

JAMAICA HANSARD

Parliamentary Proceedings

of the

HONOURABLE HOUSE OF REPRESENTATIVES



Session 2014 – 2015 VOL. 40 No. 3

JANUARY 13, 2015 – February 10, 2015
PAGES 2259 – 2526

JAMAICA HANSARD



PROCEEDINGS of the HONOURABLE HOUSE OF REPRESENTATIVES

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 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2014 – 2015

TUESDAY, January 13, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:26 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

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

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

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

MINISTERS OF STATE

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. RUDYARD CONRAD SPENCER, (JLP),
Clarendon, South Eastern

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

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ,
(PNP), Westmoreland, Central

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

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

PRAYERS

Prayers were offered by Mr. Franklyn
Pryce.

The SPEAKER: (Gavels) You may be
seated.

This Honourable House now resumes its
sitting.

CALL OF THE ROLL

(See Listing)

THE HONOURABLE HOUSE OF REPRESENTATIVES

January 13, 2015

The SPEAKER: Let me welcome the Honourable Members to the first sitting of this Parliament for the New Year and wish we have a successful year this year.

House Leader.

Mr. PAULWELL: Mr. Speaker, I join you in welcoming back our Members to the Parliament and to wish them all, along with our staff, a happy New Year. This period is going to be a very short period before we prorogue to start the new parliamentary year. In fact, we intend to start the new parliamentary year around the 19th of February. So between now and about the 17th of February when we prorogue we do have a lot of work to do, and so we are going to have a very, very busy session. So I welcome the Members' support and cooperation as we pursue the task at hand and again to wish all a happy New Year.

STATEMENTS BY MINISTERS

Mr. PAULWELL: Mr. Speaker, we have two Statements: the Minister of Education and the Minister of Industry, in that order.

The SPEAKER: Rev. Thwaites.

UPDATE ON THE NATIONAL COLLEGE FOR EDUCATIONAL LEADERSHIP (NCEL)

Rev. THWAITES: Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to update this Honourable House on the activities of the National College for Educational Leadership,

called NCEL, one of the frontline agencies of the Ministry of Education that is engaged in the task of improving education outcomes. This venture was presaged by the Transformation Report of 2005 for Education, and the structure of NCEL was crafted during the previous Administration, but its effective start-up has been in the last year and a half.

Mr. Speaker, the education system is a huge amalgamation of moving parts that are all intertwined. And in order to improve education outcomes, several parts or dimensions of this giant juggernaut have to be transformed simultaneously. And NCEL has been focused on addressing weaknesses in the area of school leadership and management.

Mr. Speaker, this is a critical area as several pieces of research have indicated that the quality of leadership in a school is a determining factor, in fact, perhaps the most important determining factor in how effectively that institution carries out its core functions of teaching and learning.

Mr. Speaker, the Members of this House will note that the National Education Inspectorate found that less than 60%, in fact, 57% of schools assessed up to June 2014 were rated as satisfactory and above in terms of their leadership and management. And a little bit over 40%, 43% were deemed to be unsatisfactory.

In addition, the pool of competent persons from which principals are to be drawn needs to be replenished continually. There are currently 1598 principals and vice principals in the public education system. And during the current academic year 116 principals and vice

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principals are due to retire and 140 are projected to do likewise during the 2015/2016 academic year.

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

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

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

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

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

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

(DR. KENNETH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

Against this background, NCEL has embarked aggressively on the upgrading of principals and senior school personnel to become effective instructional leaders. Mr. Speaker, it can't be any longer that a person is promoted to the role of principal on the basis

only of their seniority or some other factor. In 2014 the College conducted training for 1270 school leaders in a number of critical areas so as to improve student performance. And I refer you and the Members to Minister Paper No. 5, I think it is, of 15, tabled today, which details the training undertaken over the past two years.

The majority of the training programmes have been aimed at improving the skills and competencies of persons performing current roles - those in service now. Principals are expected to satisfy post-training requirements that include the following:

- submission of a growth plan for their schools, that has to be approved
- implementation of that plan
- preparation of a professional portfolio. and
- a system of assessment

NCEL programmes emphasize the practice of leadership more so than the theory and the building of competencies rather than the acquisition of concepts. This approach to leadership development has yielded new possibilities for individual growth, student learning and school transformation.

You know, Mr. Speaker, many of our principals have master's degrees and some even doctorates in Educational Leadership, but they have not had adequate experience in what is the multifarious job of being a school principal, which involves not only being the instructional leader but also being adept in human relations and also in financial management, and in all aspects of student assessment.

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I share some of the testimonials from participants in the Effective Principals' Training Programme:

Here is Mrs. Evorine Henry-Tracey of Brimmer Vale High in St. Mary:

"As a new principal, I found the leadership training very useful. It gave me a sense of focus and helped me attain some important goals."

She goes on:

"Overall, it was a good exercise which was so beneficial that I continue to build on documenting evidence so as to develop a culture of school planning and data management."

Mr. Rayan Williams of Barbary Hall Primary School in Manchester says that:

"The leadership training that I have received from NCEL was very current, applicable and practical towards educational leadership."

Mrs. Kaydeen Miles-McLean, the Education Officer - because we are tackling those too, you know, Mr. Speaker - she is from Region 4, says:

"I found the Effective Principals' Training Programme most beneficial",

....and so on.

In addition to the on-the-job training for principals currently in service and other officers, NCEL is also preparing prospective principals through the Aspiring Principals Programme. This nine-month post-graduate level programme is being delivered in partnership with the University of the West Indies. And recognizing the importance of closing the deficit for competent principals,

the Ministry of Education has awarded fellowships to 40 participants to pursue that Aspiring Principals Programme and they will be conferred with the Professional Qualifications for Principalship in March 2015.

I'd like to inform Members of the House that 100 participants are now being recruited for round two of the Aspiring Principals Programme. And where Members, in their engagement with the schools in their constituencies, can identify teachers who are potential principals they should encourage them to apply for this programme.

It's important to note, Mr. Speaker, that at a future date it will become mandatory for candidates applying to fill vacancies for principals to possess this certification. The Ministry of Education is confident that placing persons with the appropriate competence and aptitude in the leadership of schools will contribute to the overall development in educational outcomes.

Thank you, Mr. Speaker. (Applause)

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

Mr. Speaker, I want to thank the Member for this Statement updating us on the activities so far of the National College for Educational Leadership.

Mr. Speaker, it is not my usual style to want to claim paternity on...

A MEMBER: You do it all the time.

Mr. HOLNESS: I do it all the time?

Rev. THWAITES: I graciously give it to you.

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January 13, 2015

Mr. HOLNESS: But as the Member says, he graciously gives it to me, and it is the spirit in which we have cooperated in education.

Mr. Speaker, this particular Agency is one that I worked very closely with the technical people at Ministry of Education in establishing. And there was a time, Minister, when I had a concern that the National College for Educational Leadership may go off track, may not necessarily fulfill the objectives for which it was intended, but by your statement it would appear that the programme is on track again and that it is fulfilling the objectives that it was intended to do.

Mr. Speaker, we noted in the education system at the establishment of this programme that we were selecting persons to lead institutions, institutions which control budgets which were larger than most medium-sized businesses, that had staff which was larger than most medium size businesses but they did not have the requisite management skills. They were good teachers but they were not necessarily good managers, and, therefore, there was a need for a staff college for principals within the education system that would ensure that principals had the requisite skills but that they had the acumen for management. And the intention, Mr. Speaker, was that, number one, we would be looking amongst the pool of teachers to see who displayed the skill; who had the natural talent, and then we would take them and hone them as is the case now where we see the Minister has said that there is the Aspiring Principals Programme. So there will now be a

certification that every teacher who hopes to become a principal must have before they can be considered for principalship. And I think that solves a major problem, because what we have been doing in the education system is that we are retrofitting, so we are taking teachers and then we have to then, having trained them as teachers, we then have to now go and spend significant resources to retrofit them with the skills to be principals. Now what we are doing is from the outset, training principals to be principals, and I think that will have a significant impact upon the institutional management of schools.

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

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

Mr. Speaker, so I am very happy to see that this is being done and I would say that within the next 10 to 15 years we would have a cadre of principals who would be considered world class right across our system and then we would begin to see even greater improvements in, not just the institutional management of the school but also in the instructional management of the school.

So, Mr. Speaker, we accept this Statement and we endorse the work of the Minister of Education.

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January 13, 2015

Mr. PRYCE: Mr. Speaker.

The SPEAKER: Mr. Pryce.

Mr. PRYCE: Thank you, Mr. Speaker, and let me just echo the earlier sentiments wishing all Members a prosperous 2015.

Mr. Speaker, through you to the Minister in his response. I wonder if he could clarify whether the "pool" reference just now by the Member from West Central St. Andrew, the Aspiring Principals Programme also contemplates other professionals who may have the requisite training and experience in management to be considered as perhaps entrance into that programme. It seems that we are still practicing the concept where our most senior teachers, in terms of their performance success with their pupils passing examinations or because of their seniority at the institution or within the system, are promoted as head teachers and, therefore, principals, and I am wondering whether or not that concept denies the education system, and in an environment where some schools need to be treated as enterprises in terms of retaining money and earning money, whether or not there is a contemplation within the National College for Educational Leadership to take entrants from other disciplines who have the requisite managerial training, qualification and experience so that they can complement the cadre of persons who are participating in the delivery of education services?

Rev. THWAITES: Thank you, Mr. Speaker, to both Members who have contributed.

The answer to the Member from St. Elizabeth's question is that, we would be open

to persons who wish to engage in the programme with a view to becoming principals, however remember that a principal, whatever else he or she has to be, is primarily the instructional leader, the leader in teaching and learning, and, therefore, that person would have to have competencies in that as well.

Mr. Speaker, to emphasize the point though, that we are open. We are open particularly - and this is not a case of gender bias, it's a case of affirmative action. Mr. Speaker 91 per cent of all teachers in our schools this year are women, that's wonderful but we need men too in the system, and if we can encourage men of wholesome character to engage in the teaching profession, this is of great importance, and, therefore, if there are such who may not be in it now but would like to be, that would be extremely important.

Mr. Speaker, to emphasize the point made by the Leader of the Opposition and former Minister. The principal of a school has to be a strong financial manager. We only get financial reports from less than ten per cent of all our schools, and that's not good because as he pointed out, many of them are superintending hundreds of millions of dollars a year and the competences in financial management and in accounting are of significant importance.

At present, although it's not part of any regulation, whenever the endorsement of a principal's appointment comes to the Ministry of Education I enquire whether that person has in fact fulfilled the NCEL requirements, and if they haven't we are going to ask them please to do so before they are confirmed. It is

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extremely important that while we respect seniority, seniority or other ascriptive criteria, what church you belong to, what politics you join can no longer play a part in determining educational leadership. (Applause)

And so, this is an opportunity that exists not only for principals but we hope for vice principals and heads of department who are ascending the ladder of authority in our schools.

Thank you very much for the support.

(Applause)

The SPEAKER: Mr. Hylton.

**SPECIAL ECONOMIC ZONE GREEN
PAPER**

Mr. Anthony HYLTON: Mr. Speaker, the tabling of the Special Economic Zone or SEZ Green Paper in Parliament follows a period of wide consultation last year involving local and international organizations and experts.

Considering that the Government of Jamaica wants maximum exposure of the policy and consensus in creating this economic platform, we invite additional comments on the Green Paper towards the furtherance of the SEZ regime as an important catalyst for sustainable growth, industry diversification and integration in global value and supply chains.

Mr. Speaker, Cabinet also instructed that there should be inclusion of information on the Labour Market Reform. The relevant section of the Green Paper, Mr. Speaker, includes labour market reform initiatives

aimed at removing the previous perception of the Free Zone as a sweatshop. The labour practices, Mr. Speaker, to be adopted in the SEZs will entice job seekers to aspire to be a part of new industries that challenge their creative intellect while guaranteeing a world class quality of life.

Mr. Speaker, let me just speak to some of the rationales for the SEZ regime, particularly at this time.

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

The Special Economic Zones, Mr. Speaker, represents a wide variety of geographically demarcated areas that offer simplified and efficient business regulations and procedures aimed at attracting investors. SEZs will replace recurring free zones and will be promoted and facilitated as a strategy to attract and retain targeted investments and will catalyze and sustain economic activity across various sectors of the Jamaican economy.

This necessitates, Mr. Speaker, a transitioning process, especially to protect the interest of existing occupants of the free zones while ensuring seamless transitioning to the Special Economic Zones. In this regard, Mr. Speaker, I have reactivated the Free Zone Councils, as I am authorized to do under the existing Jamaica Export Free Zones Act in order to assist with the planning, strategy and structure for the transitioning of a SEZ regulatory authority while providing for a

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smooth transition from an established Free Zone Council to the proposed SEZ Authority.

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

The investments, Mr. Speaker, in critical logistics and related assets under the Global Logistics Hub Initiative, while improving the quality of the international network of maritime and aviation connections to the world, work in tandem with institutional and business climates that will result in greater commercial efficiencies, greater supply chain optimization and lowered costs for a wide variety of increasingly sophisticated businesses along the global value chains.

Our efforts, Mr. Speaker, at providing a conducive business environment has resulted in considerable strides gained last year, as reflected in several global indices such as the Doing Business Index, the Competitiveness Index and the Logistics Performance Index.

More work, Mr. Speaker, remains to be done in the upcoming months to remove remaining impediments to attracting foreign direct investment. Consequently, the Free Zone Council was reactivated as a policy and regulatory measure to smooth the transition from free zones to the SEZ regime. Furthermore, Mr. Speaker, the operation of the Council strengthens the business case for investing immediately in SEZ-related ventures in Jamaica, and is likely to result in more successful engagement and facilitation of potential investors.

Mr. Speaker, the Council was reactivated to create the intermediate regulatory reinforcement necessary for smooth transition to the SEZ regime, albeit, in accordance with the provisions of the Jamaica Free Zones Act.

Given the exigencies of time and the need for speedy legislative and regulatory changes to support the new SEZ regime, it is anticipated that the Free Zone Council will not only resume all functions stipulated under the Act, but will also provide the regulatory support that is necessary during this transitional period.

Hence, Mr. Speaker, in keeping with the Free Zone Act, the Council will implement procedures and guidelines for planning, promotion and regulation of the free zones. In addition, the Council will be expected to implement all transitional strategies that will result in the seamless formation and operation of the SEZ Authority. This should include the logistics of housing all relevant regulatory agencies under one roof with a single electronic window arrangement that will facilitate registration of new enterprises, granting licenses and the issuance of permits and other facilitation measures to enable the acceleration of business processes.

The introduction of the SEZ regime, Mr. Speaker, is strongly influenced by several important factors.

Firstly, changes in industrial production and developments such as the expansion of the Panama Canal have contributed to significant shifts in international trade and offer small economies such as Jamaica, an opportunity to

actively participate in global value and supply chains.

As a logistics hub to be supported by SEZs in the middle of these trade routes, Jamaica is strategically positioned to attract large corporations that are eager to benefit from the country's near shore value advantages such as just-in-time delivery or postponement logistics and will benefit from superior market access through a network of trade agreements to be negotiated, bilaterally if necessary.

The second rationale, Mr. Speaker, is centered on the enormous potential of the SEZ regime to stimulate wide-scale economic activities, especially in new and emerging sectors such as automotive, truck assembly, petrochemicals among others. In addition, Mr. Speaker, through the SEZ regime and other initiatives, measures such as business climate reforms, creation of sustainable business-to-business linkages and other reforms will be intensified so that over time, the Jamaican economy will be able to achieve greater levels of efficiency, transparency and predictability.

As a result of these reforms, Mr. Speaker, both businesses in SEZs and the rest of the economy will be better prepared and equipped to access a larger share of the global market, expand and diversify their economic activities and hire more workers. These are all critical factors, Mr. Speaker, for driving investment, stimulating commerce and boosting industrial development and will have important spill-offs for the entire economy.

Thirdly, Mr. Speaker, the intention to develop a new SEZ regime ensures

conformance under the World Trade Organization's (WTO) rules for middle-income countries such as Jamaica. The existing free zone regime stipulates rigid eligibility requirements in terms of qualifying activities and requires that 85% of manufactured goods have to be exported. The new SEZ regime, Mr. Speaker, seeks not only to bring the country into compliance with the WTO Agreement on [Export] Subsidies and Countervailing Measures by 2015 and thereby minimize the potential for challenges from other World Trade Organization members, but to allow a seamless interface with the domestic suppliers and growing business-to-business linkages that would serve to grow domestic businesses to access new markets.

It is also reflected by global competitive, Mr. Speaker, forces that could determine the success of the overall regime that demand government interventions to ensure full private sector participation, both indigenous and foreign. We do not have the luxury of time, Mr. Speaker, in the highly competitive global marketplace; neither can we afford delays and complacency. This is why we view the SEZ regime as a deliberate policy tool for advancing the growth and maturity of the Jamaican private sector through exposures to more business opportunities locally and internationally.

The private sector, Mr. Speaker, is motivated to contribute to the new SEZ regime and thereby will be able to utilize world-class infrastructure and benefit from cross-border trade facilitation in a logistics-centered economic environment. Consistent

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with the plans under the National Export Strategy, we view the SEZ regime as a tool for enhancing and stimulating export growth and diversification in both the range of products and markets. As the economy becomes more integrated in the global value chain, the export of secondary products and services is also expected to expand.

Mr. Speaker, great efforts should be made to ensure that large enterprises and MSMEs capitalize on business opportunities within the SEZ and strategies are being developed to support business-to-business linkages and to orient the business community towards increasingly leveraging technology and business analytics, as tools for greater level of innovation and productivity.

Mr. Speaker, for us in this Administration the SEZ regime is the boiler-room of the Logistics Hub Initiative and a magnet for pulling in investments in a variety of value added activities from which the well-paying jobs Jamaica needs will become a reality.

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, as usual I'm always concerned about the level of sophisticated use of language that has emerged in the Ministry of Industry, Investment and Commerce. When I read this Statement I said to myself, why did the Minister allow himself to be so engaged in such language that escapes 99% of this Honourable House. Because I looked around and there was not a single Member - mark you, there're still not a lot of them listening, but there was not a single Member that was paying attention.

(Inaudible comments by a Member)

Mr. SAMUDA: And I tell you, Minister, I tell you, Minister, the reason why, is because the language is too convoluted and is too unnecessary.

Now, Minister, in a nutshell, what you've come to the House to advise us is that consistent with the requirements that we have to meet under the WTO by 2015 that threatens the survival of the free zone operations in Jamaica as we know it to today, because the incentives under the previous Act no longer will apply. That's point Number 1.

Point Number 2, the mechanisms that must be put in place under the Special Economic Zone regime will address provisions under the WTO for countries like ours to comply, to be in compliance with the agreement on Export Subsidies and Countervailing Measures by 2005.

Mr. WARMINGTON: That's what he meant?

Mr. SAMUDA: That is all you have to say. And that you have engaged a process...

Mr. WARMINGTON: Is that what he meant?

Mr. SAMUDA: ...and that you have engaged a process to have this actualized and will report back to the Honourable House shortly to advise us on exactly the progress being made.

(Inaudible comment by Mr. Anthony Hylton)

Mr. SAMUDA: Now when - what I did not get to... Now hold on, Minister, I put for the record something that I find curious in its construct and it reads:

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“The investments in critical logistics and related assets under the Global Logistics Hub Initiative, while providing the quality of the international network of marine and aviation connections to the world, work in tandem with the institutional and business climates that will result in greater commercial efficiencies, greater supply chain optimization...” (Laughter) “...and lowered costs for a wide range of increasingly sophisticated businesses along with the global value chains.”

(Cross talk)

Mr. VAZ: Karl, him have a sophisticated advisor.

Mr. SAMUDA: I challenge anybody to interpret that.

(Heckling/Laughter)

Mr. SAMUDA: It is confusing!

(*Sotto voce* remarks)

Mr. SAMUDA: I might not have been eloquent in my delivery, but still, there is no combination of speaking skills...

(Cross talk)

Mr. SAMUDA: Mr. Speaker, there is no combination of speaking skills that can reduce this to the level of the ordinary man, and we are the equivalent of the House of Commons; the ordinary people.

Mr. VAZ: Those on Twitter understand it; let Bobbie tell yuh, the articulate few understand it.

Mr. SAMUDA: This is way over the heads of everybody.

Mr. SHAW: Including the Minister.

Mr. SAMUDA: I don't think the Minister understands it or else he would not have brought it.

(Cross talk) (The Speaker gavels)

Mr. SAMUDA: So, Mr. Speaker, I plead with the Minister, spare us, Minister.

(Inaudible comment by Mr. Vaz)

(Laughter)

Mr. SAMUDA: Language is not necessarily a reflection on intellect. In fact, it is oftentimes the converse, so let us just keep it simple and straight and when they come to you be like Ronald Reagan, if it can't be summarized on a page don't bother bring it. Summarize it, bring it to the House, come away from the page and explain what you mean. That's all I have...

Mr. Speaker, I do support the need. I support the need for the legislation and the regulation to be put in place because it's a very serious matter and it threatens the survival of many companies that are now operating under the free zone regime. We were faced with it and we knew that it had to come one day. Eventually it couldn't hold off any longer and 2015 is the day.

So the Minister is correct to ensure that action is taken so that we will be compliant. But, Minister, spare us next time and just make it a lot less complicated.

Thank you.

Mr. PICKERSGILL: That's all you have to say?

Mr. SAMUDA: That's all I have to say.

The SPEAKER: Mr. Shaw.

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Mr. SHAW: Mr. Speaker, I'd just like to ask the Minister.

The Minister has indicated that this Paper is subject to a formal agreement - the formal agreement of the Ministry of Finance and Planning, in relation to matters on taxation and incentives. He has further informed us, the Ministry of Finance and Planning has written, presumably, a formal letter - you said written formal letter - on the taxation and incentives matter, and has indicated that it has no objections to the tabling of the Paper - the Green Paper.

My question is, in relation to what is contained in this Green Paper in relation to taxation matters, whether the Ministry of Finance is in agreement with what is in here or is there a deviation in its formal letter to you? And in addition to that, are the proposals competitive with other countries?

Mr. Anthony HYLTON: Thank you, Member. The Ministry's representatives were involved in the consultations, were involved in the discussions, that which is proposed in the Green Paper, as I indicated, the Ministry is not objecting to, but I think it is anticipated that the discussions that will come between this stage and the White Paper may make further and other requests, suggestions, proposals that the Ministry would want to leave itself open to consider depending on the nature of those proposals.

Mr. SHAW: You have not stated whether the letter, you have referred to a letter written by the Ministry of Finance, and I would like to know if the details of that letter are consistent with what is in the Green Paper or do they go

further than what is in the Green Paper?

Mr. Anthony HYLTON: The Ministry's response is of a general nature and has no objection to what is in the proposed - in the Green Paper.

Mr. HOLNESS: Minister - Mr. Speaker, thank you.

Minister, this is obviously very important, and as our spokesperson on this side has said, we support what has to be done.

For clarity one would need to know, is there an order that you have developed for support for business. It would appear to be that, from one perspective there is an argument that says: **The Government should try and have a level playingfield as it relates to incentives.** Indeed, we have now put forward a new Act that governs the distribution of incentives. How will this policy that you are proposing fit within that and how will this policy also fit within the framework of strategic investments? There is a Strategy Investment Act now that was brought here by the Minister of Finance. How does this relate to that? It now seems to be a very confusing business environment as it relates to how incentives are going to be given and awarded. And I think you may need to make a statement clarifying how this fits into the matrix of incentives.

Mr. Anthony HYLTON: Firstly, the SEZ is not intended to address the universe, the entire domestic space for which provisions like Omnibus Incentive Legislation and other legislation addressing incentives have been promulgated. What the SEZ is, is a geographical demarcated border area that will

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allow for certain efficiently organized and implemented procedures business processes to take place within that define - no difference in concept from the free zones that we currently have in terms of the demarcation of the zones. What is different is a number of other issues, some of them policies and some of them operational issues that will affect the operation of it.

Mr. HOLNESS: Just so that we are clear. Within your Green Paper, part of the policy proposal is for personal income tax to be tax free, I mean, that is part of the proposal, the recommendation. So, there is a sense where there is an overlap. And I just want to be clear that we are not just making one policy here and another policy there that there is a coordinated matrix of incentives, I just don't get that given the different Bills that have come here. You now have this, you have the Omnibus Legislation and then you have the strategic investment. So you need to put them all together so that there is a coherent package that when the private sector looks on or an investor looks on they can navigate their way through it.

Dr. PHILLIPS: I don't know where exactly you were looking at, but I would -I would make two points.

First of all, on page 29 of the Green Paper, there is a set of recommendations, policy recommendations in relation to taxes which represent the proposals in the Green Paper. It says here, and I quote: **The proposed policy measure is to have no special relief on personal income.** Then it speaks to

withholding taxes on dividends, it speaks to indirect taxes. And in effect, there is no - to the extent that there is special treatment, in relation to taxation it provides it for products produced entirely for export, right. In relation to anything that would find its way into the domestic market the treatment would be on par with any other producer producing for the domestic market. So that is essentially what has been proposed.

What - my second comment is that this document is really before you for careful examination and for proposals to go forward to the Minister and through him to the Cabinet for consideration as to the ultimate proper, right.

Thank you, Mr. Speaker.

ANNOUNCEMENTS

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

- **Ministry Paper No. 1**
Planning Institute of Jamaica (PIOJ)
Annual Report for the year ended December 31, 2013
- **Ministry Paper No. 2**
Casino Gaming Commission Annual Report for the year ended March 31, 2014
- **Ministry Paper No. 3**
Sixth Quarterly Review of the Extended Fund Facility with the International Monetary Fund
- **Ministry Paper No. 4**
Update on the National College for Educational Leadership (NCEL)

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- **Ministry Paper No. 5**
Referring to the Green Paper on the Special Economic Zones (SEZs) Policy
- **Green Paper No. 1**
Special Economic Zones (SEZs) Policy
- **National Solid Waste Management Authority**
Annual Reports and audited Financial Statements for the financial years 2003/2004; 2004/2005; 2005/2006
- **Creative Production Training Centre (CPTC)**
Annual Report and Audited financial Statements for the financial year 2011/2012
- Auditor General's Annual Report on the Appropriation and other Accounts of Jamaica for the financial year ended March 31, 2014
- The Auditor General's Department Activity-Based Audit Report on Child Development Agency (CDA)
- The Auditor General's Department Activity-Based Audit Report on The National Centre for Youth Development (NCYD) (October 2014)
- The Auditor General's Department Special Audit Report on The Jamaica Social Investment Fund (JSIF) (November 2014)
- The Auditor General's Department Special Audit Report on The National Water Commission - K-Factor Programme (December 2014)
- **Jamaica Vacations Limited (JAMVAC)**
Annual Reports and Audited Financial Statements for the financial years 2005/2006; 2006/2007; 2007/2008; 2008/2009 and 2009/2010
- **Jamaica Reservations Service Limited (JRS)**
Annual Reports and Audited Financial Statements for the financial years 2005/2006; 2006/2007
- **Jamaica Tourist Board (JTB)**
Annual Report and Audited Financial Statements for the financial year 2012/2013
- **Tourism Product Development Company Limited (TPDCo.)**
Annual Report and Audited Financial Statements for the financial year 2012/2013
- **Milk River Bath Hotel and Spa**
Annual Report and Audited Financial Statements for the financial years 2005/2006; 2006/2007
- **Bath Corporation/Bath Foundation Hotel and Spa**
Annual Reports and Audited Financial Statements for the financial years 2007/2008; 2008/2009 and 2009/2010
- Devon House Development Company Limited (DHDC)
Annual Report and Audited Financial Statements for the financial year 2010/2011
- **Social Development Commission (SDC)**

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Annual Reports and Audited Financial Statements for the financial years 2001/2002 - 2010/2011

- **Jamaica Urban Transit Company Limited (JUTC)**

Annual Report and Audited Financial Statements for the financial year 2011/2012

- **Office of the Public Defender**

Annual Report for the calendar years 2012 and 2013

Certified Appropriation Accounts

Head	Ministry/Department	Financial Year
1500	Office of the Prime Minister	2010-2011
1500B	Office of the Prime Minister	2010-2011
2000	Ministry of Finance & Planning	2012-2013
2000A	Ministry of Finance & Planning	2012-2013
2624	Department of Correctional Services	2010-2011
2624	Department of Correctional Services	2009-2010
2624	Department of Correctional Services	2007-2008
3000	Ministry of Foreign Affairs and Foreign Trade	2010-2011
4234	Bellevue Hospital	2011-2012
5100	Ministry of Agriculture & Fisheries	2012-2013
5100A	Ministry of Agriculture & Fisheries	2012-2013
5100B	Ministry of Agriculture & Fisheries	2012-2013

The SPEAKER: House Leader.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: House Leader.

