, painstaking process. As part of that institution building, what has been put in place, has been a body which, first of all, called an EAC which has evolved into the ECJ which has its own we

have given them the foursome laws which, at this moment… I can't recall exactly what they are now. However, built into that institution mechanism, is the avenue, in the first instance, for the two political parties to make recommendations directly to the people who are, by law, directed to implement, to make policy - and ECJ makes policy and the EOJ implements. And it would be my view at this stage, subject to any other understanding that anybody else might have, that the correct route to go would be to refer this matter through your party representative, your General Secretary and the other one - who usually meets with the other two representatives of the other party, look at these things and make this recommendation to the ECJ, who then puts it back into a report which comes back to you, and then you approve what you have put to the thing. If you - in this situation, all the ramifications you cannot get the benefits of all the ramifications and got whatever is implied in any recommendation that you make, without the benefit of the people who (a), have had the day-to-day experience of running the electoral system, and (b), have the responsibility. Those recommendations there is a route that we have put in place which does not subvert Parliament. It does not.

Usually, what it does is to give the technical people the opportunity to review anything that you do, put through an agreed on mechanism, which we already have, and then bring it back to the Parliament where the Parliament has the sovereign right to say yea or nay to that report. But, there is a mechanism and there is a system. And I think that we should have a look at it.

Mr. WARMINGTON: Madam Speaker, I have a problem with this. **One**, the Member is saying to send it to the Committee technical people, then the Parliament say aye or nay. Parliament can now say aye or nay. We are not changing the authority, or not usurping the authority. We are exercising our authority.

Secondly, the Member mentioned that we should send it through party representative. The issue here, I do not know… when I walk through the door of Parliament, Madam Speaker - when I walk through the door of the Parliament here, I forget about party. When I walk through the door of Parliament, I represent the people of Jamaica. And when I stand here, I am representing the people of Jamaica. Therefore, I am not thinking about sending anything through a party representative. I stand here as a Member of Parliament who is answerable to the people of South West St. Catherine. Madam Speaker, I have already closed the debate on these stuff. It is up to you, Madam Speaker, to put it to the floor to accept or reject. The debate, it is closed so we cannot be debating something that is closed. The issue is, the Speaker puts the motion, yea or nay. That's the only thing because it is closed.

Mr. CHUCK: The position though, Madam Speaker, we don't want the issue to die. So, the point is that we are recommending to the Member, maybe then, to put it to a Committee of Parliament for further consideration. Will you make that recommendation? Because you could pass it, you know, and then it dies. So, making the recommendation, you put the four motions to a Committee of Parliament for further consideration.

Mr. WARMINGTON: It can't be a committee of Parliament; it can't be a committee of Parliament.

Mr. PICKERSGILL: Why?

Mr. CHARLES: Why?

Mr. WARMINGTON: What committee? Any committee?

(*Sotto voce* comments by Members)

Mr. CHUCK: A committee to further consider it.

Mr. WARMINGTON: You have the Speaker's Committee, the Privileges Committee, the Regulations Committee or the Standing Committee that this thing is send from. What committee Madam Clerk, could you advise me. What committee does the report come to from the Electoral Commission?

Mr. PERALTO: A special select committee.

Mr. WARMINGTON: No, no, there is a committee set up, chaired by the Speaker.

Mr. CHUCK: It only deals with boundaries.

Mr. WARMINGTON: The issue that we have here is a simple issue. The House accepts or rejects what I have here, Madam Speaker. You accept or reject what is here.

Mr. CHUCK: I am trying to help you, you don't have a quorum.

Mr. CHARLES: The House has a right to determine whether they want to send it to a committee or not. (Inaudibles) …have to accept or reject.

Mr. CHUCK: So, we are recommending that you send it to a committee for further consideration.

Mr. CHARLES: You can send it to that committee or the Speaker's Committee, no problem. You can send it to the Speaker's committee.

Mr. WARMINGTON: What I said, you accept the amendment and send it to a...

Mr. JACKSON: Let us move on.

Mr. CHUCK: To a Committee for further consideration, okay. So, move the motion that we approve the motion and ask that it be sent to a committee.

Mr. WARMINGTON: I also want to make one amendment, Madam Speaker. The amendment I asked for, to section 33, instead of from 6:00 o'clock in the forenoon until 6:00 o'clock in the afternoon, it remains at 7:00 in the forenoon to 6:00 in the afternoon. And I recommend…

The SPEAKER: Members, I am going to suggest that we put the motion separately. Let us just put the motion separately.

Members, the motion before the House, section 33, 34, 35 and 36. The question is that the motions be accepted and referred to… isn't that for committee…?

(*Sotto voce* comments)

The SPEAKER: …committee for further consideration.

Mr. WARMINGTON: I am afraid that this thing gwine go to committee. I am afraid, you know, Madam Speaker, this thing might go committee and die. I have a firm…

The SPEAKER: Member, we have a… we have a major difficulty in that the Leader of Government Business has indicated that we do not have a quorum, so that also presents itself as a… He did. The Member did. So, Members, let's put it separately then.

We now put the motion – the amendment to section 33 with the amendments to be approved and sent to a committee for the recommendations to be considered.

Put to the House and agreed to.

The SPEAKER: And we are now putting

section 34 - the motion, 34 for approval and for the same to be sent to a committee for further consideration.

Put to the House and agreed to.

The SPEAKER: We move now to motion - the motion number 35 for it to be accepted and sent to a committee for further consideration.

Put to the House and agreed to.

The SPEAKER: We put the motion…

Mr. CHUCK: The amendment.

The SPEAKER: …two amendments now to 36 for it to be approved with the amendments and sent to a committee for further consideration.

Put to the House and agreed to.

The SPEAKER: Motion No. 37

MEMBERS: No, no..!

(*Sotto voce* comments by Members)

The SPEAKER: No? That's it?

ADJOURNMENT

Mr. CHUCK: All right. Madam Speaker, we do not intend to do any further business. So, we now ask for this Honourable House to be adjourned to a date to be decided.

Mr. M. PEART: So, you not coming next week? Madam Speaker, I had made a request of you…

The SPEAKER: Yes, yes!

Mr. M. PEART: …but in the interest of time and lack of a quorum, I will wait until the next sitting of the Parliament.

Mr. JACKSON: If it sits.

(*Sotto voce* comment/Laughter)

The SPEAKER: Members, the question before the House is that this Honourable House be adjourned until a date to be announced.

Put to the House and agreed to.

The Honourable House accordingly adjourned at 6:30 p.m. until a date to be announced.