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

Be it Resolved with reference to the Resolution passed on the 25th day of March 2014 giving approval for the Sessional Select Committee which was appointed to that session of Parliament to continue in this session with unchanged membership except where necessary, by further motion taken and approved by this Honourable House that the names:

Dr. Dayton Campbell

Dr. Winston Green

Mr. Damion Crawford

be removed and the names:

Mr. Colin Fagan

Mr. Paul Buchanan

Mr. Dwayne Vaz

be added to the PAAC Committee, notwithstanding Standing Order No. 68 (3)

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

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

Be it Resolved that the Report of the Independent Commission of Investigation, INDECOM, on the fatal shooting of Robert Hill at Ivy Green Mews, Cross Roads, St. Andrew on the 8th day of December 2009, which was laid on the Table of the House on the 28th day of October 2014, be referred to the Special

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Select Committee of Parliament which was set up to consider and report to Parliament on the Reports of the Commissions of Parliament on the following entities:

- The Corruption Prevention Commission,
- The Integrity Commission, and,
- The Director of Public Prosecutions within one month of them being referred to the Committee.

And be it Further Resolved that the Committee take into consideration the response of the Office of the Director of Public Prosecutions to this Report

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PAULWELL: Mr. Speaker, we will be answering two questions.

The SPEAKER: Hold on House Leader, we have a time...

Mr. PAULWELL: Mr. Speaker, the time being as it is, I move for the suspension of the Standing Orders to enable me to take questions and answers after the time permitted.

The SPEAKER: The question is for the suspension of the Standing Orders to allow the Minister to take question time.

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, the Minister of Water, Land, Environment and Climate Change will deal with Question 23 and the Minister of Finance will handle Question 29, in that order.

The SPEAKER: Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, I am asking the Minister of Land Environment and Climate Change to answer Question 23 standing in my name.

Mr. PICKERSGILL: Mr. Speaker, I would be remiss if I did not wish all the very best for my colleagues and in particular, our newest Member since I was not here, on the occasion of his installation.

Mr. SHAW: Stop whispering, man, and talk up.

Mr. PICKERSGILL: I wish you all the very best and a successful...

Mr. Speaker, the answers to the questions.

Question:

Will the Minister name the 7 projects in St. Elizabeth to be undertaken under the Rural Water Upgrading Programme?

Response:

I am not aware of the 7 projects referred to. On the contrary, under the Rural Water Upgrading Programme, 4 projects are slated to be carried out in St. Elizabeth. Indeed, Mr. Speaker one has been completed. The four projects are: Barbary Hall, North Parotee - I hope that is how it is pronounced - St. Elizabeth.

(Sotto voce comments by Members)

Mr. PICKERSGILL: Oh, it is Parotee, good it is not obfuscatory, the language is –

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Burnt Savannah, Knockwood, St Elizabeth completed as I said, White Hall, New Market, (Applause) St. Elizabeth, Maggotty, St. Elizabeth, those are the four. Mr. Speaker...

Question 2:

Will the Minister state the cost of these projects?

Answer:

The total cost of the four projects is J\$1.2 Billion.

Question 3:

Will the Minister state how many of the other 26 water projects will be completed in St. Elizabeth and the cost of each of these projects?

Answer:

Of the 26 projects to be developed under the Rural Water Upgrading programme, four projects are slated to be carried out in St. Elizabeth, and I have already said what they are.

Mr. HUTCHINSON: Mr. Speaker, through you to the Minister. Minister, I am indeed pleased to see the four projects here: One being completed already. May I ask, would you be in a position to state if any of these other three will be facilitated during the coming financial year? And I say so because one of them, the Maggotty was one which was actually put to tender in 2010 but because of some problems with the contractor who won the contract, it was curtailed. It went back to tender, but during that time there was a sort of change in the operating systems and that one had not gone through, so I am asking if the Maggotty one, and the other one which is of

the lesser cost - in other words, there are three: The two lesser ones, can they be looked at to be facilitated during this financial year?

What is happening Mr. Minister? It is a long time that we have been pushing for these projects, as a matter of fact, from 1997. Five Million Dollars (M\$5) was allocated to the New Market one and that fell off the table and has not been put back on until 2010. I would love to know that Northwest St. Elizabeth be looked at, as we call it the articulated minority in the constituency - articulated minority. (Heckling) Articulated minority. Then in the parish of St. Elizabeth - because, Mr. Minister, we have been travelling around and you have been travelling around the parish of St. Elizabeth in various ministries and North West St. Elizabeth has been left out, and so we are asking as the articulated minority -1 am saying it again because you have been traveling around leaving, I recall, the three long busses - articulated busses, and North West St. Elizabeth at no time has got any benefit from your Ministry whether in Works or in Water. So, I am asking that at this time, you put on the fourth bus - fourth coach on to the articulation, so that Northwest St. Elizabeth will benefit, and so we will say to you, thank you very much, Mr. Minister. So, I am asking, can you state - well, the two minor ones that you have here, will they be looked at in this Budget Year, because they are overdue?

Mr. PICKERSGILL: It is, Mr. Speaker, very clear that the Member is very acquainted with the history of this matter.

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(DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, entered and took his seat.)

You spoke about 2010; this project was put on the Capital A Budget of Expenditure in 08/09. Tender invitations were issued in July '08. In fact, I think twice during your Administration. It was dumped.

(Sotto voce comment)

Mr. PICKERSGILL: Yes. And I am trying to help you to see if I can get it back on the track.

Mr. HUTCHINSON: Right, right! So I am asking you, will it be put in the Budget? I am asking for you not to articulate... *(Inaudible)* ...over constituency.

Mr. PICKERSGILL: When you use the word and they laugh, you know, they are not laughing with you, they are laughing at you.

Mr. HUTCHINSON: Because they don't understand what I am getting at.

The SPEAKER: Hold on, hold on. Let us speak to the matter. I am lost; I am lost.

Mr. PICKERSGILL: I have two pages of history, I won't bother with that. Yes, I will look. But in the meantime Mr. Speaker, there are 282 catchment tanks islandwide in the Ministry of Local Government listing, 33 of which are located in the parish of St. Elizabeth. The following six tanks are located in North West St. Elizabeth. They have been refurbished since the start of the Catchment Tank Programme during the financial year 2011/2012.

(Sotto voce comment by Mr. Hutchinson)

Mr. PICKERSGILL: I am telling you what you have received. Just be cool. I am talking about water in your constituency.

(Sotto voce comment by Mr. Hutchinson)

Mr. PICKERSGILL: That's what I am talking about. 'Bout you articulated bus.

Mr. HUTCHINSON: I am talking about projects.

Mr. PICKERSGILL: White Hall Catchment Tank, Harmony Hall, Trinity Hill Catchment Tank which serves Northeast and Northwest St. Elizabeth, Clifton Catchment Tank, Frazer Catchment Tank, Springfield... *(Inaudible)* ...Catchment Tank, Kilmarnoch...

Mr. HUTCHINSON: I never asked that.

Mr. PICKERSGILL: I know you don't waan ask... border of East Westmoreland and Northwest St. Elizabeth. Mr. Speaker, we have spent just under \$7 Million to complete and we have benefited approximately 3,000 residents and let me just say, in terms of trucking of water, Mr. Speaker, in 2013, \$3 Million allocated in the parish of St. Elizabeth; \$250,000 was allocated to you. In 2014...

Mr. CHUCK: Tell him he's answering questions. You didn't ask...

Mr. PICKERSGILL: In 2014, Mr. Speaker, \$8.9 Million... allocated.

Mr. HUTCHINSON: Mr. Speaker, point of order, sir.

The SPEAKER: Yes, Mr. Hutchinson.

Mr. HUTCHINSON: The question that I asked contained...

Mr. CHUCK: Specifics.

Mr. HUTCHINSON: Specifics. The

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projects of Maggotty and New Market, I ask nothing about catchment tanks. I am aware of all the catchment tanks that were down in Northwest St. Elizabeth. (Heckling) I am asking the Minister...

The SPEAKER: You opened the door, Mr. Hutchinson, when you started talking about articulated minority and all them foolishness. You opened the door for the Minister.

Mr. HUTCHINSON: No, no, no!

The SPEAKER: Yes.

Mr. HUTCHINSON: What I am saying is that the Northwest St. Elizabeth, let me put it straight, has been sabotaged over the years when he was Minister of Works no road at all...

Mr. PARCHMENT: Nonsense.

The SPEAKER: Hold on, hold on, you gone off the mark.

Mr. HUTCHINSON: No roads in Northwest...

The SPEAKER: You gone off the mark now. Speak to your matter.

Mr. HUTCHINSON: I am asking the Minister.

(Sotto voce comment by Dr. Phillips)

Mr. HUTCHINSON: No, no, it is a fact what I am dealing with.

(Sotto voce comment by Dr. Phillips)

Mr. HUTCHINSON: I am asking the Minister if New Market and Maggotty Projects will be the ones that will be coming on stream so at long last we will be able to get something in Northwest St. Elizabeth from your hand.

Mr. SHAW: Answer the question.

Mr. CHUCK: And don't go around the bush.

Mr. PICKERSGILL: Mr. Speaker, this project was put on the Capital A Budget of Expenditure in 08/09 at which time tendered invitations were issued in July '08 for tender of the pipe laying works - you asked, you gwine get it. Only one tender was received and it was 45 per cent higher - all of this into your time, you know - than the Engineer's estimates. You remember that; you remember that?

(Sotto voce comment)

Mr. PICKERSGILL: No man, Tufton had him under manners. Since the rates submitted were much higher than the industry rates, the tender was rejected; it was further recommended that the project be reformed in order to make it more attractive to prospective bidders, and that the works be re-tendered. In accordance with the Government's Procurement Guidelines, the NCC was duly advised. The pipe laying works was re-tendered in October '08. There was increased responsiveness and the recommendation was made for award to the lowest responsive bidder. However, due to reduction in Capital A to 08/09 Budget, this recommendation for awarded was not forwarded to the NCC for endorsement. The bidder's tender values subsequently expired. You got bounced again. It was again placed on the Budget 2010/2011 and the project was again re-tendered in December 2010. Of the two responsive bidders, one bid was grossly overpriced, 224 per cent of the Engineer's estimate.

MEMBERS: What?

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Mr. PICKERSGILL: And was not countenanced any further. You want me go any further? I am not going any further.

(Applause/Laughter)

Mr. HUTCHINSON: I am asking you, Mr. Minister, don't bother shake off. I understand what your hand waving is, you know, I understand what it is. You mean, forget about North West St. Elizabeth. I am aware of that. That is what your hand waving is about.

(*Sotto voce* comments)

Mr. HUTCHINSON: I still have not got an answer from the questions that I asked concerning New Market and Maggotty water supply. What happened in the past is gone. I am asking, moving forward, what is the position?

Mr. PICKERSGILL: Mr. Speaker.

Mr. SHAW: You are frustrating the Minister.

Mr. PICKERSGILL: Mr. Speaker, the Ministry and I and the Minister of State who has the direct charge for this will endeavour our utmost to see what we can do to deal with the matter.

The SPEAKER: Thank you, Minister. House Leader. Mr. Daryl Vaz.

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

Mr. Minister, how can we as MPs get that listing of the upgrading of the catchment projects and the timelines, because I know that there were some in West Portland but I haven't got any indication as to what the status is? And also, sir, can you advice in due course as it relates to K-Factor, in terms of what is the

new timelines on the projects that have been identified for the upcoming financial year?

Mr. PICKERSGILL: Mr. Speaker, I promise you - since I will be seeing you tomorrow...

Mr. Daryl VAZ: You seeing me tomorrow?

Mr. PICKERSGILL: Since I will be seeing you tomorrow.

Mr. CHUCK: What is going on... for a drink?

Mr. HENRY: Mr. Speaker, I beg to ask the Minister of Finance to answer the questions standing in my name.

Dr. PHILLIPS:

Question 1:

Will the Minister please state whether or not at the time of the investment by the National Investment Bank of Jamaica (NIBJ) in Orange Valley Holdings there were any intellectual property rights owned by or associated with Orange Valley Holdings?

Answer:

The financial statements which were presented by Orange Valley Holdings at the time their application was made to the NIBJ in January 2005, as well as subsequent financial statements, did not reflect any intellectual property rights.

Question 2:

If the answer to Question 1 is in the affirmative, will the Minister please state where the ownership of the intellectual property rights related to Outameni, resided at that time, and what is the

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current status of ownership of the intellectual property rights?

Answer:

See answer to Question Number 1.

Question 3:

Will the Minister please state whether or not there was a valuation of the intellectual property at the time of the decision by the National Housing Trust to purchase the asset, and if so, what was the value and what was the basis for the valuation, and who did the valuation?

Answer:

I am advised that the National Housing Trust did not have a valuation of the intellectual property.

Question 4:

Given the National Housing Trust's decision not to purchase the intellectual property rights, will the Minister please state what, if any agreement was in place to support the continued use of such intellectual property which would have formed the basis of the business plan for operation of the attraction?

Answer:

I am advised that the Board considered and approved the preparation of a business plan for the operation of the facilities, which would have included a proposal for negotiations to acquire the intellectual property rights. I am also advised that that effort has since been placed on hold.

Question 5:

Will the Minister please state how the income from performance rights was to be

applied to the payment of the interest obligation?

Answer:

I am advised that the purchase by the National Housing Trust did not include performance rights, and therefore, there would be no income from performance rights.

Question 6:

Will the Minister please state what are the details of the secured debt of JS209M with regard to specific creditors and the specific security pledged to each creditor?

Answer:

The Development Bank of Jamaica is not privy to the details of the secured debt of J\$209M with regard to specific creditors and the specific security pledged to each creditor, as this is exclusively within the purview of the secured creditor. The Development Bank of Jamaica does not have access to this information.

Question 7:

Will the Minister please state what are the expectations for recovery of the write-off operational revenue or asset disposal, bearing in mind that the preference shares were not cancelled despite the write-off by the Development Bank of Jamaica, of the full investment in 2011?

Answer:

The expectations of recovery are low.

Question 8:

Given that the Development Bank of Jamaica may be ineligible for these types of investments; will the Minister please

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provide the Honourable House with the terms of the original investment agreement and the terms of the transfer of this investment to the Development Bank of Jamaica?

Answer:

The terms of the original investment agreement are as follows:

- The Instrument was Convertible, Cumulative, Redeemable, Participating Preference Shares in the amount of US\$500,000. Investment period was for five years, with fixed dividend payments of 8 per cent, payable annually.

The merger of the DBJ and NIBJ took effect on September 1, 2006, and the investment was transferred to the DBJ on the same terms and conditions as previously existed.

Question 9:

Will the Minister advise what, if any, are the guidelines or rules approved by the Ministry of Finance and Planning, in relation to the use of intellectual property as security?

Answer:

The use of intellectual property as security is included in legislation passed and brought into force in December, 2013, entitled, "The Security Interests in Personal Property Act, 2013", piloted by the Ministry of Industry, Investment and Commerce. Under that Act, "intellectual property and other kinds of intangibles" are included within the scope of 'personal property'. The framework for the

perfection, registration and priority of security interests in personal property is provided for under that Act.

Question 10:

Will the Minister further advise what is the position of the International Monetary Fund and the World Bank on the use of intellectual property for development and investment?

Answer:

This question should be directed to the International Monetary Fund and the World Bank.

Question 11:

Will the Minister further advise if he is developing a policy to deal with any gap that may exist in the Jamaican financial environment, in relation to 9 and 10 above?

Answer:

The Ministry of Industry, Investment and Commerce, has overall responsibility for the Secured Interests in Personal Property Act. Rules under the Secured Interests in Personal Property Act are in effect to address the procedural underpinnings of the legislative framework. A conference is also being planned by that Ministry for early this year, where experts from other countries will speak to best practices relating to the use of intellectual property as collateral.

Mr. HENRY: Thank you, Minister. But I would like to address this very seriously, the last - question 9 to 11. Because if indeed we are going to leave it as you answered - if we are going to leave it as you have answered here, I believe there will still be a gap.

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I haven't heard from the Minister of Industry and Commerce, in respect of what is his position, as I do not think the *SIPP Act* deals with the kind of intellectual property rights, as manifested in Outameni. Because, in your answer you spoke to, for instance, performance rights as against rights of creativity, et cetera.

I did not come armed with an analysis of that, and I would ask that you and the Minister, that we look at it further in depth. Because the very fact that it is not accepted as a tangible asset will require the intervention of the Ministry of Finance.

And, when I asked the question in relation to the position of the IMF and World Bank - and I am aware that the World Bank had made a decision some years ago in an approach by Government, then, that publishing unprinted material would be dealt with differently for educational purposes, and could become an actual tangible asset on a Balance Sheet. So, without the Ministry of Finance's responsibility to move this, then, Brand Jamaica will not grow as fast as it should either, and the tangible assets which must be a part of our developmental process will not be enhanced.

So rightly, I think that the Ministry of Finance needs to be more involved in directing a policy that relates to how we are going to assess and value intellectual property rights, so that it can be used for development and finance.

And in the case of Outameni, it is obvious that some of the discussions which have come around about the other assets that are there,

including the performance and others, are still out there as part of whether it was bought or not bought, and where does the value lie.

Dr. PHILLIPS: I thank you very much, Member.

Let me say that - my colleague will probably want to add, but that it is precisely because the Government recognizes the importance of intellectual property rights as part of personal property, that the Secured Interests in Personal Property Act was brought with such urgency to the Parliament when it was brought.

Other measures have been taken, including the registration of these assets against loans and credit which have been offered. And what needs to be done - and which I expect the Ministry of Industry will be doing - is to interact with the financial and other institutions with a view to settling the terms and conditions whereby they will book such intellectual property as being acceptable collateral for loans, and to take into account in other transactions, such as the one that you raised in the question.

There is no doubt that particularly for our country and the tradition of music, drama, et cetera, being such an important part not only of our heritage but also of our capacity to earn, that this is an important step forward.

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

But admittedly, the legislation came into effect last year, the Registry came into effect

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at the very end of last year, much more work needs to be done. And, I am sure that the Minister of Industry, Investment and Commerce, and others, would be interested in having a collaboration with yourself, other Members of the House, as they move forward. They have already set up to bring experts from other jurisdictions here to help induce our bankers and others to understand how to make this work for us. But, I'll, you know - so nothing said here is intended to diminish the significance of intellectual property as an asset in financial transactions.

Mr. Anthony HYLTON: If I might. Just to confirm as the Finance Minister said, precisely because of the importance - the recognition of the importance of the intellectual property, we brought the legislation. The Registry is up and functioning so that the collateral - it can be utilized as collateral, and in fact, is being used by some institutions.

However, it is the case that the bankers have met at least twice - two or three times with the bankers to discuss their particularized concerns about the operationalization of the Act, which addresses - seeks to address issues not only simply about the regime itself, but how the Ministry of - how the Bank of Jamaica, for example, will treat that, in terms of classification.

So, there are some issues that are being worked out. I will tell you that so far as the matter of valuation of the assets, the World Intellectual Property Organization in a visit I made in October, has agreed to work with us and the financial institutions, as well as the

Organization of American States, to address - to work with our financial institutions and the public at large, to address the matter of valuation.

Mr. HENRY: My position continues, however, Ministers, to the fact that it's taking too long, and, without a clear direction from the Ministry of Finance. Because most of what you have said Minister, I appreciate. But then, most of the intellectual property rights fall into different conventions. So it depends on whether it's music, drama, print or whatever, that apply. And those conventions have been historically there, in terms of specific intellectual rights in relation to certain industries, and, therefore, we don't need to reinvent the wheel.

Part of your problem is that the banking system does not have anybody professionally positioned to value these rights and to therefore put them on the books. But a direction from the Ministry of Finance that intellectual property rights, certainly in music, in print, in drama, in performance, in entertainment and sport, the world is already clear what that is. And, therefore, the value of anybody in the music industry, drawing on any of the catalogues of Marley or Jackson, or whatever it is, it's clear that the value does not decrease when you die, in fact, it increases. And, therefore, we are taking too long dealing with the smaller aspects.

With apologies, I think what I intended from this question, to try and move something specifically forward. Because we must begin to deal with that. It is the content of how much more the value of a person who writes music

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that can prove he sells a thousand CDs a year can use that to discount it even in small businesses, as against the way we have. So, it's really an urge to move more quickly.

And I believe, Minister, with respect, without the clear direction from the Ministry of Finance, that it is not just an intangible asset, but in certain areas of creativity it has a historical development process that can be valued and used to move forward in investment and growth.

Dr. PHILLIPS: Let me just say, first of all, that this legislation and the Bill passed came forward with the full support and involvement of the Ministry of Finance, but carriage rests ultimately with the Ministry of Industry.

Let me say, secondly, that the challenge of getting the banks to agree to take account of these assets in and use it as collateral, for example, is not going to be settled on the basis of legislation simply although that has been provided for or of direction, because ultimately each bank has to make a risk assessment. We're dealing, for many of them, with unfamiliar territory and what is being done is to help them through exposure to best practices elsewhere to make these kinds of assessments. It may have been a long time in coming. Though I will say, the speediest action taken in bringing this forward was done by this Administration, but we don't - we should recognize that much has been done, the registry is now there, the financial institutions have to figure out how to value the copyright, for example, of a particular musician and determine in addition to the value of the

copyright how the - what recourse they would have and what systems to put in place. This is going to be matter of - not of edict or instruction, but quite frankly of dialogue and consensus to be arrived at, which is what we are seeking now that the legislative framework is there. There is no doubt...

(Inaudible comment by Mr. Samuda)

Dr. PHILLIPS: Ahhh?

Mr. SAMUDA: I said it's a business decision in the final analysis.

Dr. PHILLIPS: It is a business decision in the final analysis, but no doubt your considerable experience could be shared and would, I am sure, be welcomed by the Minister of Industry, Investment and Commerce in relation to the publishing industry and other areas within your knowledge so to speak as we try to move forward. But it is definitely of absolute importance to Jamaica, which is why we sought to move it forward.

Mr. HENRY: I'll close off with that, Mr. Minister, except to say it's not strictly a business decision. Business decisions are driven by the edicts and dictates of the economic structure of the country and, therefore, in that context all the banks in the country here have international access to how you value intellectual property rights. You're not reinventing the wheel. They can send departments down to move it more quickly. What I fear is, that the slowness relates to the inability of us to be able to appreciate how intellectual property rights impacts on the person at the lowest economic level, because certainly in the entertainment world it is clear

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how we can move that forward under brand Jamaica by ownership.

And we must not forget we have made a mistake in not just dealing with intellectual property rights in one context only and I say that industries of music, drama, food, *et cetera* are long, long established and are in the business world accepted in the international world. But we at no time and, therefore, you'll have to involve equally the auditors and accountants. So my suggestion is let's call together the bodies of people in the financial world, because no auditor or accountant without a Ministry of Finance and the Ministry of Industry, Investment and Commerce approach is going to value intellectual property rights as merely an intangible asset without the supporting provision within the structure of the country.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I'd just like to ask a question of clarification. Question four in which the questioner had asked:

"Given the NHT's decision not to purchase the intellectual property rights. Will the Minister please state what, if any, agreement was in place to support the continued use of such IP which would have formed the basis of the business plan for the operation of the attraction?"

The Minister answered:

"I'm advised that the Board considered and approved the preparation of a business plan for the operation of the facilities, which would have included a proposal for negotiations to acquire the intellectual property rights".

This is consistent, Mr. Speaker, with the answer that the Prime Minister had given and with the specific proposal to purchase the additional property rights for some \$22 Million. The Minister, however, goes on to say:

"I am also advised that has since been placed on hold".

That is the purchase of the property rights.

Now, Mr. Speaker, my question is...

(Inaudible comment by Dr. Phillips)

Mr. SHAW: ...the question is that this new venture should have started operations this month, January 2015. And if the Minister is now telling us that negotiations have been placed on hold; what is the present status of the project within the context of the proposed January start up? Is the project on hold?

Dr. PHILLIPS: I must say that I am not in a position to answer the question. The questions were directed to me in relation to Development Bank of Jamaica and its holdings. In relation - I believe it is public knowledge that the business plan and all the arrangements that were underway in relation to the property held by Orange Valley Holdings, that that business plan preparation and all those arrangements were put on hold subject to consideration by the Board of the National Housing Trust. I have no knowledge at this point in time as to any decision that they may taken in that regard.

Mr. SHAW: Through you, Mr. Speaker, and no doubt because of the overwhelming public interest in this matter, could we ask the Honourable Minister to seek an update from the National Housing Trust as to the precise status of the promulgation of the new project

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for which \$180 Million has already been expended with the proposal to spend another \$22 Million with ongoing monthly cost of maintenance of the facility? Could we ask the Honourable Minister to get an update on the status of this project?

Dr. PHILLIPS: Mr. Speaker, I am not certain that the method or the mechanism proposed is appropriate in keeping with the Standing Orders of the House, but I await your judgement.

The SPEAKER: I think it - since we are on new ground, it is best that the Mr. Shaw puts - tables a question. Okay.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, I move for the suspension of the Standing Orders to enable me to take the two motions, notice of which I gave earlier.

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

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, the first Motion has to do with the replacement of a number of Members of the Committee known as the PAAC and to have some new Members named: Mr. Colin Fagan, Mr. Paul Buchanan, and Mr. Dwayne Vaz. I so put.

The SPEAKER: Those in favour of the Motion?

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, the

second Motion has to do with the Report from a Special Commission of Parliament, the Corruption Prevention Commission. As you know these Commissions do report to Parliament and we have the mechanism for such reports to be considered and I, therefore, put this Motion to the House.

The SPEAKER: Those in favour of the Motion.

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, under Public Business - and firstly, I should give notice that we intend to conclude next week the debate on the CCJ Bills. We also intend to conclude next week the Private Member's Motion on Reparation with the Member giving his closing remarks for - and we intend to commence next week the Constitutional (Amendment) Bill proposed by the Minister of Local Government. That debate will commence next week.

As I mentioned earlier we do have a very hectic schedule before we get to the 17th of February. So this afternoon there are some amendments from the Senate, brief amendments that we will commence with in relation to the Disaster [Risk Management] Bill. Thereafter, the Minister of Finance will deal with Item No. 9: "AN ACT to Amend the Urban Renewal (Tax Relief)" and followed by Item 8, which has to do with the Public Debt Management Act. After that we will resume our debate on the CCJ Bills and we have four presenters this afternoon: two from the Government and two from the Opposition in the order that I have indicated.

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The SPEAKER: Minister Arscott.

THE DISASTER RISK MANAGEMENT BILL, 2014

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

Mr. Speaker, the Disaster Risk Management Bill, 2014, was passed by this Honourable House October 7, last year. It transcends the emphasis on preparedness and captures the mitigation and risk reduction aspects of contemporary disaster management. The Bill was also passed by the Senate and returned to this House with amendments for consideration. Mr. Speaker, I now put these amendments before the House for approval.

Clause 2 deals with the interpretation of the main terms found throughout the Act. In paragraph (a) of the definition of the word, “disaster” it is proposed that the word, “ill-health” be placed immediately after the word, “death”. In paragraph (b) of the same clause it is proposed that the word, “storm” should be inserted immediately after the word, “terrorism”.

Section 26, Mr. Speaker, falls under Part V of the Act: Declaration of Disaster Area. It proposes to amend subsection (8) by deleting the numeral 1 and replacing it with the numeral 2. This section will, therefore, read:

An order under subsection (2) shall not be made unless the Prime Minister is satisfied.

In Clause 7, Mr. Speaker, it is proposed to delete the comma after the words, “Director

General” and substitute it with the word, “or”. The clause will therefore read:

A prosecution for an offence under this Act, or regulations made hereunder may be instituted by the Director General or a member of any Police Force.

The remaining changes apply to section - to the Schedule of the Act, Mr. Speaker. The First Schedule which deals with the constitution of the Board of Management of ODPEM. It is proposed to amend paragraph 1 by inserting immediately after the word, “including”, the words, “a representative of the local authorities”.

The Second Schedule treats with the constitution of the National Disaster (Risk) Management Council. In paragraph 1 it is proposed that sub-sub-paragraphs (c) to (aj) be renumbered as sub-sub-paragraphs (d) to (ak). It is also proposed that immediately after sub-sub-paragraph (b) sub-sub- paragraph (c) be inserted which will read “(c) the Leader of the Opposition”.

It is proposed that the consequential numbering in paragraph 1(2) be changed. The phrase “(d) to (ai)” is to be deleted and replaced with the phrase “(e) to (aj)”.

Finally, Mr. Speaker, two changes are proposed to the Third Schedule which deals with the constitution of the Parish Disaster Committee, more specifically because paragraph 1 identifies persons who are eligible to sit on the Committee. In paragraph 1(1) it is proposed to renumber sub-sub-paragraphs (c) to (o) as sub-subparagraph (d) to (p). It is also proposed that after sub-sub-paragraph (b) a

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sub-sub-paragraph Clause (c) will be inserted. This Clause will read “(c) the Custos”.

With these remarks, Mr. Speaker, I concur with the changes.

I now close the debate I and ask for the Motion to be approved, Mr. Speaker.

Mr. McKENZIE: You can't close the debate. How you must close the debate and *me* ask the Speaker...

The SPEAKER: Mr. McKenzie, your time.

Mr. McKENZIE: Mr. Speaker, I am very concerned because it took the Senate to make the necessary adjustments based on the fact, Mr. Speaker that I pointed out one, the absence of the Leader of the Opposition as a part of the existing structure with the Bill, Mr. Speaker. The concerns I have, Mr. Speaker, and I raised it and I thought the Minister would given consideration to those concerns, is that this Bill has totally isolated the local government system, even the position of the Mayor has been bypassed in the Bill, Mr. Speaker, although those concerns were raised and the Minister promised to do the necessary adjustments to facilitate those concerns. I would ask the Minister not to today seek to have those amendments passed by the Honourable House until, Mr. Speaker, the Minister considers the objections and the proposals that were made by me in the debate which he promised to address, Mr. Speaker.

Dr. PHILLIPS: So you support him.

Mr. McKENZIE: Well there are aspects of it which I find to be...

Dr. PHILLIPS: You are not supporting the changes?

Mr. McKENZIE: Well not now, can't support it today. The changes that were made by the Senate are welcomed but it is still short. It is still short. And the Minister took note, Mr. Speaker. I want to point that out, Mr. Speaker.

Mr. KELLIER: For the future.

Mr. McKENZIE: For the future, what about now? I think it is important. If you look at, Mr. Speaker, the parish council as it relates to its role in disaster. For instance the Kingston and St. Andrew Corporation has what is known as a 'City Inspector' who has legal authority, but yet the Director General is given pride of place in this Bill over. These are real concerns, Mr. Speaker. It speaks about the role of local government and the Bill as presented is not a reflection.

The concerns I raised was not taken into consideration and I think the Minister deserves to give more attention and to do what is necessary in order to make this Bill complete. This is something that we all look forward to but the role of the local authority has been watered down and I pointed that out to the Minister and the Minister should have given consideration to those concerns.

The SPEAKER: Mr. Smith.

Mr. Derrick SMITH: Mr. Speaker, I recall the Opposition Spokesman on Local Government pleading when he spoke to this matter previously. It has now gone to the Senate with some amendments and it's back here. And I know it's not too late for consideration to be given by the Government, a Government that has claimed over the years that they believe in local government. And we

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think that they should display that love for local government, what is good for local government.

On my feet, you know, Mr. Speaker, I am reflecting on what happened in local government in St. Thomas recently, but that's another matter. That's another matter.

The SPEAKER: Don't...

Mr. Derrick SMITH: That's right. I recognize that, Mr. Speaker, and I am sorry about that. That's another matter. Let's get back here.

Mr. SHAW: It's an important matter now.

Mr. Derrick SMITH: It's a very important matter which I am going to deal with. I think it was inadequately dealt with by the Minister. Anyhow I will get back there. But, Mr. Speaker, really, I think it's a new year and we all have come back...

Dr. PHILLIPS: Change in behaviour.

Mr. Derrick SMITH: ...with new thinking for the future and I appeal to the Minister of Local Government to give some consideration to the plead of a former Mayor and expert on Local Government, a very experienced, one of the longest serving local government persons in this country. It wasn't a very simple flippant type of request. I am just supporting the Member from Kingston West, Mr. Speaker.

Thank you very much.

The SPEAKER: Minister Arscott.

Mr. ARSCOTT: Mr. Speaker, I think the Members have not examined closely the Bill, we have strengthened the role of the local authority and it speaks to it. If the Member has

a specific section that he wants clarify - I would say so. But I think we took into consideration the Member's concerns and I think we have actually strengthened the role of the local authority in this Bill. And bearing in mind that we celebrated the disaster that destroyed Kingston and Port Royal, we need Members to proceed with this Disaster Bill to ensure that we, at least, strengthen the regulatory authority to prepare the country for any possible catastrophic event. I will take note of the points raised.

Mr. McKENZIE: You took note already.

Mr. ARSCOTT: Well I examined the point you raised specifically. I think it is actually strengthened. I entreat the Member to get a copy of the Bill again, examine it and then we can see. We accept the proposal made from the Senate which took into consideration some points we had overlooked in the House.

The SPEAKER: Those in favour of the amendments?

The amendment put to the House and agreed to.

THE URBAN RENEWAL (TAX RELIEF) (AMENDMENT) ACT

Dr. PHILLIPS: Mr. Speaker, I propose, first of all, to take the matter at No. 9 on the Order Paper, the Urban Renewal (Tax Relief) (Amendment) Act.

Mr. Speaker, the House is being asked to consider and approve an amendment to the Urban Renewal (Tax Relief) (Amendment) Act. This original Act, The Urban Renewal (Tax Relief) (Amendment) Act was first

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enacted in 1995 with the expressed aim of reviving urban areas which were suffering from decay. The Act aims to do this through a scheme of incentives provided to persons who engage in improvement works and purchase, construct or improve buildings or structures in areas which have been designated special development areas under the Act. The developer who is approved under the Act is entitled to an income tax credit equivalent to 33 1/3% of the capital expenditure which he makes in the year of assessment in relation to improvement works.

The Act also seeks to make the financing of these works more attractive to investors by giving income tax relief on bonds that are issued to finance the improvement on loans made to an approved developer to carry out improvement works. The development of acquiring attractive real estates in these blighted areas is also encouraged through general rental incentives which simultaneously benefit the lessor who is an approved developer and the lessee of the improved premises.

The impetus for this Legislation is to, as we see, is to create an attractive fiscal regime. In its years of operations, Mr. Speaker, it has become apparent that there is need for some amendments. In effect, there are two sets of orders that may be made under the Act. The first involves an Order designating an area as special development area that is prescribed by the Minister responsible for Urban Development. Thereafter persons who are seeking to do improvement works in the area may apply to the Minister of Finance to be

designated as an approved developer, and that is the other Order permitted under the Act.

The incentive period for the approved developer designation is usually 10 years and it is from this designation that the relative incentives will flow. The process includes submission of an application which is processed, then vetted by the UDC, if the application is in order it will be submitted to the Incentives Committee of the UDC, which examines the application and, upon being satisfied that the applicant meets the criteria for approval, that Committee makes a recommendation to the Minister responsible for Finance for the grant of an incentive.

Since inception a number of developers have taken advantage of the incentives provided under the Act. They are approved developers in the banking, telecoms and securities sectors and new life has been breathed into some sections of Downtown King Street area, Ocean Boulevard, *et cetera*, in the heart of Kingston, and there is considerable expression of interest in other areas.

In order to ensure the continued relevance of the legislation, however, the amendment that is being sought today arises on account of the fact that it was recognized that the Minister, that is of Finance, did not have the requisite powers necessary for effectively and efficiently administering the incentives under the Act. While the Minister is empowered to make the various designations under the Act to approve or deny applications made by persons for available designation, and in relation to the order to grant approved

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developers status, there are specific powers of revocation, the Act does not give the Minister the power to alter and order once made nor such a power could be implied from section 29(a) of the Interpretation Act would it suffice to enable the Minister to amend an order and to give it retroactive effect.

As such, this amendment seeks to empower the Minister to vary the orders designating a special development area or an approved developer as the case may be, including the power to make such an order retroactive where it is necessary to do so for purposes of the Act.

The fact is, Mr. Speaker, if another area adjacent to the current area designated as a special development area was to be considered, let's say you are to move further west or further east, it would require separate legislation entirely or if having done so someone who had made investment in that area was to apply to be considered for consideration as a developer under the Act. So this is intended essentially to allow for greater flexibility and to take account of developments that may arise.

Clause 1 of the Bill contains the Short Title: the Urban Renewal (Tax Relief) (Amendment) and incorporates the provisions of the Bill into the principal Act.

Clause 2 repeals and replaces Section 4 of the principal Act. The redrafted Section 4 now makes provision for the proposed developer to apply to be designated as an approved developer under the Act. The ability to apply was not as explicit before as it was only provided for the Minister to prescribe the form

and manner of an application. The whole application and approval process is now much more clearly set out, and as Section 4 states, every person who proposes to carry out improvement works in a special development area may apply to the Minister to be approved as an approved developer for the purposes of the Act. An application under Section 1 shall be made in such form and manner as may be prescribed, the Minister may in his discretion approve the application under subsection (1) subject to such terms and conditions as he thinks fit or refuse an application.

Where a Minister approves the application under subsection (3) the application under subsection (3) (a), the Minister may, by order, published in the Gazette declare the applicant to be an approved developer for the purposes of this Act, subject to the terms and conditions set out in the Order.

Clause 3 inserts new Sections 4A and 4B in the principal Act. The first of these two sections explicitly empowers the Minister to vary the terms and conditions on which an order was originally made. The provision applies to both a special development area and approved development orders. However, with respect to the variation of the approved developer order the process may only be initiated on the application of the approved developer.

The proposed Section 4B allows the Minister to make orders with retroactive effect to any date not being a date before the commencement of the Act.

All told this amendment which is relatively simple, makes for greater flexibility

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and greater efficiency in the operations of the Act, which I believe has begun to generate some interest and has generated some development in the downtown Kingston area, and obviously will continue, hopefully, to have benefit given the considerable interest now being displayed in development of our urban inner city areas.

Thank you, Mr. Speaker. I now move second reading of the Bill.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker the matter is certainly not a controversial one. I think the proposed amendments are not just reasonable but I believe necessary, because as the Minister has indicated it gives the Minister greater latitude and flexibility to be able to deal with matters in terms of development orders, because I believe that even this amendment will give the Minister the ability to deal with a retroactive matter even related to the Digicel complex that is downtown. So, it is impatient of any argument as to the necessity of it.

If anything, Mr. Speaker, in fact I recall as Minister, that we had to also amend the Income Tax Act to allow for the incentive of a group headquarters, a regional group headquarters being established in Jamaica and consistent with even the concept of the International Financial Centre and trying to calibrate downtown as a focal point of commercial activity that we had to amend the Income Tax Act to create special incentives for group headquarters. That was a part of what attracted Digicel downtown.

And I think that, Mr. Speaker, this matter

is supported by the Opposition, and I would just like to say, Mr. Speaker, another document tabled today by the Minister in the House, the Ministry Paper No. 3/15, which is the six quarterly review of the Extended Fund Facility of the International Monetary Fund.

I am attracted to a point made in the Minister's opening statement where he quotes from the Deputy Managing Director and Acting Chairman of the IMF Board, Mr. Naoyuki Shinohara who noted that the - and I quote from the Report. "Wide ranging actions to boost growth and employment are critical for success of this programme." So here it is, it is being emphasized by everybody. On the lips of everyone now is the need for growth, and therefore, it means that whatever roadblocks are in the way that would be an obstacle to growth must be dealt with and must be dealt with expeditiously, and so the question of the appropriate incentives to attract perhaps on an even more aggressive scale, so that we can accelerate the faster development and renewal of downtown Kingston, it has to be supported.

I also think that having regard to the observations of the executive from the IMF, I think the Minister should be looking not at areas to pull back incentives but to add on incentives and that is why I will continually express my disappointment at the fact that the Minister has found it necessary to increase stamp duty and transfer taxes and I want to ask that once again that consideration be given to reviewing it because I know that when we sharply brought transactional costs down from seven-and-a-half per cent, down to in the

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region of four per cent, that it had a very positive effect and a stimulus on real estate activity, and putting them up by one per cent on stamp duty and transfer tax side. I think the Minister should take the opportunity to review it, to see whether you have not in fact, just like the motor vehicle tax which you were obliged to withdraw, to see whether in fact in imposing that one per cent on both transfer tax and stamp duty, whether that has not had a negative effect. My postulation is that it has had a negative effect, and I think you should look at that because that too relates to the acquisition of property in the downtown area.

And the final thing I think you should look at again because it is so relevant to the question of growth, job creation, economic development, is the question of the Junior Stock Exchange.

The Junior Stock Exchange recently, we have seen, Mr. Speaker, where the Jamaica Business Observer Award highlighted seven companies that had undergone significant expansion as a result of the Junior Stock Exchange, and as part of a group of I think some 30 companies that have so far taken advantage of the Junior Stock Exchange.

In one case, and I have mentioned it in this Honourable House before, and I will continue to do so. In the case of Lasco where they initially went to the market for about Five or Six Hundred Million Dollars, in equity through the Junior Stock Exchange, they have ended up investing over \$2 Billion at White Marl and employing 700 additional workers at White Marl.

A MEMBER: And expanding.

Mr. SHAW: And continue to expand. And so it is, others have done the same not using expensive debt which makes the business ultimately uncompetitive but rather using equity from public ownership. And that is the way to go, and I know as a former Minister where the pressures come from, including the International Monetary Fund, but the truth is that, ten year relief on profit taxes is not a new phenomenon which was granted by the Junior Stock Exchange. In many cities in the United States, New York is one, many other cities across even the great United States of America, they are still giving ten year profit free-tax free on profit for ten years, for people to come into those mature global cities to come and invest, and we put in that ten year incentive here and what we have here now is that the Minister somehow has been convinced that by 2016 we must get rid of the Junior Stock Exchange and by now, this year or next year, this year I believe, we must cut the incentive from ten years of tax free status to five years.

I believe, Mr. Speaker, that those are retrograde steps if we want to follow the very advice, and it's so typical of certain of our international institutions sometimes. They might support locking this gate and blocking that tax gate, but at the same time can tell us that we must find wide ranging actions to boost growth and employment which are critical to the success of the programme. Well, I leave those two along with the Urban Renewal (Tax Relief) Act. I leave the Transfer Tax and Stamp Duty and the Junior Stock Exchange for openers, Honourable Minister.

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Thank you very much.

(Applause)

Mr. BARTLETT: Mr. Speaker, just a few comments that I'd like to make sir, with regard to this very important amendment to the Urban Renewal Tax Relief Act. Because I think that this Act and the facility that it offers, has been with us for a while. And one of the things that have disturbed us is the utilization of the benefits under this Act by developers overtime. And indeed when we look around at our urban centres, and particularly downtown Kingston, downtown Montego Bay, in St. Ann's Bay, May Pen, indeed all of our urban centres or capital towns as we may call them, this growing decay has set in, and the facility under this Act which was there, is not being utilized.

The amendment now, Mr. Speaker, seems to broaden the powers of the Minister to enable more development activity to take place and to unlock what is called the dead and sleeping capital that is crying out for conversion to wealth in these inner city communities across Jamaica.

And I want to make the point that the concept of innovation city, which is a recent development practice indeed by some of our bigger neighbours is something I'd like to commend to us to look at. Because what innovation city does, in fact, is to utilize the existing infrastructure that is there unused and to bring in a particular economic activity that will create jobs, renew the area and give new vitality to the communities.

And the case in point is the city of Detroit, after the issues with the car manufacturing and

when Chrysler and Ford went out of business and so on, what has happened is that this same kind of incentive was provided by the city for developers. They went in; it didn't require them to build anything new, you utilize the infrastructure that existed, but provided an activity that rejuvenated the town, created jobs and created new vitality.

And when we look at Montego Bay, for example, downtown Montego Bay, Railway Lane and those areas for which the incentive was offered in the first instance and nothing happened - and the Member from St. James Central I'm sure is listening very keenly to this one - that is an area that cries out for an innovation type of development. Whether it is on the basis of the tourism that is the centre of Montego Bay's activity, to create a renewed downtown Montego Bay with an attraction that would be iconic; an attraction that a Tourism Enhancement Fund, for example, could be interested in, but which now, an amended urban renewal tax facility will give the Minister the opportunity to be more extensive in terms of the incentives that are provided.

And I want to make the point that the area of Montego Bay that we call the Hip Strip, is an area that has been literally locked up by the fact that the all inclusive concept, valuable and important as it is, is not as attractive to that section of the city as to the other areas. The result of course, is that we have a number of what I call sleeping capital right there. Rooms perhaps in excess of 300 rooms within that area that are underutilized or not utilized at all.

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This facility, Mr. Speaker, can allow now to open and unlock those development areas and to create a virtually new product in Montego Bay along that Hip Strip. And I must say this that when I was Minister I brought a certain company here and we flew over that section of Montego Bay.

The whole idea was to create something like the South Beach of Jamaica. But it meant, of course, that all the properties on the seaward side would've had to be demolished so to speak, to bring the beach way up to where the road is now and to then utilize all the leeward areas towards the hills for the rebuilding of the entire area.

That is the kind of innovation that I believe a tax measure expansion like this can offer for, to give incentives to large developers who're going to come in to do major capital development on a long term basis, not something for five years or three years, but something of a 20 year/30 year duration and to provide the tax incentives, particularly the income tax moratorium which is required and the tax moratorium overall which is required.

And Mr. Speaker, the Minister will note that we're talking about investment, for example, in tourism now, which are constrained by the fact that the Omnibus Tax Policy does not allow for new investments to be given the kind of tax moratorium that were provided in the past. The result is that we're not getting new development in tourism, what we're getting is purchase of existing stock and refurbishing of that stock, simply because the tax incentive for that is better than the

incentive for bringing new development.

And what we need in tourism now is more rooms. We need a minimum of 2,000 new rooms in Jamaica in order to get any growth that is going to be meaningful and that will indeed respond to the Minister's growth strategy of which he speaks, but the incentives have to be there. Barbados is giving 35 years; Antigua, the other day gave 15 years, our friends from Grenada gave 25 years.

What we're saying, Mr. Speaker, is that now that there seems to be the opportunity for the Minister to use his discretion to open up the areas of incentive for development, let us look at the innovation concepts that are going to transform the economy and to transform areas that have been locked into what I call the culture of silence and dead capital, into a reenergized vibrant area that provides jobs and employment and new hope for the country.

We support the measure and we hope, Minister, that you will market it effectively so that these thoughts that we've brought to the table today will be brought into being for the benefit of Jamaica and our growth potential. (Applause)

Mr. PARCHMENT: Desmond, nuh spoil it.

Mr. McKENZIE: Man si down and shut yuh mouth.

Mr. Speaker, thank you.

Mr. JACKSON: A new year now.

Mr. McKENZIE: Minister, the question of urban renewal, urban development and the incentives to develop urban centres is very important. Where you speak about bringing new life into downtown Kingston that is

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debatable however. I just want to ask a question, Minister, which is important for my own edification, whether or not there is collaboration between your Ministry and the Ministry of Local Government, which has some responsibility for urban renewal? And the reason why I asked the question, Minister, is that when consideration is being given to a developer for developing in these urban centres or wherever the developments take place - you have a lot of developers in this country Minister who wants to get on with the job but sometimes have no respect for the Local Authorities, they do things outside of the permit that has been granted.

For instance building, they do not comply with the permission granted by the Local Authorities. Is there any mechanism in place, Minister, that will - that actions will be taken against developers who do not comply with the regulations as stipulated by the Local Authorities as it relates to building, whether it is a new structure or renovating or the kind of activities that ought to take place Minister.

And I think this is very, very important because it gives credibility, it offers substance to the Local Authorities, Minister. And if there is no discussion between the Ministry of Finance and the Ministry of Local Government that has direct responsibility for urban renewal and development, I would urge you Minister, to make this a priority in terms of having this programme moving forward to the benefit of urban renewal in the country.

The SPEAKER: Minister.

Mr. ARSCOTT: Mr. Speaker, Members, I'd like to bring to the attention - the Member

who was actually briefed in terms of the Kingston Redevelopment Committee, which has on that Committee a Member from the Ministry of Finance. So there is collaboration between the Ministry and the Ministry of Finance in dealing with the issue.

In fact, just recently the Member from St. James will recall that the St. James Parish Council along with the Parish Councils of Trelawny and Hanover had an Expo where we discussed investment in that part of Jamaica, and in collaboration with the Koreans, are working on a final document in terms of the development of Montego Bay as a small city, putting in a framework of investment where the possibilities in the second city. So it's quite a number of - significant work is being carried out in terms of redevelopment and exciting possibilities for the two major cities in Jamaica.

Dr. PHILLIPS: Mr. Speaker, I'd like to thank Members for supporting the Bill that is before us. Obviously Members anticipate the early start to the budget debate, because all the proposals, some of which range far and wide are no doubt - and there will be opportunity...

(Inaudible comment by a Member)

Dr. PHILLIPS: ...there will be opportunity for Members to participate further.

Generally, I mean, seriously though, we welcome suggestions and proposals, but I think it is important to bear in mind, as we do all of this that certainly as far as investor activity is concerned, effective rate of taxation has been substantially lowered for all investors.

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It is also the case that we have removed the duties and introduced significant allowances for all operators of businesses so that - I don't think - I think we equally have to be careful though, about the principle that no investment can take place while the only taxpayers who should do anything are the people liable for personal income tax. (Applause) And that all the services necessary to make those very investments function: water cisterns, roadways, airports, ports, schools to educate the workforce, all of that has to be financed somewhere. The condition for investment cannot be that you only tax the poorest in the country.

A MEMBER: Hear, hear!

Dr. PHILLIPS: And we have to - we recognize and value investment and we will continue to review the propositions and the proposals that are made. But quite frankly, we have to create an environment whereby everyone pays their fair share, including the investor coming in.

Now, Mr. Speaker, what is before us is the approval of this Bill and I move second reading of the Bill.

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

Put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Urban Renewal (Tax Relief) Act"

read a second time.

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

COMMITTEE STAGE

The CHAIRMAN: I put Clause 1. I have one correction - the date, year 2014/2015.

Motion put to the Committee and agreed to.

Clauses 2 and 3 put to the Committee and agreed to.

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

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with no amendment.

Dr. PHILLIPS: With one typo.

The CHAIRMAN: One typo, yes.

Motion put to the Committee and agreed to.

RESUMPTION

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

Dr. PHILLIPS: Mr. Speaker, regarding... Mr. Speaker, I move third reading.

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

Motion put to the House and agreed to.

Bill entitled:

"AN Act to Amend the Urban Renewal (Tax Relief) Act, 2014"

read a third time and passed.

Dr. PHILLIPS: Mr. Speaker, the matter before us is the Motion standing at No. 8 on the Order Paper regarding the Assumption of Debt of Financial Obligation for Clarendon

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Alumina Production Limited and Wallenford Coffee Company Limited.

The fact of the matter is, Mr. Speaker, this had been debated, approved towards the end of last year I think in November sometime. But what was the question was that the specific reference in the Act to the Public Debt Management (Borrowing Purposes) (Specification of Exceptional Ground) Order had been, it had not been carried out under the specific - under the appropriate Act at the time and therefore is being brought here for the formal approval of the House.

The terms and conditions remain the same, and it is the same in every other respect. And so, Mr. Speaker, I so move the approval of these Orders.

Motion put to the House and agreed to.

The SPEAKER: Motion approved.

Mr. PAULWELL: Mr. Speaker, we now resume debate on the three Bills as we - Mr. Speaker, I move for the recommitment of Items Announcements, Reports from Committee and Notices of Motion.

The SPEAKER: The question is for the recommitment of Items; Announcements, Notices of Motions Given Orally, and Reports from Committee.

Motion put to House and agreed to.

ANNOUNCEMENTS
(Recommended)

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

Report of the Regulations Committee of the House of Representatives on its

deliberations on the National Housing Trust, (Housing Benefits) (Special Selection) Hellshire Housing Development Phase IV Order, 2014.

REPORTS FROM COMMITTEE
(Recommended)

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

The SPEAKER: Yes, Deputy.

Mr. L. B. SMITH: Mr. Speaker, by your leave, sir. 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 National Housing Trust, (Housing Benefits) (Special Selection) (Hellshire Housing Development Phase IV), Order 2014.

NOTICES OF MOTIONS GIVEN
ORALLY
(Recommended)

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time the following Bills, shortly entitled:

- 1) The Public Bodies Management Act - Public Bodies Management and Accountability (Amendment) Act, 2015 and;
- 2) The Financial Administration and Audit (Amendment) Act, 2015.

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

The SPEAKER: Yes Deputy.

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Mr. L B SMITH: 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 National Housing Trust (Housing Benefits) (Special Selection), (Hellshire Housing) Development Phase IV, Order 2014, which was laid on the table of the House on 13th day of January 2015 be approved.

Mr. PAULWELL: Mr. Speaker, we continue the debate on the CCJ Bills.

This afternoon we have three presenters and we can go to 4. The Member from North Trelawny, the Member from North East St. Andrew, the Member from South East St. Elizabeth, in that order and we do conclude next week.

THE CARIBBEAN COURT OF JUSTICE BILLS

The SPEAKER: Mr. Atkinson.

Mr. ATKINSON: May it please you, Mr. Speaker.

I stand in full support of the Bills before this Honourable House which seek to terminate the appeals of the Judicial Committee of Her Majesty's Privy Council which incidentally sits to hear its matters at No. 11 Downing Street, across from the residence of the British Prime Minister, across the Street.

(Sotto voce comments by a Member)

Mr. ATKINSON: Mr. Speaker, 51 years have passed since we became Independent and

we still allow decisions which touch and concern our three branches of Government to be made in London England by English Law Lords of the English House of Lords.

Mr. Speaker, the Members of this Honourable House will know that our system of Government is divided into three branches, the Executive, the Legislature and the Judiciary, each of these in their own way, each is fundamental to our governance. The Executive makes policy, the Legislature passes laws, and the Judiciary interprets the laws.

Britain is a member of the European Union and they have a court called the European Court of Human Rights, the ECHR. The decisions of that Court is binding on the courts of all European Member States which includes the United Kingdom.

The highest Court in England, Mr. Speaker, is the House of Lords, which comprises judges, referred to as Law Lords who are Members of the Upper House of the English Parliament.

The House of Lords is like our Senate. The same Law Lords who sit in the House of Lords, the Court, sits on the bench of the Judicial Committee of the Privy Council. The House of Lords is bound by the decisions of the European Court of Human Rights and decisions by the House of the Lords, are usually followed in the Privy Council. In fact, they are the same Judges who sit in House of Lords in the Courts that sits on the Privy Council. What this means, Mr. Speaker, is that relevant decisions of the European Court of Human Rights are likely in most

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circumstances to be followed and applied in the Privy Council.

As a result, certain decisions of that Court will impact our jurisprudence here in Jamaica, if the Privy Council remains our Final Court of Appeal. We have to be realistic, Mr. Speaker, there are civil rights law suit sitting in the wings waiting to be filed in Jamaica as soon as the right plaintiff and the right set of the circumstances come along. In fact, some are waiting to be heard. There may be challenges concerning the constitutionality of our buggery law, there may even be law suits concerning individuals rights to gay marriage, there are capital cases involving the death penalty.

I just wonder how, Mr. Speaker, the Judicial Committee of Her Majesty's Privy Council will rule on some or any of these issues? Consider these names, Mr. Speaker, Lord Bingham of Cornhill, Lord Steyn, Lord Rodger of Earlsferry, Baroness Hale of Richmond, Lord Carswell, we should be familiar with these names, Mr. Speaker, because these are their Lordships, our Privy Council Lordships who in 2004 decided the challenge to three pieces of legislations enacted by the Jamaican Parliament. And they ruled as follows and I quote:

“The Board, as the Privy Council is called, will humbly advise Her Majesty that the appeal should be allowed and a declaration made that the three Acts were not passed in accordance with the procedure required by the Constitution and are void.”

Mr. Speaker, they didn't advise us, they advised Her Majesty.

Mr. Speaker, I had the opportunity to practise law in one of the States in the United States for a significant number of years, and often lawyers would come to me and ask me about the practise of law in Jamaica knowing that I practised here before. And ask me about our legal system. I would tell them that our system was pretty much like that in the USA as it is based on English Common Law and English Jurisprudence like theirs, and I would invariably be asked whether we had have a Court similar to the United States Supreme Court. The answer would obviously be yes, and that the Privy Council in England performed that function. The question would - the statement would always be, but I thought Jamaica was an Independent country.

The explanations I had to give, Mr. Speaker, the excuses I had to make never succeeded on any of those occasions to palliate the embarrassment that I felt.

It has been said in this Parliament on many occasions - many occasions - that this Parliament is the highest Court of the land. That statement, Mr. Speaker, is grossly incorrect as far as Jamaica is concerned. This Parliament is not, and has never sat as a court. The statement, the Parliament being the highest court of the land, comes from the English Parliament, which, through its Upper House, the House of Lords sits as its highest Court in England. The Judicial Committee of the Privy Council, which comprises those same Lords is also Jamaica's highest court. So

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the truth really is that the highest court of this land called Jamaica is not the Jamaican Parliament, but is in a Parliament that is in a foreign land which lies some 5,000 miles away, the Upper House of the English Parliament is the final Court of our land.

(Sotto voce comment)

Mr. JACKSON: We have jurisdiction, the CCJ, different kettle of fish.

Mr. ATKINSON: There has been a proposal - and occasionally I hear *sotto voce* comments from across the aisle, indicating that Jamaica should have its final court of - its own for tertiary court. You know, a committee was put together to decide on that issue, and these are the recommendation: That the Judges in our final Court in Jamaica, would come from persons who sat on appellate courts in countries where the jurisprudence was based on English common law, which would include the United States. It mentioned jurists from commonwealth countries. It mentioned jurists from the Caribbean Court of Justice as qualifying to sit on our court, and it also mentioned Jamaican court of appeal justice system. So essentially, all that in effect would be, is to move a CCJ type of Court into Jamaica, and call it our own. If that is so, then there can be no real opposition on that basis to the Caribbean Court of Justice.

(Applause)

Mr. MAIR: Poor manoeuvre.

(Cross talk)

Mr. ATKINSON: A Jamaican only - a Jamaican tertiary court would not only involve tremendous recurrent expenditure to set up

and sustain that court, and we have already paid for the CCJ.

(Sotto voce comment by Mr. Jackson)

Mr. ATKINSON: And if one were to follow recommendations coming from across the aisle, Mr. Speaker, it would also include holding a referendum. That in itself alone would cost between \$1.2 Billion...

Mr. SHAW: So? So? ...so what?

Mr. ATKINSON: ...and \$1.5 Billion.

(Cross talk)

Mr. McKENZIE: Justice is not cheap.

Mr. MAIR: The little man don't get Justice.

Mr. SHAW: Chicken feed. Ask the man that sits in front of you - chicken feed.

Mr. ATKINSON: In any event, Mr. Speaker... in any event...

(Sotto voce comments)

Mr. ATKINSON: You can be as facetious as you want.

Mr. SHAW: Ask the man that sits in front of you.

Mr. ATKINSON: You can continue being facetious because a billion dollars is what build half mile of your road, so it doesn't seem like a lot of money to you.

Mr. SHAW: Don't drive on it; you drive Brown's Town way or somewhere else.

Mr. ATKINSON: But, Mr. Speaker, according to our law and our Constitution, a referendum would only be advisory. We would still, after all of that, have to come back and go through the process of a two-thirds majority in either House to set up the Court of Appeal.

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Mr. SHAW: So what, so what?

(*Sotto voce* comment by Mr. Bartlett)

Mr. PARCHMENT: *Nuh* him a quarrel about \$10,000 phone bill?

Mr. ATKINSON: Mr. Speaker, the former President of the United Kingdom Supreme Court and former Head of the Judicial Committee of the Privy Council...

Mr. SHAW: (Inaudible) Point of order.

Mrs. NEITA-HEADLEY: Doing very well.

Mr. ATKINSON: ...who is a member of the British House of - English House of Lords, has stated that they would prefer that Jamaica make use of the CCJ rather than coming to the Privy Council - have said so...

Mrs. NEITA-HEADLEY: Have no shame.

Mr. ATKINSON: And they complain that too much judicial time is being - English judicial time is being used on issues that are of no concern to the public of England.

Mr. McKENZIE: That is his personal opinion.

Mr. BARTLETT: You will hear other things that they said. Mr. Speaker, it would be helpful to look at the CCJ as it now exists because we have heard some other criticisms.

Mr. McKENZIE: They can put you in a room and search you. We can't even go Bahamas *dem* a rape we.

Mr. PARCHMENT: You can't get *nuh* visa to go England.

Mr. ATKINSON: The current President of the CCJ, Mr. Speaker, is Sir Dennis Byron, a Kittitian, who was educated at Cambridge University from which he holds an MA and an

LLB, a former High Court Judge, a Justice of Appeal in the Eastern Caribbean Supreme Court; he was selected by the United Nations to serve as a Judge of the United Nations International Criminal Tribunal for Rwanda, and was eventually elected President of that Tribunal. He has demonstrated a special interest in judicial education in the Caribbean, and that led to his appointment in 2000 as the President of the Commonwealth Judicial Education Institution, and he has written many articles, and has many publications. Sir Byron, Mr. Speaker, epitomizes the high standard that exists on the CCJ Bench. The CCJ dispenses a high quality of justice and is no lesser breed. (Applause)

The CCJ has a strategic planning leadership team with a stated strategic direction for the Court which will facilitate easier access to Justice which will secure its independence and accountability; will strive to guarantee equality, fairness, integrity, and to promote the rule of law while enhancing regional justice system, and preserving public trust and confidence. These are the stated ideals of the Court which has been proactive in setting up a team, mandated to secure those important attributes. The Court has demonstrated its commitment to itinerant sittings and has, in fact, sat in Jamaica between March 4th and March 6th 2013, to take evidence in the important landmark case of Shanique Myrie *versus* Barbados.

(*Sotto voce* comments)

Government MEMBERS: Yes, yes...

Mr. ATKINSON: Mr. Speaker, there are some subjects which must be beyond partisan

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politics, and I would posit that justice including our Courts must be one such subject. The question of our final Court of Appeal is a fundamental issue and should not be subject to the shifting winds of political adventurism or to the vagaries of electoral ambition.

(Cross talk)

Mr. Speaker, it has been stated, and it is in fact, that to go the referendum route which is only advisory is...

Mr. BARTLETT: That's a good point.

Mr. ATKINSON: ...which is only advisory. If we want the referendum to be the way, then the Constitution of Jamaica would have to be changed. It is clearly going to expose that aspect of our judiciary to political campaigning and political hustings.

Mr. McKENZIE: You must...

Mr. ATKINSON: Mr. Speaker, I would urge this Honourable House to break the juridical umbilical cord between King's Street and Downing Street because, Mr. Speaker, the establishment and the mechanics of the Privy Council is not governed by Jamaican law but is governed by English law. At any time, England can withdraw access from Jamaica to its Privy Council.

Mr. HENRY: We don't mind that...
(Inaudible comment follows)

Mr. ATKINSON: And if it did, Mr. Speaker - Mr. Speaker, it would create insurmountable constitutional problems for Jamaica if we had not move to create a tertiary court. As it now stands under our constitution, persons convicted of capital murder and certain other specified litigants and have a

right of appeal to the Privy Council under our Constitution. If the English Government terminated our access to the Privy Council, and the CCJ was not installed constitutionally as the final Court, what would we do when a convicted murderer says but hold, before you do that sentence, I have a constitutional right to the Privy Council, to a tertiary appeal to the Privy Council. Where do we go from here? In any event, Mr. Speaker, let us not need a visa to secure justice.

Mr. BARTLETT: And you are satisfied with that quality of justice.

Mr. ATKINSON: I would urge that we support this Legislation to abolish the jurisdiction of the Privy Council and to install the Caribbean Court of Justice as our final Court of Appeal. (Applause)

Mr. PARCHMENT: Right away.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. ATKINSON: We would have a Court which will come to us and sit in Jamaica for the hearing of Jamaican cases thereby allowing our Jamaican litigants access to that Court. (Applause) The Caribbean Court of Justice, Mr. Speaker, is as much our own court as it is Barbadian or any other Caribbean nations. Jamaica played a fundamental role in instituting that Court and in setting up that Court. We have paid for the existence of that court which we played a pivotal role in establishing and we are as much a part of it as anybody else.

Mrs. NEITA-HEADLEY: That's right.

Mr. ATKINSON: Mr. Speaker, I would urge that we support the Bills in issue, put the politics behind.

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Mrs. NEITA-HEADLEY: Yes.

Mr. ATKINSON: Do what is in the best interest of Jamaica and now is the time for the CCJ.

May it please you.

(Applause/*Sotto voce* comments)

Mr. ATKINSON: Thank you.

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker, once again, we are embarked on another CCJ debate, wherein, our Parliament seeks to introduce the Caribbean Court of Justice, hereinafter referred to as the CCJ, as our Final Appellate Court.

In the first debate on similar three Bills to replace the Judicial Committee of the Privy Council - hereinafter referred to as the JCPC - with the CCJ, the then Opposition warned the Government of the day that it was embarking on a futile endeavour, as a Final Appellate Court could not be introduced by a simple Parliamentary majority, as it would be in breach of our Constitution.

The three Bills then that were passed in this House and in the Senate, were quite rightly ruled unconstitutional by the JCPC, our Final Appellate Court, in the case of independent Jamaica Council for Human Rights and others, and the Honourable Syringa Marshall Burnett, and the Attorney General of Jamaica. Please see Appeal Number 41 of 2004, hereinafter referred to as the Burnett - Marshall Burnett case.

I suspect, Mr. Speaker, that a similar fate may await these three Bills in the unlikely event that this House and the Senate should pass them by two-thirds majority.

Let me say at the beginning, that I consider the Judges of the CCJ to be of the highest quality and competence. (Applause) And, their judgments delivered to date - at least those that I have read - to be sound, and in fact, of excellent quality.

(Applause)

To create a Final Appellate Court to serve the Caribbean people is a clear indication of the good intentions of the Caribbean Governments. However, Mr. Speaker, good intentions are never enough, and it is often said that the road to hell is paved with good intentions.

I will in this presentation, Mr. Speaker, show why these Bills being debated cannot and should not be supported, as the needed safeguards are not in place, that imminent dangers lie ahead, and there are safer, better and preferable alternatives available. I will discuss these safer, better and preferable alternatives later.

My first point, Mr. Speaker, is one of sustainability. There is great concern about the sustainability of the Court. The financial concerns expressed when the Court was being created were met by setting up of the Trust Fund of One Hundred Million United States Dollars (US\$100M) that was intended to be invested and to maintain the Court into perpetuity.

Well, Mr. Speaker, we know that it is unlikely that this will happen. The United States One Hundred Million Dollars (US\$100M) invested in the best Blue Chip investments, cannot generate the needed income annually to finance the Court and still

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maintain the capital of United States One Hundred Million Dollars (US\$100M).

In fact, Mr. Speaker, a few years ago I understand the Fund had depreciated to under Ninety Million United States Dollars (US\$90M) and declining. The fact of the matter is that similar investments across the world are suffering the same fate. Blue Chip investments, Mr. Speaker...

(Heckling)

Blue Chip investments, Mr. Speaker, cannot earn more than two to three per cent maximum, annually. And, that limited income cannot finance the CCJ... (Applause) ...to pay the Judges and the Registry staff for travelling and housing, and soon for pension for retiring Judges. We need to know the present status of the Fund.

Mr. Anthony HYLTON: You just announced it!

Mr. CHUCK: I repeat. We need to know what is the present status of the Fund. If, indeed, Mr. Speaker, the capital is eroded and steadily declining, it won't be long before Caribbean Governments are required to fund the Court directly, or to top up the Trust Fund.

Suppose the Governments are unable to continue support of the Court or the Trust Fund? Would Jamaica be required to pay more to keep the Fund going? How sustainable will the Court become? And would prospective Judges, Mr. Speaker, be prepared to take up an appointment with such uncertainty? Who would guarantee their pension and security of tenure?

Mr. Speaker, I repeat, we need to know the present status of the Trust Fund.

(Applause) (*Sotto voce* comments)

Mr. CHUCK: The Prime Minister - and those of you who are here convey to her for me - has a duty to bring to this Parliament an up to date on the status of the Trust Fund during her closing. (Applause) In fact, before the vote on these three Bills is taken in three months or so, the audited account of the Trust Fund should be presented in this Parliament. (Applause) The status of the Trust Fund is of critical importance.

My second point, Mr. Speaker, has to do with permanence. How permanent is the CCJ...

Mr. ATKINSON: You have a second point? You don't have a first point.

Mr. SHAW: Of course he had a first point! Out of order! You never had any point at all! (Laughter)

Mr. CHUCK: How permanent is the CCJ intended to be when any country having joined the Appellant jurisdiction then withdraws after giving three years' notice. I want the Members present - those who are not present won't have the benefit - to look at Article 37 of that Treaty, which is on page 27 of that Bill. How could we join a Court when its members can join and withdraw as its government or people see fit?

So, Mr. Speaker, if Jamaica joins and hypothetically, maybe, others fail to join, or, having joined, withdraw, would or could Jamaica not be left in the untenable position of being the only member of the CCJ?

(Laughter/*Sotto voce* comments)

Mr. CHUCK: Is this not a serious concern and an obvious danger?

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Mr. McKENZIE: Not to them!

Mr. CHUCK: If the CCJ is to become a permanent Court, this provision to withdraw must be removed.

Opposition MEMBERS: Yes.

Mr. CHUCK: If the CCJ becomes a final Court, it must be deeply entrenched in the Constitutions of all its members.

Opposition MEMBERS: Yes.

(Applause)

Mr. CHUCK: Otherwise, Jamaica cannot and should not join. The provision that any Member can join and withdraw after giving three years' notice is a clear danger to the permanency of the Court.

(Applause/*Sotto voce* comments)

(*Sotto voce* comments from Mr. Bunting)

Mr. CHUCK: And Mr. Speaker, you know the Member from Central Manchester was a part of a meeting between the Government Members and the Opposition Members - and I will come to that in a moment. We said, let us sort out these dangers before we even think of joining the CCJ, and in a moment I will get to that.

My third point, Mr. Speaker, is the question of sovereignty and independence brought up by the Attorney General and also the Prime Minister, in her opening, where she expressed the desire to complete our independence by removing the JCPC. It has been stated and argued that a judicial determination by the Privy Council is inconsistent with our sovereignty and independence, while mysteriously, mysteriously, the CCJ would be consistent.

I do not agree. If the JCPC is inconsistent with our sovereignty and independence, what makes the CCJ consistent?

(*Sotto voce* comments)

Mr. CHUCK: Is it because we are part of the Caribbean?

(*Sotto voce* comments)

Mr. CHUCK: But, aren't we a part of the Commonwealth?

Actually, Mr. Speaker...

(*Sotto voce* comments by Mr. McKenzie)

Mr. CHUCK: ...virtually every argument against the JCPC can be used against joining the CCJ. Every argument against keeping the JCPC can be used against joining the CCJ.

Mr. Speaker, there is no nation or political union known as the Caribbean. The Caribbean is merely a collection of nation States. The composition of the CCJ is not determined by the sovereign government of Jamaica, so how is it more consistent with our sovereignty than the JCPC? Is the surrender of decision making to a non-Jamaican body any different from allowing the JCPC to continue as the final Court? (Heckling)

Until recently there was no Jamaican on the Court, and there is always the real likelihood, Mr. Speaker, that no more Jamaicans will be appointed.

Mr. PICKERSGILL: Rubbish! Rubbish!

(*Sotto voce* comments)

Mr. CHUCK: Moreover, the present Jamaican Judge, Winston Anderson, was appointed to fulfill the expertise in International Trade Dispute, required under the original jurisdiction of the CCJ.

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And, let it be known by Jamaicans and by this Parliament, that the Myrie case was tried under the original jurisdiction of the CCJ, which all the Member States have joined; we are now dealing with the Appellate jurisdiction of the CCJ.

(Sotto voce comments)

Mr. CHUCK: So, Mr. Speaker, when five Members sit to hear appeals - this is the CCJ - some of whom may be Englishmen - and one is, at the moment - and none may be Jamaican, what is so different between the JCPC and the CCJ? They are still all foreigners deciding the fate and cases of Jamaicans.

Mr. Anthony HYLTON: You are bootstrapping.

Mr. CHUCK: If we are to join the Court, Mr. Speaker, should we not insist that at least a third of the Judges be Jamaicans?

Mr. PICKERSGILL: No! No!

Government MEMBERS: No! No!

(Sotto voce comments)

Mr. CHUCK: But would the other Members agree? I accept that.

But, Mr. Speaker, if we are to move from the JCPC, let that final Jamaican Court have Jamaicans sitting on it, whether it be two or five. But, if we are to move from the JCPC, let us have faith and confidence in our Jamaican people... (Applause) ...let's have Jamaicans sit on it.

(Sotto voce comments)

My fourth point, Mr. Speaker, is the question of accessibility, referred again by the Attorney General and also by the Prime Minister in her opening, where she discussed

the accessibility of the final Appellate Court. Opponents of the JCPC have argued that it is inaccessible due to distance, cost and visa requirement, while giving the impression that the CCJ would be more easily accessed. With respect, Mr. Speaker, that is absolute nonsense.

(Sotto voce comments by Mr. Pickersgill)

Mr. CHUCK: Mr. Speaker, not one litigant who could not access the JCPC will be able to access the CCJ.

Mr. PICKERSGILL: Where you get that from?

Mr. CHUCK: Accessibility has little to do with distance and visa requirements. Accessing the Court requires well-trained attorneys-at-law, and to retain good appellant lawyers - as you should know, Member from Western St. Mary, to retain good appellant lawyers is an expensive proposition.

Many deserved cases, Mr. Speaker, do not retrial or go on appeal as litigants are unable to secure and pay lawyers to take their cases.

(Cross talk)

Even though Mr. Speaker, legal funding is available, it is unlikely that legal aid can afford to pay lawyers to take cases to the first appeal much less to a second appeal. Mr. Speaker, you have to recognize that to get firstly to the Supreme Court, even to the RM Court, litigants had to find decent sums of money to find a lawyer to try their cases and having tried their cases to get to the Court of Appeal is a very challenging and daunting experience.

(Cross talk)

Mr. Speaker, I can tell you, Mr. Speaker...

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Mr. PICKERSGILL: What's your point? What's your point?

Mr. CHUCK: I can tell you, Mr. Speaker, that many Court of Appeal cases in Jamaica - many cases that should go to the Court of Appeal don't get there not because of distance and visa requirements, but because the litigants can't afford lawyers much less to go to a third-tier adjudication. I can tell you, Mr. Speaker that in my early years of practice I did dozens of appeal cases in the Court of Appeal with great success.

(Cross talk/Applause)

Mr. PICKERSGILL: We don't know that. Not true.

(Cross talk)

Mr. CHUCK: ...because no lawyers - no lawyer, Mr. Speaker, would be willing to go to the Court of Appeal and because I was then a lecturer at the University I could do them free. And this is what is happening, Mr. Speaker, to many death row cases in Jamaica. They have no lawyers to take their cases to the Privy Council and it's English lawyers willing to take their cases, do them free and many deserving, well-recognized cases have been successfully appealed in the Privy Council.

(Cross talk)

The question, Mr. Speaker, how many of these cases, how many of these death-row cases will go un-adjudicated because of lack of funds, where at the moment, Mr. Speaker, the English attorneys are doing it free.

(Cross talk)

I would say, Mr. Speaker, if you want to set up a court in Jamaica or in the Caribbean there must be sufficient legal aid cases - legal aid

funding to take on deserving cases to go to any appeal case or final appeal.

Mr. Speaker, if we are to adopt the CCJ the Opposition's position is to put the CCJ beyond the control or interference of executive Governments (Applause) and/or creative leaders who control Parliament.

Mr. DALLEY: It is beyond that.

Mr. PICKERSGILL: It is beyond that. You know that.

Mr. CHUCK: If we are to have a truly permanent final appellate court we must put it outside the reach of the Government of the day. It is for this reason, Mr. Speaker, that if we are to join the CCJ we must deeply entrench the CCJ in our Constitution and insist that it must be done by referendum where the people decide.

(Cross talk)

Let the people decide has always been the position of the Opposition and why we want other countries to do likewise.

(Cross talk)

Mr. Speaker, from the very beginning the Opposition demanded a referendum.

Mr. PICKERSGILL: No, that's not true.

Mr. CHUCK: From the very beginning.

Mr. PICKERSGILL: No!

Mr. CHUCK: From the very beginning.

(Cross talk)

Mr. PICKERSGILL: Yu neva demanded it.

Mr. CHUCK: From the very beginning the Opposition demanded...

Mr. PICKERSGILL: Where were you? Let me ask you.

(Cross talk)

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Mr. CHUCK: ...to let the voice of our people be heard.

(The Speaker gavels)

Mr. SHAW: You were in the wrong jungle as usual. (Laughter)

Mr. PICKERSGILL: Yu getting monotonous now. Shut yuh mouth!

Mr. CHUCK: Mr. Speaker, the position is very clear. We need a final court when we remove the JCPC to be deeply entrenched in the Constitution. (Applause) It can only be deeply entrenched in the Constitution by changing Section 49 of the Constitution and that can only be done if we go to the people. Why the PNP over the years don't want to go to the people to decide in a referendum is a question for them to decide. And, Mr. Speaker, it has nothing to do with politics. It has...

(Cross talk)

Mr. Speaker, we have said on this side to the Government we agree in removing the Queen as Head of State. We don't believe that the Queen should remain Head of State. We're however, prepared to go with you to the people, remove the Queen as of Head of State and once all these uncertainties in the CCJ were cleared up we would go together not only to remove the Queen, but to install the CCJ. They didn't agree. They don't want a referendum. At one stage, Mr. Speaker, they said...

(Cross talk)

No listen, at one stage, Mr. Speaker...

(Cross talk)

Let the truth come out. They said to us, only if the JLP agree that you won't campaign in

opposition. I said, the leaders of the party once we agree on removing the obvious dangers we - the leaders won't campaign, but you can't stop a few persons who may be affiliated to the JLP campaigning against the CCJ and campaigning against the removal of the Queen. That was our position, Mr. Speaker, and, in fact, that was where we left it at the time.

Mr. Anthony HYLTON: The CCJ pays you, you know.

(Cross talk)

Mr. CHUCK: Indeed, Mr. Speaker, the Opposition's position in the CCJ - let us clear up all of these dangers, which I'm enumerating and if we all agree on these dangers we can go together to the people where you only need a simple majority.

Mr. PICKERSGILL: You can't...

Mr. BUNTING: No, but you still need it entrenched in all the other CARICOM States.

Mr. CHUCK: Let me say this, Mr. Speaker...

Mr. BUNTING: You just said that earlier.

Mr. CHUCK: We want it entrenched, because that is one of the conditions.

(Inaudible comment by Mr. Bunting)
(Cross talk)

Mr. MAIR: That's one of them.

Mr. CHUCK: That is one of the conditions.

Mr. BUNTING: ...entrenched in the U.S. Constitution as well.

Mr. CHUCK: In the US? Is it a part of the CCJ? What we're saying, Mr. Speaker, everyone that joins the CCJ - all countries that

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join the CCJ must join it permanently with no intention to withdraw. That is the point Member from Central Manchester. That's what we're saying.

Mr. BUNTING: But, but, every single Caribbean...

Mr. CHUCK: Every Caribbean territory must deeply entrench it in their Constitution if we are to be a part of it. You can't have a situation where only we join and others can withdraw? Join and withdraw as they see fit.

(Cross talk)

Well, that is the problem.

(Cross talk)

In truth, Mr. Speaker...

Mr. PICKERSGILL: None of the former colonies in Britain ...the idea of a referendum. We would be a laughingstock.

Mr. CHUCK: ...the CCJ is just another institution...

(Cross talk)

Mr. Speaker, the CCJ is just another institution and another stage envisaged by Caribbean regionalists for Caribbean integration.

(Applause)

Mr. MAIR: Exactly.

Opposition MEMBER: That's the politics of it.

Mr. MAIR: That's the politics.

Mr. CHUCK: Indeed, Mr. Speaker, nowadays the buzz word in every regional meeting is Caribbean unity and integration.

Mr. PICKERSGILL: Why you call buzz word?

Mr. CHUCK: Ultimately, Caribbean integration means a political union with one

currency, one Government and one people. And, Mr. Speaker, let me say it very clearly, no one in this Parliament would want a Caribbean unity and Caribbean integration more than me - for family reasons too, right.

(Cross talk)

For family reasons I would want Caribbean unity and Caribbean integration. But, Mr. Speaker, desirable as Caribbean integration may be, it is not going to happen. We may well have free movement of goods and share academic and regional institutions and associations such as CXC, CAPE, UWI and West Indies Cricket team. However, Mr. Speaker, the free movement of people which would be a top priority for a political union or for a Caribbean integration is simply not going to happen if Jamaicans that constitute more than 50 per cent...

(Inaudible comment by Mr. Anthony Hylton)

Mr. CHUCK: ...if Jamaicans that constitute more than 50 per cent of the English-speaking people were allowed to settle and work in other Caribbean islands, it wouldn't be long before the whole Caribbean be Jamaicanized.

Mr. PICKERSGILL: What's the point?

Mr. CHUCK: Do you believe that the rest of the Caribbean islands would allow Jamaicans to overwhelm the rest of their populace?

Government MEMBER: No wonder Holness fire *yuh*.

(Cross talk)

Mr. CHUCK: Even now, even now Mr. Speaker, across the Caribbean Governments

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immigration officers are very reluctant to admit Jamaicans - what I'm saying if you don't understand if you're going to have Caribbean integration, if you're going to have a Caribbean union, there must be free movement of people.

(Inaudible comment by Mr. Anthony Hylton)

Mr. CHUCK: And it's not going happen - you don't listen, you see. You fall asleep in between.

(Cross talk)

The Caribbean Court of Justice is one step to the Caribbean union.

(Cross talk)

And, Mr. Speaker, if the response is why not, would we allow all Haitians as a part of CARICOM freely to settle in Jamaica?

(Cross talk)

So to be realistic, Mr. Speaker, Caribbean integration is a lost cause.

Mr. PICKERSGILL: Look, look, you're finished, but yuh still talking.

Mr. CHUCK: Mr. Speaker, another concern, if the Member from St. Catherine would listen and understand, not only listen and understand.

(Applause/Laughter)

Mr. SHAW: That's the key.

Mr. CHUCK: He would realize that some interesting points are being made which he can reject, but at least understand.

(Cross talk)

The next concern, Mr. Speaker, is why are so many other Caribbean nations so reluctant to join the CCJ?

(Cross talk)

Well, is it because they waiting on Jamaica?

(Cross talk)

And I ask the question, Mr. Speaker - I ask the question, Mr. Speaker, Trinidad and Tobago, where the court resides, where the court resides has refused to join. Recently, Mr. Speaker, the Prime Minister wanted to have a bi-focal court. She wanted the criminal cases to be decided by the CCJ, but the civil cases to be decided by the JCPC. I've never heard such unusual arrangements. But now she has changed her position like Jamaica, and interestingly, she wants a referendum. Not that it is required by Trinidad Constitution, you know, but she wants referendum to so decide.

(Cross talk)

Mr. Speaker, interestingly St. Vincent and Grenadines requires a referendum and because the parties did not agree on the terms of the treaty, they had a referendum and could not get 66 2/3 and, therefore, St. Vincent and the Grenadines is unlikely to join this Court any time soon. Antigua, Grenada must have referendum to join the Court. I don't know when they are going to have their referendum. But we know also, Mr. Speaker that the Bahamas has no interest in the CCJ and it won't join. But, Mr. Speaker, what has happened to other countries such as St. Lucia, St. Kitts? Why have they not joined? Why are they having concerns about the court, Mr. Speaker? About the treaty? These are questions that this Parliament has to have in the back of its mind before we even think of joining this Court.

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(Cross talk)

Mr. Speaker, the Government in presenting these three Bills is seeking to force the Opposition into submission and hoping, at the very least, to get two-thirds majority in this House and in the Senate. Well, even if it did the matter would not be over. These Bills have sought to hijack the present constitutional arrangements by cutting and splicing Sections 100,102 to 109 to avoid, it claims, the need to trouble Section 49 of the Constitution. I am still sceptical if our courts including the JCPC, which is still our final court, will sanction these Bills, these three Bills.

Chapter 7 of our Constitution, Mr. Speaker, sets out in three parts the constitutional arrangements of our courts. Part I deals with the Supreme Court or the Court of first instance. Part II deals with the Court of Appeal, and Part III deals with the JCPC, the final appeals. The present Bills introduce the CCJ and it seems to me gives it a similar entrenched status as the Court of Appeal. However, in Section 13 of the Bill entitled, Amendment (Caribbean Court of Justice) Act, 2012, the CCJ becomes the final Court of Appeal replacing the JCPC.

These three Bills seek to change Section 110. Note that. Section 110 of the Constitution, to introduce the CCJ for the JCPC. This Section 110, Mr. Speaker, however, is not entrenched and can be amended by a simple majority. Which means, Mr. Speaker, it can also be abolished by a simple majority. Can we be serious in this Parliament? Can this Government be serious?

And is this not a serious danger when we can remove the JCPC by a simple majority, put in Section 110 CCJ, which means, Mr. Speaker, another government, another Parliament can easily abolish the CCJ or any final court by a simple majority. Does that make sense, Mr. Speaker?

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

Mr. PAULWELL: Mr. Speaker, I move that the Member's time be extended sufficiently for him to complete his presentation.

The SPEAKER: The Member's time for speaking has been extended sufficiently for him to complete his presentation.

Mr. Chuck.

Mr. CHUCK: Thank you, Mr. Speaker, and thank the Members.

I suspect, Mr. Speaker, that if these three Bills are successfully passed in both Houses, which is unlikely, that they will be successfully challenged in the courts as unconstitutional and even, Mr. Speaker, if they were constitutional, the spectre of having the CCJ in Section 110, that can be changed by a simple majority, makes these three Bills quite worthless. These three Bills, Mr. Speaker are quite worthless and not worthy on the paper on which they were printed.

(Applause) (*Sotto voce* comments)

Mr. CHUCK: Mr. Speaker, we want to sever the Privy Council, we want to sever the Privy Council. Former Prime Minister PJ Patterson has suggested in a speech to the Jamaica Bar Association on Friday November 15, 2013, entitled Establishing Our Final

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Court One Step at a Time. That Jamaica should proceed to sever our relationship with the JCPC. That was November 2013. I was in the audience, Mr. Speaker, and I have been waiting, waiting, waiting to respond to former Prime Minister and now it's my opportunity.

In essence, Mr. Speaker, former Prime Minister Patterson suggests that the Government should use its majority in Parliament to vacate the provision of Section 110 of the Constitution which means removing the JCPC. Former PM Patterson probably recognized that the three Bills before us now cannot partially sever the relationship because similar to the three Bills in Syringa Marshall-Burnett, and I quote him: "There could be no severance since the three measures were connected intended to be part of simple interdependent scheme." Former Prime Minister Patterson further continued. "The judgment could not have pointed out more definitely the safest part for a final resort should all other attempts fail if it reveals how the roadblock resulting from political obstinacy can be effectively dismantled."

Former Prime Minister Patterson means by that remark that the majority vote in Parliament should be used to remove the JCPC as the highest court. Then he says, "Once this is done the sovereign Parliament of Jamaica can subsequently decide whether a three-tiered system should be restored and if so when and how."

Well, Mr. Speaker, let me be the first to admit that this sovereign Parliament by a majority can remove the JCPC. So if these three Bills fail, another Bill to vacate Section

110 can be brought back to remove the JCPC. I accept that possibility.

Mr. Speaker, if we want a two-tiered system, if we want to cut off our nose to spite our face then let's go ahead and remove the JCPC before putting in place a final appellate court. A three-tiered system of justice is really not an absolute necessity. Many countries, including Guyana, until it joined the CCJ, have had a two-tiered judicial system. If that is what the Government wants then it can proceed to adopt former Prime Minister Patterson's recommendation, which would deprive a very small number of cases from a third adjudication.

Actually, Mr. Speaker, the vast majority of cases are fully dealt with at first instance. Very few of these decided cases go on appeal and even a small number, a minuscule of cases go to a further and final appeal. To be sure, Mr. Speaker, apart from the cost, litigants really have a good, compelling and arguable case to go beyond the Court of Appeal. At first instance evidence is assessed and cases are decided based on the facts on the prevailing law. In the Court of Appeal, the first appeal, litigants argue that the facts were not properly assessed and/or the law not properly applied. In virtually all cases that is the end of the matter. A second appeal is rarely permitted much less heard by a third-tiered panel. So thus, if this Parliament wants to remove the JCPC it will affect very few cases. Why then, Mr. Speaker, have a third-tiered judicial arrangement?

A second and final appellate court is extremely important to the extent that it

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provides another safeguard to disgruntled litigants, it provides for further development of the law, and it provides a final judicial panel to challenge and determine at the highest level the interpretation of the Constitution, the decisions of the executive and the settled and longstanding decisions of the lower courts. Many final Courts of Appeal, Mr. Speaker, are actually known as constitutional courts. No doubt when former Prime Minister Patterson suggests that we remove the JCPC as the first step he expects that soon after we would gravitate to the CCJ because we wouldn't have a final court. But that is not the position of the Opposition. We have always favoured a Jamaican final appellate court.

(Applause)

And that is what should follow the removal of the JCPC whenever that occurs.

(Applause)

A final Jamaican appellate court is safer, better and a more secured alternative than the CCJ.

(Applause)

The Prime Minister in her opening said it is too costly to have a final court here, but she is incorrect and she has been misled, as I will show shortly.

One of the strongest arguments, Mr. Speaker, put forward by the proponents of the CCJ is that there is a need to develop Caribbean jurisprudence, whatever that may be. In support former Prime Minister Patterson argues, and I quote. "I am content to rely on the inestimable value of developing a Caribbean jurisprudence and releasing the

remarkable capacity of our finest jurists in doing so."

Well, Mr. Speaker, if that argument is sound and worthwhile, what would be wrong in developing a Jamaican jurisprudence and allowing Jamaican judges to do so.

(Applause)

Another argument is that we have jurists of the highest quality and intellect to replace the JCPC with the CCJ. I think this argument is sound, but why stop there? If we can find five judges in the Caribbean to replace the JCPC, am I to believe we can't find five Jamaican judges with similar capabilities, sound judgment and legal acumen to have a final Jamaican appellate court? Are Caribbean judges and lawyers better trained, more experienced, of higher moral character and better intellectually qualified than Jamaicans?

Mr. PARCHMENT: Jamaica not part of the Caribbean?

Mr. CHUCK: Mr. Speaker, the present judicial establishment provides for ten (10) Court of Appeal judges, forty (40) Supreme Court judges and 70 Resident Magistrates even though due to shortage of office space many have not been appointed. However, Mr. Speaker, when the establishment is fully staffed we will have 50 judges in courts of superior record and another 70 RM, most of whom hope to be appointed Puisne Judge one day. Potentially, Mr. Speaker, we will have 120 judges and from which eventually to find five to sit in a final appellate court in the future. (Applause)

Now, Mr. Speaker, you want to tell me out of these 120 judges we can't find 5 to sit in

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the final Jamaica appellate court? We have to say that we need the Caribbean judges?

(Sotto voce comments)

Mr. CHUCK: And not only those 120 judges, Mr. Speaker, there are fine lawyers in here and there who could sit there.

Mr. ATKINSON: Only on this side.

(Sotto voce comments)

Mr. CHUCK: There are lawyers who would be prepared if there was a final appellate court to move to that final appellate court without having to go through to puisne judge, Court of Appeal but could be appointed to that final appellate court, and, Mr. Speaker, it does not have to cost the Jamaican Government one cent to have this final appellate court, notwithstanding what the Attorney General and the Prime Minister are saying.

If there are ten (10) Court of Appeal judges only three (3) sit on any appeal. Usually, rarely do more than three, sometimes five if it's a very important case. If there is to be a further appeal then five (5) can be chosen from the remaining seven (7) to constitute the final appellate court at no extra cost to the Government.

Mr. SAMUDA: You are making a lot of points here. You firing some shots.

(Laughter)

Mr. CHUCK: And it's unfortunate they are not here to hear it.

A MEMBER: They don't want to.

Mr. CHUCK: Mr. Speaker, let me just say this. In small territories like the Caribbean, I give you one example, Barbados, at one time they had five (5) puisne judges, they never had

a Court of Appeal, so what they did, if they needed an appeal from one of the judge three of the remaining four would sit as the Court of Appeal. There are many courts, Belize -

Mr. ATKINSON: And they turn around and - *(Inaudible comment)* - against themselves.

Mr. CHUCK: No, no, no! We have a situation now and the Attorney General should know better than that, where you say you have ten (10) Court of Appeal judges and if you want to appoint two more, appoint well, any amount, but three of them, Mr. Speaker, would sit and if there is an appeal from...

(Inaudible comment by Mr. Pickersgill)

Mr. CHUCK: Ah, good point. Good point.

Now, Mr. Speaker, what is necessary, Mr. Speaker, is when you sit on that final appellate court they know that they have more power to change the law if necessary, because they can overturn the lower courts. They know they can be innovative.

Mr. ATKINSON: That's nonsense.

Mr. CHUCK: They know - What you mean "nonsense"? *(Heckling)*

Obviously you don't know what a final appellate court is all about.

(Heckling)

Mr. Speaker...

Mr. SHAW: He is a lecturer. He is a professor of law, you know. He is a professor of law. Professor.

(Heckling)

Mr. CHUCK: Mr. Speaker, a final appellate court, a court of first instance, one of its major duty is to assess, is to assess what

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happens in the lower courts. Whereas, Mr. Speaker, Court of Appeal might overturn decisions of first instance and correct Judges of first instance, that is what the final appellate court does not only to the single Judge but to the Court of Appeal, but apart from overturning their decision to overturn existing law by saying, "we are going to change the law of the Court of Appeal". That is what the final appellate court does, Mr. Speaker. It basically look at the development of the law and so if you give five Judges, wherever they come from, whether the Court of Appeal or wherever, then they have been given the power to change the existing law...

Mr. PICKERSGILL: (Inaudible comment) That's outdated law and we have to move away from that.

Mr. CHUCK: No, not necessarily, not necessarily.

Mr. Speaker, I strongly believe that the final appellate court of a State should be in that State and the Judges of that court should be appointed by the Judicial Commission of that State.

Mr. PICKERSGILL: All right, wind up now, wind up now.

Mr. CHUCK: I'm coming. So if they're to remove the JCPC, then the Judges of the final appellate court should be appointed and sworn in here.

(Applause)

Mr. SHAW: Yes!

Mr. CHUCK: Interestingly, Mr. Speaker, my position has not changed since 1986, when I argued for a final Jamaican appellate court to replace the JCPC. I feel then as I feel now...

Mr. PICKERSGILL: 1956?

Mr. CHUCK: 1986.

...that Jamaica can create its final appellate court to sit and hear cases here, and that is consistent with our legal and political autonomy and independence.

In the beginning, Mr. Speaker, the five Judges could be chosen from Judges who now sit in the Court of Appeal. But the members of the five panels, as the Attorney General anticipated, you could have two Jamaicans or three Jamaicans and you invite a third, fourth or fifth from the Caribbean Court of Justice, from the Privy Council, from Canada, from wherever.

A MEMBER: Common sense.

Mr. CHUCK: Mr. Speaker, that is the Hong Kong experience. Hong Kong has put together a final appellate court having removed the JCPC. And they have Judges from Australia, New Zealand, England, India sitting with Hong Kong judges. (Applause) And if the Attorney General checks the files he will see that we were developing that model as the final appellate court.

(Cross talk)

Mr. CHUCK: I strongly urge the retention, Mr. Speaker, of some judges of international stature on the panel to bring a wider scope of experience, expertise and legal erudition to bear on local cases.

(Applause)

Mr. SHAW: Absolutely! Hear! Hear!

Mr. CHUCK: The panel would not be, or need not be a permanent one and could consist of a few distinguished judges, sitting with judges of our present Court of Appeal for a

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few weeks per year, to hear the few cases which go beyond the first appeal.

Eventually, Mr. Speaker, eventually, I would like to see Jamaica having a permanent panel of Jamaicans sitting in the final appellate court. But, Mr. Speaker, you saw in the newspaper recently where the Judges in the Privy Council said that they're prepared to sit in Jamaica and you can pay for a few of them to come here.

Dr. BAUGH: Yes, that's right.

Mr. CHUCK: So if they're prepared to come here and sit with some Jamaican judges, maybe sit with Sir Dennis Byron Goodman, come here and sit with some Jamaican Judges and have a final appellate court, good for Jamaica. (Applause)

MEMBERS: Yes!

Mr. SHAW: Hear! Hear! That is where we are going.

Mr. CHUCK: You see, Mr. Speaker, you see, Mr. Speaker, it is important to ensure that there's international confidence and a broad expertise in the court. And that is why we should ensure that not only do Jamaican judges should sit, but some internal judges in the first five, ten years, Mr. Speaker, to give the court international status.

Mr. BARTLETT: Hear, hear!

Mr. CHUCK: In closing, Mr. Speaker...

Mr. SAMUDA: Don't close, man yuh not finish yet, why yuh want to close?

Mr. CHUCK: You know, Mr. Speaker, I can go on for another few minutes on how that final appellate court should be put in place, but that is another time and it will come, it will come.

Mr. SAMUDA: Yes.

Mr. CHUCK: The final appellate court will be a decision in this court - sorry in this Parliament.

Mr. SHAW: We shall return.

Mr. CHUCK: And Mr. Speaker, not only this, I would hope that before this year is finished we have a debate on the present status of our courts. (Applause)

Mr. SHAW: Yes.

Mr. CHUCK: You saw, Mr. Speaker, in Sunday Paper, the problem with divorce cases. You see, there's a major problem with probate cases. There are cases that lag on for 10 years, and not only 10 years, Mr. Speaker, the case has been decided but the Judge has not won the judgement. There are dozens of cases, Mr. Speaker, and when I was Minister of Justice, you know, Mr. Speaker...

Mr. PICKERSGILL: Let's forget that, that's not a nice part of our history.

Mr. CHUCK: Unfortunately I need to forget it too.

Mr. PICKERSGILL: You were there, what did you do about the backlog?

Mr. CHUCK: It was one of those periods you see, Mr. Speaker...

Mr. PICKERSGILL: You were there, what did you do about the backlog?

Mr. CHUCK: ...it was one of those periods, Mr. Speaker, which I'm happy to forget, the burden has been lifted off my shoulder, happy to forget.

Let me say, Mr. Speaker...

Mr. PICKERSGILL: So are we.

Mr. CHUCK: ...one of the points which - Attorney General, you should take it up -

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Guyana has a statute that says after a trial a judge must deliver his judgement within six months. Look at it; we were going to institute that. It cannot be, Mr. Speaker...

Mr. PICKERSGILL: We who? You? Why yuh never do it?

Mr. CHUCK: But we plan to do it. I wasn't there for long.

(Cross talk)

Mr. SHAW: This is not a joke business yuh nuh. Yuh think a joke business this?

Mr. PICKERSGILL: It's the same way yuh plan to give Hutchie water.

Mr. CHUCK: And that's your problem.

(Inaudible comment by Mr. Pickersgill)

Mr. CHUCK: And the truth is, Mr. Speaker, is that there's nothing but stagnation when that Government is in power.

Mr. SHAW: Absolutely!

Mr. ROBERTSON: Absolutely talking.

Mr. SHAW: And when we try to do something we put it to them and we're putting it to you, do something! Act! Stop talking and working, working, working, and no result, no result, no result.

Mr. BARTLETT: Action.

Mr. CHUCK: Mr. Speaker, it is time we divest our arguments of the language of sovereignty, colonialism, imperialism, *et cetera*... (Applause)

Mr. BARTLETT: Emancipate yourself from mental slavery.

Mr. CHUCK: ...such combatted language emerges from a lost era and used by insecure men and women...

(Cross talk)

(The Speaker gavels)

Mr. CHUCK: ...and used by insecure men and women protecting their political turf, or seeking to pursue hidden political destinies.

Mr. Speaker, in today's global politics, it is human rights and justice, openness and transparency, good ideas and straightforward thinking that will succeed and make our country better. (Applause) Mr. Speaker, the final court of any country is always a policymaking body. A final appellate court is not merely interpreting and applying the law, the judges are not legal robots and legal mechanics; they have to be architects of the law, refining and defining legal arrangements...

(Applause)

Mr. SHAW: Yes!

Mr. CHUCK: ...legal precedents and the function of law in the society. If we are to leave the JCPC, let's have a final Jamaican appellate court to lead our understanding of our people and our country.

For these reasons, Mr. Speaker, I cannot support these three Bills.

(Applause/Standing ovation)

Mr. BARTLETT: Excellent!

Mr. SHAW: What a lecture!

Mr. BARTLETT: Yes man, a lecture, we don't need no more presentation. It's the best presentation ever. Argument done!

Mrs. DALRYMPLE-PHILIBERT: Excellent! First class.

(Inaudible comments)

The SPEAKER: (Gavels) Mr. Parchment.

Mr. BARTLETT: Very good presentation.

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

Coming to the wicket this evening, after the Attorney General and the former Minister of Justice...

Mr. HENRY: You're not speaking on the same subject?

Mr. PARCHMENT: ...I feel like a bowler walking to the wicket to bat after the batsmen are out. But I consider this a real privilege and honour to be able to participate in this debate, which is one of the most far-reaching initiatives to be undertaken by our Parliament, since Jamaica became an independent nation in 1962.

Mr. Speaker, we did embark on constitutional changes to our Fundamental Rights Charter during the life of the previous Administration. The then Opposition of which I was a part - Counsel at that time - gave its full support to the two-thirds majority vote that was required for the passage in Parliament. I have always wondered how is it that our legislature could be granting new and improved rights to our people, the vast majority of whom were not in a position to pursue or insist upon those rights at the highest judicial level.

MEMBERS: Hear, hear, hear, hear!

Mr. PARCHMENT: Mr. Speaker, it did seem awkward and incongruous to me at that time, but I still supported the Charter of Fundamental Rights and Freedom when it was being discussed at our party's executive.

To be frank, Mr. Speaker, I am not able to rationalize how a member of this Legislature in either House would fail to give a positive

vote to these three Bills. For me this argument - the argument in favour is a no-brainer.

Mr. Speaker, take for instance the case of a small farmer from Ulster Spring or from...

Mr. BARTLETT: What about Hayes Land and Tryall?

Mr. PARCHMENT: ...or from up - what about Maldon? Take the case of a small farmer from even Vere, or Southfield in my own constituency...

Mr. SAMUDA: We don't have any small farmers.

Mr. PARCHMENT: ...here is a small farmer - I will just call him Mr. Small - with his wife and three children, and they've been on a 10 acre plot of land that was handed down by the father, and it is being cultivated by Mr. Small for the upkeep of his family and himself.

One day he received a document from a lawyer representing Mr. Big, who has lands adjoining his own farm, and the document - and in the documents the claim is made that his 10 acre plot belongs to Mr. Big. Mr. Small starts to fret and worry for he has no paper to show ownership for that plot of land, and in any event he has been on that land all his life and even was not paying any taxes.

So, Mr. Speaker, the matter ends up in the RM Court in Black River. Of course, Mr. Small has no money to pay for legal service, but he lives good in his district, and so that Mr. Henry up the road asks his lawyer son who also practise in Junction to see what he can do to help out Mr. Small.

The matter is heard at the RM Court and Mr. Small represented successfully by lawyer

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Henry, even without any payment, because he knows that Mr. Small circumstances doesn't afford him to afford a lawyer, because he has a child in the university, two children at a secondary school and a grandchild at an all-age school.

But the rejoicing of the family does not last for very long for Mr. Big appealed the Magistrate's decision and the matter is now heard in the Appeals Court in Kingston. Lawyer Henry says that if Mr. Small gives him a little gas money he will come to Kingston and represent him at the Court of Appeal.

The matter is eventually heard, Mr. Speaker, and lo and behold, Mr. Small is unsuccessful. What is the next available mechanism for Mr. Small? He would have to turn now to the Judicial Committee of the Privy Council in England.

Mr. BARTLETT: Trinidad for Mr. Small.

Mr. PARCHMENT: When Lawyer Henry tells Mr. Small of the millions that it would cost him to appeal to the Privy Council, Mr. Small faints, for it is immediately settled that the source of funding and the source of feeding the family, keeping the children in school is all gone or maybe in great jeopardy. Also Mr. Small...

Mr. SHAW: Tell him to pray. Him need a new lawyer.

Dr. BAUGH: He needs Mr. Chuck.

Mr. PARCHMENT: ...also Mr. Small, on his little acreage of land used to farm a little weed, and he has been found guilty and a charge is against him, so he is further

confounded because he knows that he cannot even go to face the people to get the visa.

Mr. SHAW: Barbados wouldn't allow him it anyway.

Mr. PARCHMENT: Now, Mr. Speaker, if Jamaica had the CCJ as its final court of appeal, Mr. Small and his family would have a chance, for the CCJ could come to Jamaica to hear the appeals... (Applause) ...including Mr. Small's appeal...

Mr. PICKERSGILL: Yes.

Mr. PARCHMENT: ...and Lawyer Henry would perhaps just ask for the gas money to travel to Kingston to pursue that matter.

Mr. PICKERSGILL: Hear, hear. Good case.

Mr. PARCHMENT: So you see, Mr. Speaker, for me, as the representative of constituents, most of who fall within the category of Mr. Small, I am duty bound to vote for Jamaica subscribing to the appellate jurisdiction of the Caribbean Court of Justice. (Applause)

And Mr. Speaker, I would further say that all 63 of us in this Parliament, in this Honourable Chamber are in the very same position that I am in.

And with that in mind, and with that background, I now wish to pose a number of questions to the Opposition, mainly the Leader of the Opposition who I watch on TV, telling his people at his party conference that he is not into the CCJ and that the Privy Council is free.

But Mr. Speaker, did he tell them the following; that to get to the final court, the

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Judicial Committee of the Privy Council, they had to apply for and be granted a visa, I never heard that. Did he tell them that Jamaica is the only country in the entire world where such a circumstance obtains; there is no other country on this planet that citizens have to apply for and obtain a visa to access their courts.

Mr. PICKERSGILL: Repeat that.

Mr. PARCHMENT: There is no other country on this planet that the citizens have to apply for and obtain a visa to access their Courts. So, Mr. Speaker....

(Sotto voce comments by Members)

Mr. PARCHMENT: So, Mr. Speaker, the Leader of the Opposition and as a Member of Parliament for one of the poorest constituencies in Jamaica has to answer that question.

Mr. Speaker, over 99 per cent of Jamaicans cannot afford the millions that it cost to access the Privy Council in the United Kingdom. Solicitors in London have to be retained, there is a requirement probably for plane fares for the lawyers, and there is also the question of accommodation, and you should all know that London is one of the most expensive cities on this planet. I think the Member from St. James should well know about the cost.

Did the Leader of the Opposition spell out that to his supporters when he was addressing them at the party conference, does that square with the Privy Council being free, does it?

A MEMBER: Not free at all, very expensive.

Mr. PARCHMENT: Mr. Speaker, was it told that the CCJ was established as an

Itinerant Court and may travel to Jamaica or any other state over which it has jurisdiction to hear appeals that are sent to that Court.

Did the Opposition Leader remind his followers and or his listeners that in the case of Shanique Myrie the Judges of the CCJ travelled to Jamaica and they travelled to Barbados to hear the motion even though the headquarters of the court is in Port of Spain, Trinidad?

(Sotto voce comments by Members)

Mr. PARCHMENT: I never heard that.

Mr. Speaker, was it told that there is no court in the world including the Privy Council itself that is as insulated from political interference as is the CCJ. Did the Leader of the Opposition or anyone, I heard the Opposition Spokesman just speak, did he say that - did he say that the upkeep of the CCJ is not dependent on any annual line item in the budgets of the several countries of CARICOM? There is a trust fund that is setup, he spoke about that and it is already - Jamaica has already made its contribution to that trust fund.

Did the Leader of the Opposition tell his listeners that the only member of the Court for whom there is a political hand in his appointment is the President of the Court and that the Heads of Government cannot appoint a President on their own, but have to make an appointment from recommendations made by the Judicial and Legal Services Commission, this is an independent body that appoints the Judges to serve on that court. Was that told to them? Was it told, Mr. Speaker, that we have been diplomatically advised by the President

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of the Supreme Court in the UK that we are using up too much of their judicial time and we should make use of our own Court, the CCJ. Does that rebuke not mean anything to the Leader of the Opposition or the Opposition Members? Imagine the Leader of the Opposition was a Prime Minister of Independent Jamaica, even for a very short time.

Was it told that the Privy Council itself has ruled that the legal and constitutional route for leaving the Judicial Committee and joining the CCJ fully is a two-thirds majority vote in each House? So it appears that the Opposition is prepared to ignore the ruling of the Privy Council which it seeks to employ as its final Court.

So, Mr. Speaker, is the Opposition prepared to even violate the ruling of the Privy Council because the Privy Council has ruled that all you need is a two-third majority.

Mr. Speaker, was it told that a referendum that is being advocated by the Opposition is going to cost as much as a general election? I just asked and got some advice about the cost of the general election, the last general election and I was told that it is over \$3 Billion combined between the EOJ, the parties and candidates.

In any event, is it known that political parties use referendum for their own personal strategies, was it told?

Mr. Speaker, we cannot be preaching financial prudence in one area, while at the same time we are talking about political expediency to spend \$1.3 to \$3 Billion for the referendum.

Does fiscal prudence or economic know-how not suggest that - Mr. Speaker, does fiscal prudence and economic know how not suggest that such fund could far be better used in having a new parish court in Mandeville, a new highway linking Christiana to Spaulding?

Mr. Speaker, couldn't the money be better spent in building a Court in the parish capital of Black River?

Mr. Speaker, none of the 40 or so countries' former British colonies that have left the Privy Council to establish a Court of their own has gone the referendum route, and this is so from Canada in the 1940s to Dominica here in 2014. (Applause) Why do you not expose your judiciary to the whim and fancy of partisan political platform, and a referendum is nothing more or nothing less than a political exercise.

Why did the Opposition or the Opposition Leader not tell the audience that recently St. Vincent and the Grenadines put the question to the Privy Council - put the question of the Privy Council and the CCJ in a referendum before the people and that exercise ended up in partisan political chaos...

Mr. SHAW: No the people decide, they decide.

Mr. PARCHMENT: Was it told that if the vote for a referendum for us to remain with the Privy Council the power to enforce that vote does not reside in Kingston, but in London and that is another reason why none of the countries that have severed links with the Privy Council to establish a final Court of their own has ever gone the referendum route. You cannot have a referendum, the outcome

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of which may not lie in your power to enforce. To do this, Mr. Speaker, is to defy logics.

Finally, Mr. Speaker, that the decision to have a Final Court of Appeal for the English speaking Caribbean was put squarely on the Table at a meeting of the Heads of Government of the Caribbean Community right here in Kingston in 1970, under the chairmanship of one - Audley, you should know well - the Right Honourable Hugh Lawson Shearer. Again, that in 1987, the Cabinet of Jamaica instructed the then Attorney General, Honourable Oswald Harding to advise the meeting of Attorneys General in St. Johns Antigua that there should be a speedy movement towards the establishment of a final Court of Appeal within CARICOM. (Applause)

Mr. Speaker, the party which now forms the Political Opposition has vacillated to a great extent on the question of moving away from the Privy Council to subscribe to a Final Court within our own compass and establish for ourselves and our partners within CARICOM that with respect amounts to a poor approach to governance, particularly when the Head of the final court in the United Kingdom has advised us to leave and the vast majority of our people cannot gain access to that Court in any event.

Mr. Speaker, the people of Jamaica are certainly awaiting the answers from the Opposition to those questions that I have posed.

Mr. Speaker, if the Opposition Leader or the Opposition is mindful - is the Opposition Leader mindful of what is being debated here for reparation? What I want to ask, what

would be the outcome if this call for reparation goes before the Privy Council?

Mr. Speaker, I want to know if this Opposition is mindful of the advocacy of Marcus Garvey, is mindful of the struggle and sacrifice of Nanny of the Maroons, Sam Sharpe, George Williams Gordon or Paul Bogle.

And finally, has it had any respect for the work towards Independence of Norman Washington Manley and Sir Alexander Bustamante? If so, Mr. Speaker, I say to the Opposition Leader, get rid of those letters of resignation that you hold above the Senators head and allow them to vote their conscience and approve these three Bills. (Applause)

May this please you, Mr. Speaker.

Mr. SHAW: You come up with that now as a last lick.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, as we indicated earlier, the debate will close next Tuesday.

It is not intended for us to do any further business this evening I therefore move for the adjournment of the Parliament until next Tuesday, January 20, at 2:00 p.m.

The SPEAKER: Adjournment until next Tuesday, the 20th of January at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The Honourable House of Representatives accordingly adjourned its sitting at 6:37 p.m. until January 20, 2014, at 2:00 p.m.

SESSION 2014 – 2015

TUESDAY, January 20, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:40 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

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

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

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

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

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MINISTERS OF STATE

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

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

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

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

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

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central

DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

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MR. KEITH ANTHONY WALFORD, (PNP), St. Ann, South Western

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

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

PRAYERS

Prayers were offered by Mr. Dwayne Vaz.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Let us welcome today visiting with us 16 students and their teachers from St. Jago High School. (Applause) And we have a very impressive contingent from the Mayors and Councillors across the island. (Applause)

Today marks the 750th Anniversary of the British democracy, today, 750 years ago adults from the age of 18 and above voted for their first elections in the United Kingdom. So we congratulate them on their fine achievement, and we will ask the Clerk to pass on our commendations.

ANNOUNCEMENTS

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

- **Ministry Papers No. 6-8/15**
Agro-Investment Corporation Annual Reports and Audited Financial Statements for the years 2011/2012, 2012/2013 and 2013/2014
- Special Report of the Sessional Select Committee of the House of Representatives on Infrastructure and Physical Development on the Motion regarding the Mandatory Evacuation of Persons in areas threatened by Natural Disasters
- The Financial Management (Amendment) Regulations, 2015, under The Financial Administration and Audit Act
- The Financial Administration and Audit (Fiscal Responsibility Framework) (Amendment) Regulations, 2015, under The Financial Administration and Audit Act
- The Public Bodies Regulations, 2015 under The Public Bodies Management and Accountability Act
- **The Jamaica Mortgage Bank**
Annual Report and Audited Financial Statements for the year ended March 31, 2014
- **The Housing Agency of Jamaica**
Annual Report and Audited Financial Statements for the year ended March 31, 2014
- **The Maritime Authority of Jamaica**
Annual Report and Audited Financial Statements for the financial year 2013/2014

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- **The University Council of Jamaica**
Annual Report and Audited Financial Statements for the year ended March 31, 2014

- **Certified Appropriation Accounts**

Head	Ministry/Department	F/Y
1700	Ministry of Tourism and Entertainment	2012/2013

BILLS BROUGHT FROM THE SENATE

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

“To the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives that the following Bills were passed through the Senate without amendment:

A Bill entitled, “AN ACT to Amend Securities Act” and a Bill entitled, “AN ACT to Amend the Transfer Tax Act”, passed on the 18th day of December 2014; and

A Bill entitled, “AN ACT to Repeal the Anti-Doping in Sport Act, 2008, and make new provisions for the prevention and control of doping in sport; and for connected matters”, passed on the 19th day of December, 2014.

Signed: Floyd E. Morris

President of the Senate”

NOTICES OF MOTIONS GIVEN ORALLY

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time a Bill shortly entitled, “The Insurance (Amendment) Act, 2015”. They think I don’t remember, Mr. Speaker.

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

The Financial Administration and Audit Act, the Financial Management (Amendment) Regulations, 2015, Resolution

Whereas subsection (1) of Section 50 of the Financial Administration and Audit Act (herein after referred to as “the Act”) provides that the Minister may make regulations for the purpose of the Act;

And Whereas subsection (5) of the said Section 50 of the Act provides that regulations made under subsection (1) shall be subject to affirmative resolution;

And Whereas the Minister responsible for Finance on the 16th day of January, 2015 made the Financial Management (Amendment) Regulations, 2015;

And Whereas it is desirable that the Financial Management (Amendment) Regulations, 2015, be affirmed:

Now, Therefore, be it Resolved by this Honourable House as follows:

- 1) This Resolution may be cited as the Financial Management (Amendment) Regulations, 2015, Resolution;
- 2) The Financial Management (Amendment) Regulations, 2015,

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which were laid on the Table of the House on the 20th day of January, 2015, are hereby affirmed.

The Financial Administration and Audit Act, Financial Administration and Audit (Fiscal Responsibility Framework) (Amendment) Regulation, 2015, Resolution:

Whereas subsection (1) of Section 50 of the Financial Administration and Audit Act (hereinafter referred to as “the Act”) provides that the Minister may make regulations for the purpose of the Act;

And Whereas subsection (5) of the said Section 50 of the Act provides that regulations made under subsection (1) shall be subject to affirmative resolution;

And Whereas the Minister responsible for Finance on the 16th day of January 2015 made the Financial Administration and Audit (Fiscal Responsibility Framework) (Amendment) Regulations, 2015:

And Whereas it is desirable that the Financial Administration and Audit (Fiscal Responsibility Framework) (Amendment) Regulations 2015 be affirmed:

Now, Therefore, be it Resolved by this Honourable House as follows:

- 1) This Resolution may be cited as the Financial Administration and Audit (Fiscal Responsibility Framework) (Amendment) Regulations, 2015, Resolution;
- 2) The Financial Administration and Audit (Fiscal Responsibility

Framework) (Amendment) Resolutions which were laid on the Table of the House on the 20th day of January, 2015, are hereby affirmed.

The Public Bodies Management and Accountability Act, Public Bodies Regulations, 2015, Resolution:

Whereas subsection (1) of Section 24 of the Public Bodies Management and Accountability Act (hereinafter referred to as “the Act”) provides that the Minister may make regulations generally for giving effect to the provisions and the purposes of the Act;

And Whereas subsection (2) of the said Section 24 of the Act provides that the regulations made under subsection (1) shall be subject to affirmative resolution;

And Whereas the Minister responsible for Finance on the 16th day of January, 2015 made the Public Bodies Regulations, 2015;

And Whereas it is desirable that the Public Bodies Regulations, 2015, be affirmed:

Now, Therefore, be it Resolved by this Honourable House as follows:

1. The Resolution may be cited as the Public Bodies Regulations 2015 Resolution;
2. The Public Bodies Regulations, 2015, which were laid on the Table of the House on the 20th day of January, 2015, are hereby affirmed.

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

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Whereas subsection (l)(g)(i) of Section 41 of the Constitution of Jamaica requires a Member of this Honourable House of Representatives to vacate his seat if any firm in which he is a partner, or any company of which he is a director or manager, becomes a party to any contract with the Government of Jamaica for or on account of the public service or if he becomes a partner in a firm, or a director or a manager of a company which is a party to any such contract;

And Whereas the Member of Parliament for West Portland is the principal of Daryl Vaz and Associates, a consultancy business which may enter into contracts with the Government of Jamaica and its agencies and whereas the Member has disclosed his interest in the business as the principal:

Be it Resolved that this Motion be referred to the Ethics Committee of the House of Representatives for consideration and report.

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

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Dr. Wheatley.

Dr. WHEATLEY: Mr. Speaker, on behalf of Member McKenzie, I would like to give notice that at the expiration of 21 days,

he will be asking the following questions of the Minister of Finance standing in his name....

Mr. CHUCK: The Member from West Kingston.

Dr. WHEATELY: The Member from West Kingston, my apology.

Question la:

Will the Minister state the total cost to date and the total cost projected in respect of the Current West Kingston Commissions of Enquiry.

Question lb:

Will the Minister state the total and final cost in respect of:

- a) The enquiry into the collapse of the financial sector?
- b) The Manatt-Dudus Commission of Enquiry?

Question 2:

Will the Minister set out in accordance with each enquiry the fees that applied to the following position:

- a) Chairman of the Enquiry
- b) Other Commissioners of the Enquiry
- c) Attorneys appointed by each Commission
- d) Remuneration for attorneys engaged by Ministries, department and agencies in respect of each Enquiry
- e) The remuneration for the secretary for each Commission.

Question 3:

Will the Minister state all other administrative costs and projected costs including rental, collateral staffing, etc for each Commission?

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Question 4:

Will the Minister state the value of compensation paid by the Government of Jamaica (excluding private resources) that has been paid to residents of West Kingston?

The SPEAKER: Thank you.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: At Presentation of Bills, Mr. Speaker, I now move to introduce and have read a first time the following Bills shortly entitled:

The Financial Administration and Audit (Amendment) Act, 2015; Public Bodies Management and Accountability (Amendment) Act, 2015.

Bill shortly entitled:

“The Financial Administration Audit (Amendment) Act, 2015”

read a first time.

Bill shortly entitled:

“The Public Bodies Management and Accountability (Amendment) Act, 2015”

read a first time.

Dr. PHILLIPS: Mr. Speaker, I now beg to give notice of second reading.

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

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, I now put the Motion.

Mr. Speaker, under Government Business today, we will continue with the three (3) Bills referred to as the CCJ Bills. Today, we will endeavour to close the debate, and the Opposition Leader is not here as yet, so the Member from West Central St. Catherine will commence.

The SPEAKER: Dr. Baugh.

THE CARIBBEAN COURT OF JUSTICE (CCJ)

Dr. BAUGH: Thank you, Mr. Speaker.

Mr. Speaker, the debate on this issue has been well advanced and I appreciate the presentation of the Member on this side of the House from North East St. Andrew last week, and I think that his presentation was very good and convincing.

The issue...

(Sotto voce comments by Members)

Dr. BAUGH: Well, there is very little need, but nevertheless I will proceed.

The issue, Mr. Speaker, of the Caribbean Court of Justice, in my mind cannot be separated from the history of the Caribbean Integration. The Caribbean Court of Justice is an institution of regional integration, world recognized. As a matter of fact, it is an International Court of Justice, with special responsibilities for the interpretation of the Treaty of Chaguaramas.

Although issues have arisen concerning the financial viability of the CCJ in respect of

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continued funding, the cost to Jamaica being 27 per cent of US\$100 Million; the original jurisdiction is not currently being debated. So, although there are issues with the original jurisdiction, that is not the issue today. The Appellate Jurisdiction of the CCJ is a horse of a different colour; this is important to the further deepening of the integration towards the Caribbean Single Market and Economy and beyond. It implies the ceding of a part of the governance of Jamaica, and the sovereign authority of the people to the Caribbean. This is not unusual as regional mechanisms such as the EU, and other unions have been doing that.

As we take note, Mr. Speaker, in the United Kingdom although the United Kingdom is not a part of the Euro Zone, not a part of the single currency of Europe, but nevertheless it is a part of the Union and a lot of eastern Europeans are immigrating to the United Kingdom to seek opportunities and jobs.

It should be noted that the European Court of Justice does not have an appellate jurisdiction. The European Union moved from the early post-war days as the European coal and steel community and passed through several phases including a free trade area and economic community and finally a union. Despite the fact that the Caribbean like other countries, have emulated the European Union, in many of its structures, it is important to note, that the Supreme Court of each country within the EU, remains their final Court of Appeal.

The Attorney General in his presentation neglected to mention this fact, and went on to point out that the European Court of Human

Rights is a Superior Court by which national courts are bound by their decisions. But, Mr. Speaker, this is only in respect of human rights.

The ECJ is a Court of first instance, or original jurisdiction, the ECJ meaning, of course, the European Court of Justice very much like our current CCJ. It is important to note that in establishing the appellate jurisdiction, we are forming a Court akin to that of the United States, a Political Federal Union which is the Supreme Court of the United States of America. Canada, if you see Canada as a union of provinces, it is the same thing that apply, it is the Supreme Court.

Obviously the Caribbean Appellate Jurisdiction of the CCJ implies that it is a Superior Court to our Domestic Courts, much like the Supreme Court of the United States, Canada or the OECS, the Organization of Eastern Caribbean States which is an organization of independent States and three British overseas territories, 6 of them independent States, these are small countries, maybe the total population is about 600,000 people.

Therefore, Mr. Speaker, it is very important, in contemplating the Appellate Jurisdiction of the CCJ that we assess the status of the first phase of Caribbean integration with which we now have the Caribbean Single Market to determine whether that foundation is properly laid for the benefit of all Member countries before deepening the integration of the Caribbean when the appellate jurisdiction of the Court as the Supreme Court of the Caribbean will become important.

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We must accept that the primary purpose of Caribbean integration, like everything else we do here, Mr. Speaker, is to improve the quality of life of our people and create conditions that lead to growth and development, improvement in the standard of living, better incomes and improved social services. Mr. Speaker, I say that, as a matter of record, because in many of our deliberations we become focused on other issues, other targets, other goals, such as fiscal principles, and forget that our ultimate goal is the well-being and the standard of living of the people of Jamaica.

Globalization has been in the direction of the world since the end of World War II, under the United Nations General Agreement of Trade and Tariff which morphed into World Trade Organization in about 1996 and accommodates regional integration in many areas similar to efforts being made in the Caribbean, we have efforts being made in different parts, different regions of Africa, in the Andean region and in South America.

But, Mr. Speaker, it is very important that we define the type and the depth, and the terms and conditions of our involvement, not only at global level, but at regional level so that we do not lose sight of our primary goals and objectives. That will result in improving the quality of life and the standard of living for our people.

The objectives of CARICOM as set out in the preamble, and I believe everybody should make an effort to read the Treaty of Chaguaramas, to read its Oath, the Declaration of the Treaty and the Preamble of the Treaty;

which says, that it has an objective of creating optimal conditions for production that required structural integration of capital, of goods, services, technology and in particular, labour. It was intended to facilitate access of our nationals to the collective resources of the region on a non-discriminatory basis.

Mr. Speaker, I would just like to read from that Oath and that Declaration a few paragraphs. And it says that:

The Caribbean is resolved to establish conditions of access for their nationals to the collective resources of the region, and that a market driven industrial development in production goods and services, are essential for economic development. Cognizant that a fully integrated liberalized internal market will create favourable conditions for sustained market-led production for goods and services, and make us internationally competitive.

And here is a very important paragraph.

Believing that the differences of the resource endowment and the levels of economic development in different countries may affect the implementation of the industrial policy.

In other words, Mr. Speaker, the Preamble and the Oath recognize that different countries have different strengths and weaknesses but we - the purpose of the integration in the Caribbean is to make certain that all countries in the Caribbean have equal access to the benefits of those resources. And this is a very important principle.

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The preamble of the Revised Treaty of Chaguaramas also recognizes the realization and success of small, medium and micro enterprises, as well as large enterprises requiring joint action, indispensable to achieve economies of scale in an effort to become globally competitive.

Mr. Speaker, I wish to refer to a document written by the late Professor Norman Girvan, in relation to a special taskforce on the Single Economy; this was developed when Prime Minister Owen Arthur of Barbados in 2005, led a brainstorming exercise to look at the possibilities and the difficulties of moving towards the Single Economy. In that document, Professor Norman Girvan identified engines of growth to be the economic drivers in the region which do not have to be present in all the economies of all Member States but can be concentrated in one or two economies capable of imparting dynamism to other economies and to the community as a whole.

Mr. Speaker, these drivers he identified as energy, the industry of energy, agriculture, sustainable tourism and export services. These drivers will serve as a mechanism for dispersing the benefits of integration among Member States; a good example of this is the Jagdeo Agricultural Initiative proposed by the former Guyanese President - President Bharrat Jagdeo to invite investors and Caribbean nationals to take advantage of the large resources of land in the region for investment in agriculture.

In other words, he invited the region to develop a common agricultural policy similar

to that that exists in United Kingdom and the United States. A common agricultural policy for the region to utilize the land, water and natural resources available especially in the mainland countries: Suriname, Guyana, Belize to achieve food security and growth along the lines of a previous regional transformation programme, which lay languishing, Mr. Speaker. It was never implemented.

Mr. Speaker, there is a huge implementation gap, because in as much as these principles are impressive they have been implemented. The reason, Mr. Speaker that I wish to highlight it is because there is too much rivalry between some of the leading States of the Caribbean. This Government has had to act against Trinidad and Tobago, as the Minister of Industry announced recently, in respect of breaches of the Rules of Origin rule of the Caribbean. It is well-known, Mr. Speaker that impediments have been erected to frustrate the free movement of products and people into certain territories of the Caribbean especially Trinidad and Tobago. I, myself, when I was Spokesman on Foreign Affairs on this side of the House put certain questions to the Minister and the Minister has responded about...

Dr. DAVIES: You're not still the spokesman on Foreign Affairs?

Dr. BAUGH: No.

Dr. DAVIES: ...position vacant. Who is?

Dr. BAUGH: Minister – the Member from St. James. You're not aware of that?

(Cross talk)

If that was asked in a school in Clarendon the children would know.

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(Laughter/Cross talk)

Mr. Speaker, another issue is the dual pricing of energy and the possible subsidization of products for intra-CARICOM trade, which is constant elephant in the room that refuses to go away. The spirit of integration is not being fulfilled. Although the Treaty of Chaguaramas and functions of the Secretariat and the various Councils like COTED, COFCOR, COFAP, which is trade and economic development, Foreign Affairs and Ministers of Finance and Development. Mr. Speaker, as impressive as those structures are they are not working to achieve those principles that have been stated in the declaration.

I am as sentimental and emotional as anyone else in this House about the Caribbean and our common history and our origins along with the need for collective action. When we act together, Mr. Speaker, we are indeed a formidable force to be reckoned with in the United Nations as well as other international fora. The fact that we have fifteen votes in the Caribbean when we act collectively, Mr. Speaker, we are very powerful. As a matter of fact, one can apply the same principle to the EU. The EU is not a federal union. The United States is a federal union and has one vote at the United Nations. The EU still has twenty-eight votes at the United Nations. The Caribbean has fifteen votes at the United Nations and therefore, collectively, we do wield a lot of power.

Pragmatism demands that we intensively review our experience to date, noting that the history of our involvement in the Caribbean

integration efforts. In CARIFTA between 1968 and 1973, Jamaica's trade balance with the Caribbean moved from a positive of J\$3 Million to 3 minus \$8 Million up to 1973. From 1974 to 2000 within the Customs Union, our trade balance with the Caribbean moved from a minus US\$39 Million to minus US\$353 Million. And further on to 2008, when our deficit in trade with the Caribbean achieved a minus of US\$1.64 Billion.

Mr. Speaker, Jamaica is the importation capital of the Caribbean with a huge trade deficit. Mr. Speaker, I proposed that Jamaica pushes for a reconstitution of the Inter-governmental Task Force, the IGTF, to review our experience thus far and to charter a course forward if we are to go further in deepening the integration. (Applause) It may well be that all that is needed is to strengthen the CSM, the Caribbean Single Market, which the original jurisdiction of the CCJ is more than adequate, as is the case of the ECJ in the European Union and in other regional arrangement who like us have emulated the European Union.

The appellate jurisdiction of the CCJ, Mr. Speaker, will be a superior court to our national courts and, therefore, our courts will be bound by their decision which will constitute a body - their decisions constitute a body of precedent in common law. In other words, Mr. Speaker, the CCJ with its appellate jurisdiction will be become a superior court to our courts and our courts will be bound by their decisions and their decisions will become a body of precedent, which is common law. In other words, they will be involved for writing laws for us in Jamaica as well.

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Mr. PICKERSGILL: Yes.

Dr. BAUGH: Mr. Speaker, an issue that has concerned me from the start is the composition of the Caribbean Court of Justice. For ten years of its existence not one Jamaican Judge has been appointed from the Jamaican jurisdiction. I am reliably informed that several Jamaicans applied for appointment in the CCJ. Mr. Speaker, there was occasion when I was chairing a meeting, a bi-partisan Committee of the Cabinet, which was under the instructions of Prime Minister Golding, when this issue was raised. Mr. Ossie Harding, who was President of the Senate before also raised the issue. This issue, he said, was raised publicly, at a forum at the Norman Manley Law School in 2010 where presenters included the then Dean of the Faculty of Law UWI's Cave Hill Campus, Professor Simeon McIntosh and Lecturer Professor Winston Anderson.

Senator Harding said that this was a matter of concern for him as he had knowledge that some seven Jamaicans had applied to be Judges on the Court over time. Within approximately two weeks from this forum, Senator Harding was called personally by Professor Anderson and told that he was being elevated to the CCJ. Naturally Senator Harding was delighted. But, Mr. Speaker, there is an issue that Justice Anderson is a Judge, he's a Professor working in Barbados, has never been in Jamaica since his professional life and the issue still remains why can't a Judge from the Jamaican jurisdiction be appointed to the Caribbean Court of Justice?

It is worth noting, Mr. Speaker that Justice Edward Zacca, a son of the soil, sat on the Judicial Committee of the Privy Council on the occasion. On the last occasion he sat with six Judges on the question of the death penalty in Jamaica, Barbados and Trinidad and Tobago. Mr. Speaker, are we of the view that no Jamaican Judges today could be qualified to sit on a local Court - on a local Caribbean Court of Justice? Mr. Speaker, we should take note...

Mr. PICKERSGILL: Did he apply?

Dr. BAUGH: There were seven people who applied, seven Judges.

Mr. PICKERSGILL: Did he apply?

(Cross talk)

Mr. CHUCK: Judges don't apply?

Mr. PICKERSGILL: All right, was he asked?

Dr. BAUGH: Mr. Speaker, we are proud that one of our Judges, Judge Patrick Robinson, sits on the International Court of Justice representing Latin America and Caribbean. If we examine similar courts, Mr. Speaker, starting with the International Court of Justice, which is a judicial arm of the United Nations, there are fifteen Judges. Five of whom have been allocated individually to major countries and the other rotated through Africa, Asia, Latin America and the Caribbean. Provisions at the International Court of Justice are made so that one point in time - at some point in time every country that are member countries of the United Nations can have a Judge representing their region. Five are fixed, that is fixed for those who occupy the permanent seat of the Security

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Council. Similarly, Mr. Speaker, the European Court of Justice has twenty-eight Judges, one from each participating country of the European Union and nine advocates-general. Five of the advocates-general are from the five major economies and the other appointments are rotated from other countries. Countries that have emulated the EU have followed suit. When I have studied it, Mr. Speaker, across the world, countries in Africa that have formed regional unions; the Andean Court, the Andean Union has an Andean Court of Justice. There are four members. There are four Judges.

As I pointed it here, Mr. Speaker, at the level of the International Court of Justice, at the level of the European Court of Justice, this principle of proportionality has been applied. In the case of the CCJ, there have been two Judges from Trinidad and two from Guyana sitting at the same time. Mr. Speaker that was the situation when I chaired this bi-partisan Committee. Since that time, as I said, Justice Anderson, a Jamaican working in Barbados has been appointed to the Court.

Recently, Mr. Speaker, the Prime Minister of Trinidad and Tobago, Mrs. Kamla Persad-Bissessar, was quoted as saying that the CCJ is not a priority. That is the host country for the CCJ and that she would go to the CCJ for criminal matters only. The Opposition Member from North East St. Andrew indicated that she is now contemplating a referendum on the matter. Mr. Speaker, could it be that she recognizes that in the context of efforts of Trinidad and Tobago to become an international business centre the value of

appeals to the JCPC is important to them?

Mr. Speaker, in consideration of the cost to take cases to the JCPC in London which has been raised in this House, which may place the court out of reach of many because of its cost it has been noted that the JCPC, the Judicial Committee of the Privy Council, is quite willing to become an itinerant court that will sit in countries from which cases were being heard.

Mr. PRYCE: All of a sudden?

Dr. BAUGH: Not all of a sudden. They have done in Barbados - sorry, not Barbados, the Bahamas.

(Cross talk/Laughter)

However, Mr. Speaker, having discussed this matter over a period of years and having heard the opinions of a large number of people, I support the idea of a Jamaican Supreme Court and that will facilitate us looking at the court system in Jamaica to undertake well needed reforms. Furthermore, Mr. Speaker, I am of the view that this matter is of such constitutional importance that we should not hesitate to put this issue to a referendum for the people to decide.

A MEMBER: Hear, hear!

(Applause)

Dr. BAUGH: Mr. Speaker, there is no reason for us to be afraid of referendums. I was in Switzerland once and wondered what the people were doing. They were all going silently about their business and I was told they were having a referendum that this is a very frequent exercise in Switzerland. A referendum gives us the opportunity to educate the people, to inform them of all the

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issues concerning a matter such as the Caribbean Court of Justice. When we finish with that campaign, Mr. Speaker, the people will be well informed.

I ascribe to the concept of a Jamaican court....

Mr. PICKERSGILL: Did you say Jamaican?

(Cross talk)

Dr. BAUGH: I have no doubt that when it goes for a decision - to a referendum the people will be well educated and well informed by both political parties or both points of view.

(Inaudible comment by Mr. Pickersgill)

Dr. BAUGH: Well, I don't know, it depends on how close you put it to the general election.

Furthermore, Mr. Speaker, I ascribe to the concept of a Jamaican court that can utilize the expertise that exists in the CCJ. In other words, we can set up panels of Judges. Although the court exists in Jamaica, we can draw on the expertise in the CCJ, as well as in the Commonwealth with Judges sitting in Chambers of three, five, or seven as the situation demands.

Mr. Speaker, my preference is for a Jamaican supreme court, which is the final court in Jamaica.

Mr. André HYLTON: Hear, hear!

Dr. BAUGH: I believe that as far as the Caribbean is concerned, we are at a stage where the CSM, the Caribbean Single Market, needs to be properly evaluated as to what benefits have accrued to Jamaica and other countries. Mr. Speaker, I believe a lot of

changes can be made. If we intend to go further to deepen the integration of Jamaica then the Supreme Court of the Caribbean, which is the Caribbean Court of Justice in its appellate jurisdiction, then that court becomes relevant. I believe that we should change our focus not only to focus on the Caribbean fifteen million people, fifteen countries, but we should use the CSM has a platform to look forward to other regions: to the Central American Free Trade Movement (CAFTA) which we are not now a member of, to the Antilles which is the countries like Cuba, Dominican Republic, Puerto Rico, in this region but mostly look to the Economic Commission of Latin America and the Caribbean to look at that integration.

The reason I am saying that, Mr. Speaker, is because that has an economy that is huge and growing. It is said to grow at about 3.5 per cent per year from now on. That is the Latin American economy. Jamaica and the Caribbean only enjoys one per cent of that \$5.5 Trillion economy, US dollar economy. It's more or less like the ASEAN. The ASEAN is a union of ten countries. It really is not a union, it's an association of ten countries, and their economy is \$2.3 Trillion which gives them a great advantage in terms of creating economic development and growth.

I believe that we can use the CSM as a platform to intensify our efforts to integrate with larger economies, whether it is the United States, whether it is Canada, whether it is South American, and Latin American countries, but I do not believe that we should continue to expect much from the Caribbean

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community. However, Mr. Speaker, I have pointed out in my presentation that principles have been laid down which show the opportunities for Jamaica and the Caribbean to create economic development by utilizing the assets that exist within the Caribbean, especially those large countries. Well, the most important thing for the Caribbean is for us to resolve these issues of rivalry so people and goods and products are free to move throughout the Caribbean.

Mr. Speaker, my support is for us, in the context of the CSM, to establish a Jamaican court, a Jamaican supreme court as the final court of appeal for the people of Jamaica.

Thank you very much.

(Applause)

The SPEAKER: Minister Pickersgill.

Mr. PICKERSGILL: Mr. Speaker, I rise in support of the three Bills to abolish appeals to the Judicial Committee, Committee of Her Majesty's Privy Council, and to substitute the Caribbean Court of Justice as our final court of appeal, but I would be remiss, Mr. Speaker, if before I proceed I did not recognize and welcome the distinguished Mayors, all over Jamaica, and, of course, St. Jago where I had the opportunity to have been a teacher at St. Jago.

A MEMBER: Good school, good school.

(Applause in gallery)

Mr. PICKERSGILL: But don't clap me, don't clap me, you can't clap the Speaker will stop you. Okay?

(Laughter)

Mr. Speaker, for several years there have been several arguments in favour of remaining

with the 181 year-old Privy Council. And you this morning said they are enjoying democracy for over 700 years? As the final court of appeal for Jamaica and her sister countries in the Caribbean region, persons from all walks of life have argued against adopting the Caribbean Court of Justice while several others, including my colleagues on the Opposite side of this esteemed House, have called for referendum to be held in Jamaica on this matter. Indeed in calling for a referendum a particular individual has described the CCJ as, and I quote, "A lesser breed of justice." "A lesser breed of justice."

Dr. BAUGH: Who is that?

A MEMBER: Who dat, Desmond?

Mr. PICKERSGILL: You don't know who is that?

(*Sotto voce* comments)

Mr. PICKERSGILL: Don't let me tell you who it is. I will tell you outside.

In response, my colleague in the upper House, Senator the Honourable AJ Nicholson has noted that that statement,

"Amounts to questioning the integrity and good faith of a vast number of persons and institutions including the governance judgment of the authorities of certain independent States within the Caribbean."

Mr. Speaker, I am inclined to agree with Senator Nicholson for the very reasons he outlined in a recent newspaper article in which he notes that the agreement to establish the CCJ developed by the preparatory committee, has been recognized as the best of its kind to be developed and especially within the Commonwealth.

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He went on to state that the Regional Judicial and Legal Services Commission who selects the judges for the CCJ are - and here again I quote, "Seasoned Caribbean stalwarts." As such they would not, as was noted, unleash a lesser breed of justice upon the unsuspecting countries of the region. Further, it was stated that the real reservation, both expressed and unexpressed by persons who wish to remain with the Privy Council is the belief that Caribbean judges are not up-to-par and can be manipulated. I totally agree that this can and should be regarded as a deep mistrust of and lack of confidence in ourselves and our abilities as a people.

Indeed, Mr. Speaker, as the Senator continues and has said, and here again I quote.

"The foundation principles of law and jurisprudence that are thought and practised within the Commonwealth are the same everywhere for all practical purposes."

Mr. Speaker, it's a well-known fact that the students of law from the Caribbean often outshine their counterparts from other areas, including those countries that we hold in high esteem in North America and the United Kingdom. In addition, it is a well-known fact that the Caribbean has long produced legal luminaries such as Norman Washington Manley, Telford Georges, Jeff Haynes and Hugh Wooding. It is also a fact that judges from the Caribbean have from time to time been invited to sit on the Privy Council, and indeed Caribbean jurists have been chosen to dispense justice from the highest world court, The International Court of Justice.

The argument that the Judges of the Privy Council do not err, do not make mistakes, or are above being manipulated does not hold water. Indeed, Mr. Speaker, let me remind this Honourable House and the - rather, that the Augusto Pinochet case had to be thrown out and heard anew.

Mr. CHUCK: A stupid position.

Mr. PICKERSGILL: After a Privy Council Judge was found to be in grave error.

Mr. CHUCK: (Inaudible comment) ...wife was a part of amnesty international.

A MEMBER: Stop it, stop it.

Mr. CHUCK: It shows the integrity of British...

Mr. PICKERSGILL: You finished? You finished?

(Heckling) (Laughter)

You chat -

(Heckling)

Mr. CHUCK: (Inaudible comment) -wife was a part of amnesty international and it shows the integrity of the British, because his wife was a member, and it shows the integrity of the judiciary.

Mr. PICKERSGILL: Why don't you demonstrate simple discipline?

(Heckling) (The Speaker gavel)

Mr. Speaker, I continue.

Let me also remind this Honourable House that our sister States have already adopted the CCJ as their final Appellate Court.

Mr. Speaker, if we are to follow the reasoning adopted by some persons, in calling for a referendum, then we can only conclude that the decision by the governments of

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Barbados, Guyana, Belize and Dominica, to adopt the CCJ without a referendum must mean that these governments have resorted to sinister means, and have, according to Senator Nicholson and I quote him again,

"Subverted their system of justice and subjugated the rights of their unsuspecting people."

Mr. Speaker, any research conducted on the matter will indicate that none of the 40 former colonies of Britain, beginning with Canada in 1933, and lastly Dominica in 2014 has resorted to a referendum to have its own final court.

A MEMBER: None of them.

Mr. PICKERSGILL: None.

Mr. CHARLES: Breaking new grounds.
(Laughter)

Mr. PICKERSGILL: I agree - I agree with yet another comment.

Mr. Speaker, it has long been established and acknowledged that a referendum is in essence a general election with a political campaign being the axis on which it spins. No country -

(Inaudible comment by Mr. Mair)

A MEMBER: Wrong, wrong.

Mr. PICKERSGILL: No country -

Mr. McKENZIE. Call in the referendum.

Mr. PICKERSGILL: No country -

Mr. McKENZIE: Oonu 'fraid a referendum. Oonu 'fraid a referendum.

Mr. PICKERSGILL: We are afraid of it as you are of the Enquiry.

(Heckling)

(Applause by Government Members)

You don't want no Enquiry, because you know what will come out of it.

(Heckling)

'Bout Enquiry.

Mr. McKENZIE: Not a thing nah come out of it.

(Heckling)

Mr. PICKERSGILL: Enquiry you don't want, enquiry you gwaan get.

(Heckling)

(The Speaker gavels)

Mr. McKENZIE: Not a thing nah come out of it. All you gwaan do a give another man, that's all. You talking crap. You think is Cuba you deh?

(Heckling)

Mr. McKENZIE: All right continue.

(Heckling)

Mr. PICKERSGILL: Mr. Speaker, no country that has inherited the Westminster approach to jurisprudence has wished that matters relating to its judicial system be exposed to the political hustings for the harm that is likely to be done to its judiciary.

To those who are calling for a referendum, let me remind you of the recent stress placed on the governance system of St. Vincent and the Grenadines as a result of this principle which ended in disastrous consequences.

As was noted, there are those who would say that we are afraid to trust the people to speak, however, as my colleague in the Upper House quite rightly pointed out, it is not a matter of trusting the people, it is rather the daunting and impossible mission - and here I quote,

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"Of preventing the irreparable damage that could be down to the judiciary by what may be uttered from the uncontrollable partisan political platform."

Furthermore, Mr. Speaker, research will show that neither in our constitutional arrangements nor in the judgment of the Judicial Committee of the Privy Council, is there any requirement other than that of a two-thirds majority vote to be obtained in the Upper and Lower Houses of Parliament, for Jamaica to subscribe fully to the appellate jurisdiction of the CCJ. Nothing else. Nothing more.

It has been noted again, Mr. Speaker, and I am in total agreement, that this insistence on a referendum, even in defiance of the ruling of the Judicial Committee of the Privy Council, will cost the region one billion scarce taxpayers dollars when it is not a requirement by law, nor is it provided for constitutionally. Moreover, such a course of action has long been acknowledged to be fraught with great danger to our judicial system. In addition, Mr. Speaker, I urge my colleagues to be reminded that the former President of the Supreme Court and head of the JCPC has advised that, he would prefer that Jamaica make use of the court that it has assisted in establishing in the Caribbean, since its Judges are utilizing - since rather, its Judges are utilizing too much judicial time on issues that are of no general concern to the public in the UK. The message can't be clearer, Mr. Speaker. Access to our courts, at whatever level, is a fundamental right to which our citizens are entitled, and I would reiterate that there is a prohibitive cost to the vast majority of our people to exercise

that right in the case of the JCPC. It should be noted that an itinerant CCJ will allow our citizens to enjoy rights that they have never been able to exercise under the present system.

(Applause)

Mr. Speaker, the argument has been put forward that - and there again I quote,

"The CCJ's provision of cheaper justice for litigants, is no longer a feature since the Privy Council has indicated that it will give its services freely in Jamaica if invited, at a cost of only bed and board for the justices and their assistants."

However, Mr. Speaker, the former President of the UK Supreme Court has advised that if we were prepared to stick with the JCPC, then we may also have to be prepared to accept Judges of the same status as our Court of Appeal; Judges or lower, to deal with our petitions. Again the message can't be clearer.

As has been noted - and here again I quote:

"History and good sense have shown that you do not hold a referendum on an issue, a possible outcome of which it does not lie within your power to implement, perpetuate or enforce. Exercise in futility. If the people vote to remain with the JCPC, the power to enforce and give life to that vote lies not in Kingston or any other capital except in London Whitehall".
(Inaudible comment by Mr. Chuck)

Mr. PICKERSGILL: Finally, finally... It getting to yuh nuh? Finally, it begs the question, Mr. Speaker and I'm putting it to my

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colleagues in the Opposition, why would Parliamentarians and legislators be unwilling to perform their duty instead of wishing to leave the performance of that duty to the citizens who put them in the Parliament to protect and enhance their rights?

In respect of the specific Bills to be voted on, Mr. Speaker, will the requirement of just one vote in favour by an Opposition Senator, why then chose to continue to insist on expending a billion dollars on a referendum that cannot be supported or sanctioned especially in light of the fact that we would remain the only country on the planet where the citizens are obliged, Mr. Speaker, to obtain a visa to enter the country that houses one of their courts, especially the final court.

Mr. McKENZIE: Yuh can't go to Trinidad.

(Cross talk)

Mr. PICKERSGILL: Mr. Speaker, impatient of the Bill. I thank you, Mr. Speaker.

A MEMBER: Only you can go?

Mr. PICKERSGILL: They come here, bugaboo, they come here!

(Inaudible comment by a Member)

Mr. PICKERSGILL: They come here!

Mr. McKENZIE: What happen, yuh finish a ready?

Mr. CHUCK: Yuh can't finish; yuh haven't said anything yet.

Mr. McKENZIE: Are you finished?

(Inaudible comment by a Member)

Mr. PICKERSGILL: Yuh si the Head of the Enquiry comes from Trinidad.

Mr. McKENZIE: Yuh finish?

Mr. PICKERSGILL: No, no.

The SPEAKER: Reverend Thwaites.

(Applause)

Rev. THWAITES: Mr. Speaker, I would like to entitle this short presentation: 'A Lesser Breed of Justice?'

Mr. Speaker, the underlying contention behind all Opposition to accepting full jurisdiction of the Caribbean Court of Justice lies in the feeling that to do so would consign Jamaicans to a lesser breed of justice than can be obtained at the Privy Council in London.

Witness the startling article by a former Prime Minister recently:

"There can be no more sinister attempt to subvert our system of justice and to subjugate the rights of the people, than to attempt to unleash on an unsuspecting people, a lesser breed of justice".

Mr. Speaker, such a statement without more, betrays a deep seated contempt for our legal system, which if not exposed and corrected, has consequences not only for the question at hand, but to the entire independence project. If we admit that we can only offer ourselves an inferior brand of justice, then what is at stake is the foundation of the very validity of the nationalist movement.

Mr. PICKERSGILL: Hear, hear!

Rev. THWAITES: The self doubt goes to the substance of what we think of ourselves, what we will teach our children and portray to them as the limits of their capabilities.

Mr. PICKERSGILL: Hear, hear, hear!

Rev. THWAITES: Mr. Speaker, the people of the Caribbean are not in relation to

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Englishmen or Americans or anyone else, we are not the children of Ham, the offspring of a lesser God. This Parliament must not succumb to the Napoleon orgy of self-disrespect to believe that British justice is necessarily better than Caribbean justice...

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Rev. THWAITES: ...that we have no real civilization, no credible legal history to ground our precedence and case law.

For is it not true that several of our Judges who are whitewashed by the pervasive and implicit and now explicit insult of offering a 'lesser breed of justice' - men like Wooding and Georges and Zacca and Byron and others, who have as guests been invited to sit on the same Privy Council. If they were mere - if they were intellectually or morally inferior, Mr. Speaker, how could they be so recognized?

But more, the position of a final court in the Caribbean could provide only a lesser breed of justice. If that is the position as stated and not refuted by someone who we all should, and the Opposition in particular shows great respect and deference, then that also touches and concerns our integrity in this Parliament, our intelligence as legislators.

Mr. JACKSON: Hear, hear!

Rev. THWAITES: Courts after all apply law to facts and test particular legislation against our Constitution.

Mr. Speaker, a statement like that asks the question, do our efforts here also constitute a lesser breed of justice than what Whitehall dispenses under crown colony rule?

Mr. ATKINSON: Argument!

Rev. THWAITES: So the neurosis about a lesser breed of justice must concern us too.

In the 52nd year of our independence, how can we - both sides - be the brokers of progress for those who put us here, if we harbour this uncertainty as to our capacity and really believe that in matters of justice, which after all is all that we do here, ultimately we must refer for validation to Judges, Mr. Speaker, who are appointed, supported and no doubt influenced by the English Parliament and the politics of British society.

Mr. Speaker, I say no. We are too far down the road of nation building to countenance that kind of thinking.

Mrs. NEITA-HEADLEY: That's right.

Rev. THWAITES: We must complete the task of institutional building, we are not to be turned back artists. (Applause)

Consider the irony, Mr. Speaker, for generations a sense of inferiority was engrained into us, and from the emancipators through to Garvey and the other heroes, onto the nationalists and now us, we've rejected that external oppression.

Mr. Speaker, I remember as a 6th form student, ours was the first class in 1960 to study West Indian history. That was a response to those who argued that the only worthwhile history was that of the imperial events, institutions and personalities. We had no worthwhile history, it was argued, we had a lesser breed of history, didn't we, Mr. Speaker? And it is basically the same argument of those who would assert that a Caribbean Court can purvey only a lesser

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breed of justice, which would sabotage our people's hard won freedom.

The tragedy, Mr. Speaker, indeed beyond the irony, is that this time it is we who are imposing this inferiority on ourselves. (Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

Rev. THWAITES: And since some in their narrowness have mooted a local rather than a regional final court, consider the logic again, Mr. Speaker, for if we're telling people that the Regional Tribunal is capable only of 'a lesser breed of justice', how much more so must that be for an insular court? Consider too, that the Privy Council said to be offering the "purest form of justice", itself has no reservations about the CCJ's quality, and has prescribed no referendum as a condition of the CCJ's empowerment.

In proposing a referendum, what those opposing these Bills are doing is to go beyond the judgement and dicta of the very court they say represents the plenitude of judicial wisdom.

Finally, Mr. Speaker, let us be rational and recognize the impracticality of a final court which the ordinary litigant has no access to, to attend as of right and where he or she has to depend on charity to defend their rights.

Mr. JACKSON: Hear, hear!

Rev. THWAITES: In short, none of the context which applies to reference the Privy Council could amount to the prospect of a higher breed of justice coming from them for the Jamaican people.

To conclude, Mr. Speaker, while fully respecting the conservative sentiments of the other side, I appeal to them, think afresh and

banish the anti-nationalist and anti-regional prejudices underlying their positions. (Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. CHUCK: We're nationalists?

Mr. MAIR: We're nationalists? Your talking doesn't make sense - what you're saying?

(Sotto voce remarks)

Rev. THWAITES: Let us understand the positions of the political parties clearly; it can't be a matter of leaving it to the people's simpliciter. What is the position being taken by our friends on the other side, is it for retaining the Privy Council or is it preferring to opt for a narrower band of jurisprudence than the ample resources of the Caribbean including our own, involved?

It has to be more than an issue of process, sir. We want to know what is the counsel that we give to the people who sent us here. This side's position is unequivocal. I express my full support for the three Bills.

May it please you.

(Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. HOLNESS: Thank you Mr. Speaker.

The Member from North East St. Andrew and the Member from West Central St. Catherine carried the Opposition's position quite well. Indeed, the Member from North East St. Andrew gave a presentation, which I'm yet to hear any of the respondents on that side, give any reasonable arguments in response.

The truth is, Mr. Speaker, that though I did not intend to speak in this debate, I've

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heard two points made which needs to be addressed. The first point is the issue of access. The argument from the Government is that the Privy Council is inaccessible by virtue of distance and visa requirements and cost; obviously distance and the visa requirements lead to cost.

And, Mr. Speaker, let it be clearly understood that the Opposition is not arguing that point, but it also stands to question that if you go to the CCJ, isn't there still an argument about access? And where would it be both accessible, for the people of Jamaica to get justice than with their own final Appellate Court right here in Jamaica? (Applause)

Mr. HOLNESS: Mr. Speaker, you will notice I am not speaking from notes; I am responding to issues that they have raised. Mr. Speaker, if it is... (Heckling) ...that their argument about access is mitigated by the fact that the Court can visit Jamaica...

A MEMBER: Which it does.

Mr. HOLNESS: Hold on... hold on... that the Court has visited and will visit in the future, then how do you put that argument beside the Privy Council visiting the Bahamas...

(*Sotto voce* comment)

Mr. HOLNESS: ...on several occasions and has written to our Government to say they are prepared to visit as well and have sittings here. In other words, Mr. Speaker, the argument that the Court will be itinerant doesn't stand. If it is that we are asking for a Court because of accessibility, then the Court that we must support is our local Jamaican final appellate jurisdiction.

(Applause by Opposition Members)

Argument number 2: Mr. Speaker... argument number 2, it is being argued - indeed the Member from St. Catherine.

Mr. WARMINGTON: East Central

Mr. HOLNESS: No, it's north west... pointed out that a senior official - I believe that it is the President of the Supreme Court of the United Kingdom, made a comment regarding the fact that the British Court - he was the former President of the Supreme Court - made a comment that the Justices of the Privy Council were being overburdened and too much of their time was being consumed by looking at cases coming, particularly from the Caribbean region, and that the Caribbean countries should quickly utilize the Privy Council that they have established. Now, let me tell you something, Mr. Speaker. I am a Jamaica-first person. I am a nationalist. I believe in Jamaica.

Mr. CHARLES: Hear, hear!

Mr. HOLNESS: I don't say that I don't have sentiments for the region and that I don't cooperate with the region but we are the Jamaica Labour Party; we believe in Jamaica and Jamaica first. So, Mr. Speaker...

Mr. PICKERSGILL: You have sentiments for the region?

Mr. HOLNESS: I am going to express them to you; don't worry 'bout it.

But, Mr. Speaker, we take the comments seriously as well, and indeed, as should any government in the Caribbean take such comments seriously especially when it comes from such a senior official. My understanding is that the gentleman spoke in his capacity as

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the leading Administrator, as it were, of the British Legal System. And I took the time, Mr. Speaker, the query the Government of the United Kingdom, to see whether or not this was the policy of the Government. And I have been assured that that is not the case.

Government MEMBER: By whom?

Mr. HOLNESS: Hold on... hold on... (Heckling)

Mr. HOLNESS: I was in the United Kingdom, Mr. Speaker...

(Heckling) (The Speaker gavels)

Dr. CAMPBELL: Separation of powers.

Mr. WARMINGTON: You wake... shut *yuh* mouth.

Mr. CHARLES: Next time I *gwine* carry a Bible, and hold it up.

Mr. HOLNESS: Mr. Speaker, I was in the United Kingdom a few months ago, and I had occasion to speak with Baroness Anelay who is a Member of the Privy Council. She is in the House of Lords. And Mr. Speaker, I raised the issue...

(*Sotto voce* comment by Mr. Anthony Hylton)

Mr. HOLNESS: Mr. Speaker... You know, Minister, you need to do your job and let me do mine, please.

(*Sotto voce* comments)

Mr. CHARLES: Don't be disrespectful; you disrespect everybody.

Mr. HOLNESS: Mr. Speaker, when I raised the issue she said to me, she's not aware of any such position.

Dr. DAVIES: Did she call you Andrew?

Mr. HOLNESS: In fact, she did. But Mr. Speaker - and when I queried other Members

of the Cabinet of the United Kingdom, their position was, they know of no such policy and, you know, you could write it off as diplomacy but it was said with the greatest of sincerity, and I have to take it in that light. Nevertheless, Mr. Speaker, I want our friends opposite to understand that I am not here standing defending a permanent state of dependence on the Privy Council. I want Jamaica to understand that Andrew Holness, a Jamaican nationalist is not saying that we must be with the Privy Council in perpetuity. That is not our position.

Mr. Speaker, as a side in dealing with what the Member of Central Kingston has raised about any question of the integrity, depth and substance of our Caribbean jurisprudence or our Jamaican jurisprudence, we don't join any, such criticisms. We believe in our local Jurist and local jurisprudence which is why, Mr. Speaker, which is why we take the considered position, and when we look, Mr. Speaker - and I dare say I am certain that the Minister of Education has done his research - that all the countries - all the forty former colonies of the United Kingdom of the Commonwealth who have left leaving behind Jamaica, Trinidad, Bahamas, and a few other countries still, that all the countries that have left the Privy Council except for Guyana and Barbados...

Mr. CHUCK: And Belize.

Mr. HOLNESS: ...and Belize, they have all established their own local Court, final appellate jurisdiction - all of them. So Mr. Speaker, if we are going to look to what has happened in the past, to other countries that

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have left the Privy Council then clearly the weight of history is that if we leave we should establish our own Court.

(Applause by Opposition Members)

Mr. Speaker, there is a point to be made, and the question is whether or not a simple majority, or two-thirds majority can establish an appellate court that is of such a nature that it meets the existing constitutional requirement of entrenching and protecting the Court that is being established. That is a question that these Bills, in my mind, and in many other persons who are far more knowledgeable on the legal justice system than I am, have raised questions.

There is a principle, Mr. Speaker that these Bills do not address. It is the principle of legal certainty.

Mr. CHUCK: Absolutely!

Mr. HOLNESS: The question is, Mr. Speaker, if we establish by virtue of these Bills, a final appellate court attached to our existing Court of Appeal, and pretend that we are giving them the same level of protection as our Supreme Court, and our final court - our Court of Appeal here. But yet, the Court that these Judges will be attached to, have no similar protection in the other jurisdictions.

(*Sotto voce* comment by Mr. Brown)

Mr. HOLNESS: My friend, we have said we are not defending that. If we leave here which is a right guaranteed before our Constitution - before our Constitution - if we leave that, then we must establish a court that when it comes to review the Lower Court, there is no question of its certainty. (Applause) When you establish a Court here

and that Court goes to review a decision of the Appeals Court, there must be no question as to whether or not that Court was rightfully established. Right now, Mr. Speaker, these Bills don't answer that. And I am certain, as it has been said before, that were these Bills to go through, can you imagine that the Appellate Court could be brought before our Constitutional Court as to whether or not that Court was rightfully established.

A Government MEMBER: Nonsense!

Mr. HOLNESS: Nonsense... you say nonsense? Mr. Speaker, we have a precedence in Jamaica. This Government established the Gun Court; established it on similar platform.

Mr. CHUCK: Also the CCJ.

Mr. HOLNESS: On similar platform. It was taken to Court and it was ruled that it was unconstitutional how it was established. Mr. Speaker, don't... Mr. Speaker, I think that we need to take a second look.

Mr. PICKERSGILL: Not before... sentence. (Inaudible)

Mr. WARMINGTON: Bobby, shut up... (Inaudible) ...you have no sense over there. You are a *quashie* lawyer.

Mr. HOLNESS: Mr. Speaker... Mr. Speaker...

(The speaker gavel)

Mr. Speaker, I raise these points to say... I raise these points to say that if we are going to establish a final Court of Appeal, let us do it the correct way.

Mr. CHUCK: Absolutely!

Mr. HOLNESS: My greatest fear is that we go to establish a Court on which there is a political divide, immediately the integrity of

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the Court is threatened. I urge the Government to take a second look at this; I urge the Government. And as I take my seat, Mr. Speaker...

A MEMBER: Take your seat.

Mr. HOLNESS: As I take my seat, Mr. Speaker...

Mr. PICKERSGILL: (Inaudible)
...political divide...

Mr. WARMINGTON: Oh, Shut up, Bobby; you are a senior citizen across there.

(*Sotto voce* comment by Government Member)

Mr. WARMINGTON: You a young boy; keep quiet, you just come.

Mr. HOLNESS: As I take my seat, I get the distinct feeling that the drive and the great impetus and energy that is being expended towards achieving this final mission which is said to complete our Independence that it doesn't really come from the Jamaican people, because I don't hear anybody on the street bawling that the CCJ will give us justice in Jamaica. I don't hear that. I don't hear, Mr. Speaker, young people saying that we need the CCJ. I don't hear the mothers who want to send their children to school talking about the CCJ. I don't hear the people gathered in the waiting areas of our hospitals asking for CCJ. I think, Mr. Speaker that this is...

(*Sotto voce* comment by Mr. Pickersgill)

Mr. WARMINGTON: Shut *yuh* mouth across there, Bobby.

Mr. HOLNESS: ...driven by a group of individuals who want to fulfill some dreams and aspirations that are outdated and out of

sync with the dreams and aspirations of the Jamaican people.

I think, Mr. Speaker that this is a distraction to the real issues that face this country. (Heckling)

I feel, Mr. Speaker, that this is another excursion and expense on the people of Jamaica that will not yield any benefit.

I think that the Government should reconsider this and spend its time on ensuring that its Ministries that are a call on the public budget do their jobs.

Mr. Anthony HYLTON: How that come into this?

Mr. HOLNESS: I think, Mr. Speaker - you want to know how it come into this?

Mr. Anthony HYLTON: Yes.

Mr. HOLNESS: Your Founder, Norman Manley, was very clear. He said...

Mr. Anthony HYLTON: He is my hero. Is he your hero, too?

Mr. HOLNESS: He is one of my heroes.

Mr. WARMINGTON: Busta is my hero! (Laughter)

Mr. HOLNESS: He said that we have achieved our independence, Mr. Speaker. Now is the time that we must - we have achieved political independence, now is the time that we must achieve our economic independence. This generation - after that was said almost fifty years ago - still cannot claim that we have achieved our economic independence. Yet this Government is going off on an excursion trying to fulfill a dream about political independence.

(*Sotto voce* comments)

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Mr. HOLNESS: What is that? And what does that mean in the present context?

Mr. Speaker, the Jamaica Labour Party is about the economic development of this country. (Applause) It is through our economic independence that we will truly gain and be able to say that we are politically independent!

I say to the people of Jamaica, do not be fooled by these arguments. You are not going to get any more recognition when you step into someone else's country because you have a Caribbean Court of Appeal. You have to solve your economic problems here and now... (Applause) ...so that when you stand up in the world you can say, Jamaica is a country that has conquered crime, we have high growth, we have good education. That is how you are going to be measured and respected as a politically independent country, when you don't have to look to other countries for loans and for aid.

(Sotto voce comments)

Mr. HOLNESS: That is what the Jamaica Labour Party is about, Mr. Speaker. (Applause)

And as I stand here Mr. Speaker, I will not let this Government put another distraction to the Jamaican people. The Jamaican people want the Government to focus on their economic and social development. The CCJ is not a priority at this time.

(Applause) (Heckling)

Mr. Speaker, we have presented solid arguments on this side, arguments that are rooted in reason, arguments that are incontrovertible. That side has not

contradicted anything that we have said here. We have presented to you, Mr. Speaker, the facts. Which is why, Mr. Speaker, we, on this side will not support the three Bills brought here. (Applause)

A MEMBER: Hear! Hear! Well said! Well said!

(Sotto voce comments)

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, let me take this opportunity to welcome the teachers and students of the St. Jago High School, future leaders of our country. (Applause) And the Mayors and Councillors present here with us this afternoon. (Applause)

Before I begin I want to remind the Leader of the Opposition of one thing. It was Manley, Burnham, Williams and Barrow, that met to discuss our region coming together and working together. And that's part of the history of CARICOM.

Mr. McKENZIE: An' dem treat we so!

The PRIME MINISTER: Mr. Speaker, as we come to the end of this debate on Jamaica's accession to the Caribbean Court of Justice as the country's Final Appeal Court, we remind ourselves that the vote in this House on this matter will not be taken until three months after today's date. The framers of our Constitution saw the wisdom of that provision.

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

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It was meant, Mr. Speaker, to give Members of this Honourable House the time to think and re-think what this ought to do regarding the interest of our people on matters touching and concerning their fundamental rights - protecting the fundamental rights of our people under our Constitution.

I wish to thank the Members who have contributed to the debate. Of particular note, Mr. Speaker, is that several speakers placed great importance on the ability and inability of our citizens to exercise their fundamental rights of access to their courts, including their Final Court of Appeal.

I want to remind the Leader of the Opposition that the Shanique Myrie case was done right here at the Conference Centre, in Kingston, Jamaica. (Applause)

A Government MEMBER: Hear! Hear!

The PRIME MINISTER: That the Judges travelled to Jamaica, and it was done here, while all of us hailed the judgement of the Shanique Myrie case. You know, sometimes it's quite difficult to understand some politicians.

Mr. Speaker, there can be no doubt, stripped of everything else, this exercise is really about giving power to the people for them to be able to afford and exercise the right of ready access to their Court. (Applause)

Mr. Luther BUCHANAN: Hear! Hear!

The PRIME MINISTER: This is a right, Mr. Speaker, they have been denied for far too long.

Mr. Luther BUCHANAN: Long time!

The PRIME MINISTER: In closing this debate, let me at the outset say something

about the financial arrangement supporting the CCJ, which is a matter that was raised by a Member in this debate. The Revised Agreement establishing the Caribbean Court of Justice Trust Fund was signed by the CARICOM Heads of Government and became effective, Mr. Speaker, January 27, 2004.

The purpose of the Trust Fund is to provide the resources necessary to finance the Capital and Operating Budgets of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission, in perpetuity. Mr. Speaker, the Agreement directs the Board of Trustees to review the adequacy of the resources of the Fund, starting in 2006, and every two years thereafter, and to report to the Heads of Government on the results of the review.

The Trustees presented the first such Report in July, 2006, with four subsequent Reports, Mr. Speaker provided in 2008, 2010, 2012 and 2014.

Mr. Speaker, I have been advised that based on the fifth Report prepared in 2014 by the Board of Trustees of the CCJ Trust Fund, the Fund has comfortably covered the expenses of both the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission, for the first ten years of its operations, up to 2014.

(Applause)

Mr. CHUCK: What is the principal?

(*Sotto voce* comments)

The PRIME MINISTER: Mr. Speaker, I just want to say I kept very quiet when the Leader of Opposition was speaking.

(*Sotto voce* comments)

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The PRIME MINISTER: The Trust Fund remains intact to adequately, Mr. Speaker cover the future costs of the Court. There was a total Fund balance of US One Hundred point Four Million (US\$100.4M) at December 31, 2014. (Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. CHUCK: Glad to hear that.

The PRIME MINISTER: This, Mr. Speaker, has exceeded the original capital raised, and the Trust Fund continues to grow.

Mr. Luther BUCHANAN: A rum bar information you gave us!

(Comment directed to Mr. Chuck)

Mr. CHUCK: I asked for it.

The PRIME MINISTER: Regarding the future and adequacy of the Trust Fund to cover future expenses will, of course, depend on matters such as future investments returns and future expenses of the Court. In this regard, no one has a crystal ball.

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

Mr. PICKERSGILL: Precisely.

The PRIME MINISTER: However, the available, credible information is that, even on the basis of the most unfavourable set of assumptions about the future, the Trust Fund is adequate to cover projected expenses until at least 2030.

(Applause)

Mr. Speaker, the Board of Trustees has recommended that in order to reinforce the

Trust Fund for a substantially longer period beyond 2030, a further capital injection should be considered. Mr. Speaker, that recommendation will no doubt be considered by the Heads of Member Countries at the appropriate time.

The present position of the Opposition appears to be that they are now in favour of a Final Court of Appeal here, in Jamaica. I have already addressed - in opening this debate - the impracticality of expecting us any time soon to have a Final Court here in Jamaica, so I will not go back over those points, Mr. Speaker.

However, let us briefly examine the record of the Opposition's changing position on this issue.

Mrs. NEITA-HEADLEY: Yes! Very important!

The PRIME MINISTER: In 1970, at a CARICOM Heads of Government Meeting right here in Kingston, under the Chairmanship of the then Prime Minister, the Honourable Hugh Shearer, there was the declaration that there should be a Final Court of Appeal in the Commonwealth Caribbean.

(*Sotto voce* comments)

Dr. DAVIES: Parnel, that's your boss!

(Heckling)

(The Speaker gavel)

The PRIME MINISTER: Mr. Speaker, at that time we did not hear anything about a Final Court of Appeal here, in Jamaica.

According to the Member from St. Andrew, North East, he has personally held the position of a Jamaican Final Court since 1986. It appears that he did not say anything

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about his position to his Leader, the then Prime Minister, the Most Honourable Edward Seaga.

Former Prime Minister Seaga did not agree with his position. The following year in May, 1987 the Cabinet of Jamaica, under the Chairmanship of Prime Minister Seaga, decided that there should be a Caribbean Court of Justice, with Jamaica as a member of that Court.

(Applause) (Heckling)

Mrs. NEITA-HEADLEY: Oonu flip flopping! That is the character of the Party.

(The Speaker gavels)

The PRIME MINISTER: Mr. Speaker, in 1987 the Cabinet of the then Prime Minister, Prime Minister Seaga sent the Attorney General, the Honourable Oswald Harding to a meeting of CARICOM Attorneys General in St. John's, Antigua to have the matter of the establishment of a Caribbean Court of Appeal placed squarely on the table as a matter of urgency.

Mrs. NEITA-HEADLEY: Urgency, urgency!

The PRIME MINISTER: The JLP Government had started in the early 1970s and the 1980s to put in place steps towards having a Caribbean Court of Appeal and Jamaica's final court.

(*Sotto voce* remarks)

The PRIME MINISTER: Check the record.

Early in the 1990s a CARICOM Commission, under the Chairmanship of Sir Shridath Ramphal, recommended in its Report, Time for Action, that there should be

a Caribbean Court of Appeal with both an original jurisdiction and an appellate jurisdiction to replace the Judicial Committee of the Privy Council. Mr. Speaker, at that time we did not hear anything from the Opposition about a final court of appeal in Jamaica.

When the Committee for the establishment of the Caribbean Court of Justice embarked upon its work during the 1990s, the word coming from the JLP Opposition was a call for the insulation of the Judges of the Court from the hand of the political directorate in order for them to support the CCJ. Not a word, Mr. Speaker, about any final court of appeal in Jamaica - none. When all concerned persons and institutions declared their satisfaction that the agreement had made provision for that insulation of the Judges, the Opposition changed its mind again.

(*Sotto voce* remarks by Mr. Pickersgill)

The PRIME MINISTER: Please, I am for respect for each other in this Honourable House.

Mr. Speaker, they then said that for them to support the CCJ the financing of the Court should not be left to the annual budgets of the several Member States. That is how the matter of the Trust Fund came to be an integral part of the agreement establishing the Caribbean Court of Justice.

Mr. PICKERSGILL: Yes.

The PRIME MINISTER: Once again there was not a word about a final court of appeal in Jamaica. In the early years of the last decade when Bills were brought to this Parliament for Jamaica to accede to the

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appellate jurisdictions of the CCJ, the concern of the Opposition, Mr. Speaker, was that an improper procedure was being used, nothing about a preference for a Jamaican Court of Appeal.

Mrs. NEITA-HEADLEY: Politics!

The PRIME MINISTER: Mr. Speaker, Honourable Members, that is how the matter came to be tested in the Courts and for the Judicial Committee itself to be asked to pronounce upon whether the correct procedure was being used.

Mr. Speaker, the Opposition was one of the litigants in that matter. The positions taken by the Opposition over these years have shown great inconsistency.

Mrs. NEITA-HEADLEY: That's right, flip flopping!

Mr. Anthony HYLTON: Instability!

The PRIME MINISTER: If they are to be honest with themselves, they would agree that this inconsistency on such a fundamental issue is not worthy of Sir Alexander Bustamante's Party.

(Cross talk)

Mr. CHUCK: Absolute nonsense!

The PRIME MINISTER: Like you admire Norman Manley, I admire Sir Alexander Bustamante as well.

(Cross talk)

The PRIME MINISTER: The Opposition is now being given three months to reflect collectively and individually and to do the honourable and logical thing of agreeing to support Jamaica, establishing the CCJ as our final court. (Applause)

Mr. L. BUCHANAN: Hear, hear!

The PRIME MINISTER: Mr. Speaker, the matter does not stop there.

Another position put forward by the Opposition is that they have the right to do away with the ruling of the Judicial Committee, Mr. Speaker, a ruling that it had sought from the Judicial Committee with the help of taxpayers' money. When the matter went before the Judicial Committee the lawyer who represented the Jamaica Labour Party argued, and the Judicial Committee accepted that the procedure for Jamaica to accede to the CCJ was by way of a two-thirds majority vote in each House.

Mr. CHUCK: The Court never decided that. The Court never decided that.

A Government MEMBER: You were drunk then.

The PRIME MINISTER: Mr. Speaker, these Bills represent exactly what the JLP's legal representative had submitted before the Judicial Committee.

Now, Mr. Speaker, Members of this Honourable House, the Opposition says that it has the right to demand how it should be done to lay down the procedure to be adopted and to do away with what the Privy Council has ruled, Mr. Speaker. So Her Majesty's Loyal Opposition is prepared to tell the Judicial Committee that they are not prepared to abide by its ruling and is instead putting in place its own requirements and demands. Mr. Speaker...

(Cross talk)

Mr. CHUCK: Mr. Speaker, on a point of order.

(The Speaker gavels)

Mr. CHUCK: Mr. Speaker...

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The PRIME MINISTER: Mr. Speaker, I am on my thought and I am going to break my thought.

Mr. CHUCK: On a point of order.

Government MEMBERS: Sit down!

The SPEAKER: There is a point of order, Madam...

(Cross talk)

Mr. CHUCK: Mr. Speaker, the Prime Minister is being misled and accordingly is misleading this House. The Privy Council in ICHR ...

Mr. PICKERSGILL: What's the point of order?

Mr. CHUCK: The point of order is that she is being misled and accordingly is misleading this House. The Privy Council, in that case of President Marshall Burnett, left it open as to how the JCPC could be removed and a new court put in its place, left it open to hear arguments from both sides. Both sides were asked to send written statements as to how, whether it requires two-thirds majority or a referendum. But the Privy Council never ever made such a decision as to how it should be done.

Mr. DALLEY: *Si dung!*

(Applause)

The SPEAKER: Okay.

Mrs. NEITA-HEADLEY: Moving right along.

Mr. WARMINGTON: How you mean *si dung*.

Mr. McKENZIE: He should withdraw it.
(The Speaker gavels)

Mr. McKENZIE: You can bet is the AG gave the Prime Minister that.

The PRIME MINISTER: Mr. Speaker, that is perhaps the most unfortunate stance for any entity to adopt in the practice of the democratic system of government.

We must be prepared, Mr. Speaker, to abide by the ruling of our final court regardless of whether we agree or disagree with its ruling. (Applause) We cannot be ready to substitute and insist upon our own preference in this manner. It is not only most unfortunate it's not in keeping, Mr. Speaker, with the orderly functioning of the society.

Mr. Speaker, under our system of government, Bills that are brought to Parliament are required to be supported unless there is ample evidence of one or more of four things:

- i. If the procedure (that is) being used in the introduction of the Bills is unconstitutional. In that regard, I have already noted that the procedure being utilized in the Bills before the House is the procedure that was advocated for by Counsel for the Jamaica Labour Party before the Privy Council and which was accepted by that final court.

Furthermore, Mr. Speaker, it is the procedure that was adopted by Barbados, Guyana, Belize and now the Commonwealth of Dominica to accept the appellate jurisdiction of the CCJ.

- ii. In our system, Bills are expected to be supported unless the policy and aim of the Bills are harmful to the interest of the citizens of Jamaica.

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Let me say, Mr. Speaker, that any Member of this Honourable House who is not prepared to record his or her positive vote in favour of these Bills is not acting in the best interest of the people of Jamaica. (Applause)

Mr. Speaker, what these Bills seek to do is to enable over 99% of the citizens of Jamaica to exercise a right that they have not been able to exercise for almost 200 years. It is a right that they were denied, because of their circumstance in life; they could not afford to exercise that right. History and circumstances have now placed the power and duty in our hands, by our vote, to empower our fellow citizens in that respect. History will not be kind to anyone of us if we refuse to answer that call.

- iii. Mr. Speaker, Bills are expected to be supported in this House unless there is something immoral or unethical about the policy and aims that the Bill seeks to project.

Mr. Speaker, that could hardly be said about the Bills that are before us.

- iv. Under our system of government, Bills that are brought to Parliament are required to be supported unless there is some international convention or agreement that will be breached by the passage of the Bill. That does not exist in this case.

One thing is certain, Mr. Speaker, let me repeat, under our system of government lawmakers should not invent partisan reasons not to support a Bill that is brought to the Parliament.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

The PRIME MINISTER: Let me say it again, Mr. Speaker. Under our system of government, lawmakers should not invent partisan reasons not to support a Bill that is brought to the Parliament. (Applause)

Mr. Speaker, our laws and conventions do not allow any of us to oppose Bills brought to this Honourable House by granting on to ourselves the power to draw upon reasons that have no basis in law, in the Constitution, in logic, in common sense or Mr. Speaker, in history.

The Westminster system of Government that we seek to practise calls for good faith and trust, and it depends upon all of us doing what is right and principled.

Why is it, Mr. Speaker, that in our system the Opposition is allowed to bring an action in the Courts to force the Government to use the correct procedure in bringing Bills to the Parliament, all in the interest of the people, and good government. Yet, at the same time, the Government is not allowed to bring an action to force the Opposition in the interest of the people and good Government to abide by the ruling of our highest court as a result of initiative of the Opposition.

The answer, Mr. Speaker, is that it is expected that the right thing will be done by the Opposition in the interest of the Jamaican people particularly, the poor.

The system that we inherited and which we seek to practise does not contemplate that an Opposition would act in any manner that is outside certainly of these principles. The Opposition and all of us have three months to

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think on these things. I invite the Opposition to take the principled approach.

Mr. Speaker, this is 3 months in which to place ourselves on the right side of history, or to be condemned to the dust heap of history concerning this matter, three months, Mr. Speaker, to lift up our people and to empower them to enjoy and to be able to exercise fundamental rights that our National Heroes struggled for and to set out on a path that we have carved out ourselves.

Mr. Speaker, we have it in our power, we have it within our grasp, we have a duty to lift the hopes and fulfill the expectations of our people. Let us not deny them their God-given right and opportunity, for that, Mr. Speaker, is their due that is their destiny.

Let us not deny our fellow citizens this historic gift, this historic gift, Mr. Speaker, in this year of our Lord, 2015.

Mr. Speaker, making the Caribbean Court of Justice the Final Court of Appeal for Jamaica, and for Jamaicans, is the right thing to do. (Applause)

Let us ensure, let us ensure that on this very important matter, Mr. Speaker, we are on the right side of history.

I thank you. (Applause)

Mr. PAULWELL: Mr. Speaker, as the Prime Minister has indicated, we intend to have a vote of the Parliament on the 28th of April.

Mr. Speaker, on behalf of the Prime Minister, I move for second reading of the Bills.

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

Motion put to the House and agreed to.

Bill entitled:

“AN ACT to Amend the Constitution of Jamaica to provide for the replacement of Appeals to Her Majesty in Council with new provisions for appeals to the Caribbean Court of Justice as Jamaica's final Appellate Court and for connected matters”,

read a second time.

Bill entitled:

“AN ACT to Amend the Judicature Appellate Jurisdiction, Act”,

read a second time.

Bill entitled:

“AN ACT to Make provisions for the implementation of the Agreement establishing the Caribbean Court of Justice and for connected matters”,

read a second time.

Mr. PAULWELL: Mr. Speaker, as indicated, we will return on the 28th of April to take the Bills through the Committee Stages and for a vote.

We will now move Mr. Speaker to item No. 5 on the Order Paper, a similar amendment to our Constitution. The Minister responsible for Local Government will be moving this Bill. (Applause)

**THE CONSTITUTION (AMENDMENT)
LOCAL GOVERNMENT BILL, 2014**

The SPEAKER: Minister Arscott.

Mr. ARSCOTT: Mr. Speaker, before I begin, I want to recognize the presence in the Gallery of Mayors, Deputy Mayors,

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Councillors, Secretary Managers, representatives from ALGA, the Parish Development Committee and other well wishers of Local Government. (Applause)

I wish to say also, Mr. Speaker that this debate is of interest to other Members of the Local Government Fraternity, namely the Commonwealth Local Government Forum who would be interested in this debate as they monitor this debate from London.

Mr. Speaker, Local Government Reform has been a topic of political discussions debate and formal research for over 70 years in Jamaica. From as early as 1943, just before the establishment of Universal Adult Suffrage in 1944, the Hill Report was produced. Thereafter, the Brown's Town Report was produced in 1963, the ALGA Report in 1968, the Rodriguez Report in 1970, the Mills Report in 1974. Other reports about Local Government Reform have been produced since that time. More recently, Mr. Speaker, the work and recommendations of the Constitutional Commission of Jamaica, the Joint Select Committees of Parliament on Constitutional and Electoral Reform have strongly informed the provisions of this piece of legislation; the Constitution (Amendment) Local Government, Bill.

Mr. Speaker, we are here today as a result of the thorough process, spanning different political administrations. In September 1995, just a few months shy of 20 years ago the National Advisory Council on Local Government Reform was established by the Government of Jamaica. The objective was to provide an impartial forum for all sectors of

the society to participate in Local Government Reform process. It was also designed to lead a structured national dialogue about local governance and expected processes and outcomes of Local Government Reform. The NAC consulted with a wide range of stakeholder which included inter-agency partners, community groups, non-governmental organizations, youth, civil society, the major political parties, women, distinguished academics and representatives of major Universities, local government practitioners and councilors. The general recommendations, Mr. Speaker, of the NAC were:

- a) That Local Government should be given its own separate charter in the Constitution.
- b) The Chapter on Local Government should have its own preamble and interpretation sections or alternately, the general concepts and guiding principles of local governance and important definitions should be reflected or included in a general preamble to the constitution, and the general interpretation clause.
- c) Clauses in the Constitution regarding Local Government should be entrenched or enshrined as deemed appropriate, and
- d) The principles of decentralization and participation should be fundamental features of the revised model of governance.

Mr. Speaker, these recommendations were including in the Interim Report of the

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NACLGR and Tabled in this House of Representative in July 2007. This was after the deliberations of the Parliamentary Joint Select Committee on Local Government Reform. The Committee received presentations from the Association of Local Government Authorities of Jamaica, National Association of Parish Development Committees, the Portmore Citizens Advisory Council on Women, Youth and Community Groups.

Mr. Speaker, the entrenchment of Local Government in the Constitution was included in the recommendations of the NAC and of the Joint Select Committee. This approach was also recommended in the 1983 Report of the Constitutional Commission of Jamaica and the 1993 Final Report of the Joint Select Committee on Constitutional and Electoral Reform.

The consultative process undertaken by the National Advisory Council revealed that overwhelming and consistent view from the respondents that the institution of Local Government needed Constitutional protection in order to prevent its arbitrary dissolution. This would be complimentary to the ideal of creating a system of participatory local governance consisting of legislative and administrative arms, and other mechanisms to ensure participation of civil society and local stakeholders. It would promote the goal of local self-management by allowing local authorities to be more assertive in managing their own affairs within the context of Constitutional protection.

Mr. Speaker, the expressed views that the constitutional protection is necessary are

understandable as it is a matter of historic facts that aspects of our systems of our local government have been dissolved in various ways on at least three occasions. Mr. Speaker, it must be pointed out that all three pre-dated the establishment of the National Advisory Council on Local Government Reform. In fact, these previous attempts at tinkering with the system may declare to both major political parties that it was necessary for the country to arrive at a settled position of the future of local government. The outcome of the NAC has brought us to this point, Mr. Speaker, and it highlights how much we can achieve when we work together as a people.

Today, I am initiating this debate as a member of the Administration that gave a promise to the people of Jamaica that Local Government would not just be returned to its accustomed place, but also that it would be recognized at the level of the Constitution. (Applause)

A Government MEMBER: Hear, hear!

Mr. ARSCOTT: This entire process is driven by the commitment to put the people at the centre of management of their own affairs.

A MEMBER: That's right.

Mr. ARSCOTT: Mr. Speaker, we have gone through many processes to get to this point. Many debates have been held and many studies undertaken. It has been a long period of gestation, but now at long last the tangible expression of local government reform is being brought to term.

Mr. DALLEY: Hear, hear!

Mr. ARSCOTT: The Bill, Mr. Speaker, proposes to ordinarily entrench the system of

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local government in the Constitution of Jamaica. The changes proposed in this Legislation are the best means of accommodating local government as an active, functional organ of development within the Constitution at this time.

Subsequent to the process of review, the Constitutional (Amendment) (Critical Bodies) Bill 2011, was tabled in this House of Representatives in November 2011. This Bill included proposals for the system of Local Government to be included in the constitution. Following the change of Administration, however, a decision was taken by the Ministry of Justice in 2012 that provisions treating with local government should be removed from the Constitutional (Amendments) (Critical Bodies) Bill and be dealt with separately. A new Bill was, therefore, created to reflect same. Mr. Speaker, we decided to take this path, because the previously referred to [Constitutional (Amendment)] Critical Bodies Bill involved a number of unresolved issues which would make its early passage unlikely. The stark reality is that we would not be here today debating this Bill if we had not made that decision.

I wish now, Mr. Speaker, to open the Bill to its clauses. Chapter Five of the Constitution is amended by deleting the heading to Part IV and substituting therefor the heading, Constituencies and Local Government; deleting the marginal notes in Section 66 and substituting therefor the words, “constituencies and local government”. Inserting three new sections after section 2...

(Inaudible comment by Opposition Member)

Mr. DALLEY: No, he has support right here. All of us are here with him.

Mr. ARSCOTT: ...of Section 66. The new subsection (3) will read:

“There shall continue to be a democratic system of Local Government for Jamaica”.

Mr. DALLEY: They don’t respect you, Desmond. You’re the only one who rate local government. You, you alone.

(Cross talk/Laughter)

Mr. ARSCOTT: The new subsection (4), Mr. Speaker, defines the purposes of Local Government, which are:

- a) encourage and assist the effective participation of local communities in the affairs of local government; and
- b) give local authorities the ability to provided local public services facilities at any related activities to the benefit of local communities and the wider public.

Subsection (4) also gives local authorities the ability to carry out regulatory functions as permitted by law and specifies their responsibilities to manage, improve and develop the resources of their communities.

Mr. McKENZIE: So what is new?

Mr. DALLEY: Just listen.

Mr. ARSCOTT: The new subsection (5) establishes the power of Parliament to pass laws providing for local authorities to generate and spend their own revenues.

(Cross talk)

Parliament is also empowered to assist

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functions between the various levels of Government to determine how local authorities are constituted and to define their functions. This subsection also states the Parliament's authority to determine the holding of local government elections and any other matter relating to the governance of the local authorities. That's the Parliament.

(Cross talk)

Mr. Speaker, the above-mentioned constitutional provisions would be given functional effect in the three strategic laws which are the fundamental planks to undergird local government reform. These three laws are the Local Governance Bill, Local Government (Unified Services Employment) Bill and the Local Government (Financing and Financial Management) Bill. They have been approved by Cabinet for some time now and are at advanced stage in the drafting process at the Office of the Chief Parliamentary Counsel and I expect them to be tabled in this Honourable House shortly.

Mr. Speaker, this constitutional Bill was tabled on September 30, last year in keeping with the requirements for amending the constitution. The minimum three-month period has elapsed between the initial tabling and the start of today's debate in this Honourable House. In further conformity with the Constitution another three-month must pass between the end of the debate and the passing of the Bill in this House.

With these remarks, Mr. Speaker, I commend the Constitution (Amendment) (Local Government) Bill, 2014, to this Honourable House.

(Applause)

Mr. PAULWELL: Mr. Speaker, I move for the suspension of the debate until next week we continue.

(Cross talk)

Oh, oh, okay. Mr. Speaker, okay, there are two Members - there are some other Members who wish to speak today and the time is on our side, so we will allow it.

Mr. JACKSON: Mr. Speaker, my contribution will be very concise. Mr. Speaker, the Bill before us is relatively straightforward piece of legislation. It is not breaking any new ground, so to speak, in terms of what we're doing anew or seek to do anew. Basically what this Bill seeks to do is to make more predictable, bring more certainty to the question of local government system in our governance infrastructure. It also seeks, Mr. Speaker, to remove the vulnerability of local government operation from the uncertainties of Parliament from time to time.

Mr. Speaker, I rise to make this contribution, particularly bearing in mind my own experience and the constituency that I represent from Portmore. The Portmore Municipal Council is the newest of our local government institution in the country. And it's interesting to note why it came into being, because everybody knows that Portmore has been a part of the Spanish Town Council all along - St. Catherine Parish Council all along before.

The Portmore Municipality in fairness and in truth, Mr. Speaker, represents the initiative of the people of Portmore. It was not initiated by the political leadership. It was initiated by a

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wide cross-section of Portmore residents who felt strongly and very strongly that they needed a local government authority that was closer to them, their peculiarities as a community set aside from the rest of St. Catherine had to be dealt with directly. It was they who took the initiative. The political leadership at the time - I happened to have been one of those at the time - recognized that yearning, embraced it and gave support and leadership to the people of Portmore that brought the Municipality into being.

Mr. Speaker, I can testify to you today and this House that one of the significant accomplishments that we have had in Portmore for all the over twenty years that I've been Member of Parliament, is to have a local authority that is now far more responsive to their needs than ever before in the history of Portmore. We demonstrate that a Government closer to the people, a government that is close to the issues and concerns that affect their day-to-day life is an imperative and it is such an imperative, Mr. Speaker, that we can't tamper with it and we can't leave it to uncertainty. It is for that reason that I rise in support of this Bill to make the local authority a permanent fixture in our Constitution unless later on we choose to do otherwise.

(Inaudible comment by Mr. Warmington)

Mr. JACKSON: Mr. Speaker, one of the virtues of our local government authority is that it brings the governors closer to the people who they govern over. Our councillors are closer as political representatives are closer to the people and the challenges they face on an everyday basis. And I can tell you...

Mr. D. SMITH: Nonsense, we can't find the councillors.

Mr. JACKSON: Well, because you don't have good councillors in other place. That is not the case in Portmore. I'm sure that is not the case in South St. Catherine, because we are careful in who we select as councillors and that's the reason why we don't have those challenges.

(Cross talk)

Mr. D. SMITH: All of them is the same.

Mr. JACKSON: Mr. Speaker, every community has their own peculiarity. Every community has their own peculiarities. We as Members of Parliament speak about those peculiarities in respect of constituencies. It is more so at the local level across the communities that make up those parish council divisions. We need a governance structure that is closer to those communities and their peculiarities that they can adjust their governance agenda in keeping with what those day-to-day priorities are from time to time.

It is for these reasons, Mr. Speaker, that this Bill deserves our unswerving support to make it a fixture in our Constitution. We want to say to our people that the instrument of Government that serves you is more predictable. It will be there. And Mr. Speaker, I feel very confident that the more certainty that our people have in our system of governance is the greater confidence they will have and that will enure to the overall better quality of life.

Mr. D. SMITH: And performance.

Mr. JACKSON: Mr. Speaker, it is because of our local government system and

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how the proximity it is to the people. We talk very much of recall of political leaders, I think at our local government level that is the greatest opportunity for recall and, on the other hand, for preserving those who serve well. And it's for that reason why in Portmore we have very long serving councillors and long serving Members of Parliament also and that's a tradition that we hope to preserve.

Mr. Speaker, I just want to once again give my support to the Minister for finally bringing this Bill before the House. As the Minister has outlined in his presentation, we have had the consultations across the aisle and there is a consensus, so let us just act on what we have talked about and what we have already decided upon, and demonstrate to the people of Jamaica once more that we can work together to achieve those things that we all agree are right for their interest.

I give my support to the Bill.

(Applause)

The SPEAKER: Mr. Parchment.

Mr. PARCHMENT: Mr. Speaker, permission to speak from a seat other than my own.

The SPEAKER: You may proceed.

Mr. PARCHMENT: Mr. Speaker, I rise to give full support to the Bill entitled "AN ACT to Amend the Constitution of Jamaica to make provisions for the inclusion of a democratic system of Local Government for Jamaica in the Constitution", and for connected matters.

Mr. Speaker, as someone who served as a Councillor in the Local Government system, and who has long advocated for Local

Government reforms and someone who fully understands the implication of having Local Government finally entrenched in the Constitution, I consider this a distinct privilege to participate in this debate. (Applause)

Over the years, Mr. Speaker, Local Government, having no permanence in the Constitution, has been used and abused. Oftentimes, Mr. Speaker, Local Government has been used as a pawn for political parties to test the temperature of political waters.

Mr. Speaker, we have also witnessed during the 1980s, when the functions of the Parish Council was stripped right down to the bare bones, all they had to do was to look about cemeteries and parks.

Mr. Speaker, the time is long overdue for a properly constituted system of Local Government where by law the functions are predetermined, the nature is autonomous, the tenure is secured, and election periods are known and not subject to frivolous manipulation.

Mr. Speaker, in addition to the entrenchment of Local Government in the Constitution of Jamaica, the Minister of Local Government and Community Development has outlined other complementary reform objectives which will form the basis of another three Bills, which when fully implemented, will ensure that Jamaica's Local Government system will be fully functional, properly resourced, and highly effective.

Mr. Speaker, I speak to some of the other reform objectives. Firstly, to reorganize Local Government as a separate autonomous sphere

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of Government through the allocation of functions best administered and regulated at the local level. Secondly, to guarantee the security predictability and sufficiency of financial resources for local authorities and to ensure that there is increased contribution of independent sources of their own income, and also, Mr. Speaker, to provide a modern legal and regulatory framework for a viable operation of our local authorities.

Mr. Speaker, these are indeed lofty ideals but the Government is seized of the fact that an effective system of Local Government requires much more than just entrenchment. Mr. Speaker, these complementary reforms that have been proposed, must also be speedily implemented that mayors, councillors, secretary managers, and other local authority functionaries can have the proper legal authority to hit the ground running. Mr. Speaker, what this Bill and the complementary reform seek to do is to provide some power and authority to the Local Government.

Mr. Speaker, former Prime Minister Michael Manley who we all know was a tireless advocate for the local authority in 1974 remarked that Local Government in Jamaica is perhaps the only one in the world where there is responsibility without power. He further remarked that voters undertake a periodic charade of electing a Local Government Authority who can do nothing without expressed permission of a centralized department of Local Government.

Mr. McKENZIE: Nothing no change.

Mr. PARCHMENT: Mr. Speaker...

Mr. Speaker - there are other things to come. Mr. Speaker, it was Michael Manley's belief that this anomaly in Jamaica's governance structure was a colonial legacy which was perpetuated by a constitutional oversight. So, Mr. Speaker, after 52 years since the adoption of the Constitution, this anomaly is finally and hopefully permanently being remedied.

Mr. Speaker, there can be no doubt that our national development is inextricably linked and can be substantially enhanced by an effective, resourceful and fully functioning Local Government system.

Mr. Speaker, it's not surprising that our most developed countries in the world have an autonomous and effective system of local governance. Mr. Speaker, Michael Manley in his infinite wisdom had argued that the residents of an area must be encouraged to think for themselves, to come up with their own ideas for their own development, which can be subsequently refined and rendered feasible by centrally located technicians.

Mr. Speaker, I am confident that the citizens of a municipality, the citizens of a parish or even a parish council division, if they are given the scope to determine their own local development, when they are given the latitude to call their local representatives to book and when they can empirically measure the benefits of their own contribution, they would be much more willing to contribute and to take responsibility for their own collective destiny.

Mr. Speaker, we as parliamentarians stand to be a major benefactor of a strong and

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effective Local Government System. Members of this Honourable House are often bombarded with criticisms that they are not effectively discharging their responsibility as legislators. Not attending enough parliamentary sittings or missing some parliamentary committee meetings. Those criticisms have arisen from time to time.

Mr. Speaker, if we legislators in this House, do not spend significant time in our constituencies to respond to the roadblock, the demonstration, the water crisis, garbage pile-up, fires, *et cetera*, our voters will hold us accountable and when the next election is called we may not be able to enter this hallowed Chamber.

Mr. Speaker, if the mayors and councillors are empowered, and the councils fully resourced to deal effectively with the local matters, Members of Parliament would be better able to spend more time in Parliament to modernize Jamaica's legislative framework.

Mr. McKENZIE: Man, go do your own work... (Inaudible comment) People vote for you to serve them. Parish councillors have them own -

Mr. PARCHMENT: The Member from West Kingston, I can't blame you for what you are saying, you know, because at no point in history has your side fully supported Local Government. I cannot change the history.

Mr. McKENZIE: You don't even know what you talking about.

(Heckling)

Mr. PARCHMENT: So what I recommend to you is just to sit back, relax and listen until I finish my presentation.

Mr. McKENZIE: Rubbish you talking. People vote for you to represent them, not councillor. Go do your work.

MEMBERS: All right, all right.

(The Speaker gavels)

Mr. PARCHMENT: Also Mr. Speaker, an effective Local Government would free Central Government from micro-management concerns. This would definitely increase the scope for Central Government to focus more on national development. Mr. Speaker, the demands of a complex, modern, globalized and competitive economy require Portfolio Ministers, most of which are Members of Parliament, to place critical time and focus on their respective areas of responsibility. Mr. Speaker, Ministers should be freed from micro-representational matters to be able to aggressively seek out opportunities for Jamaicans wherever in the world these opportunities may exist. Mr. Speaker, the effectiveness and performance of a Minister of government would be greatly enhanced if they are confident that when they are away from their constituencies the mice won't play, because their constituency matters would be adequately and effectively dealt with by the Local Authority.

In closing Mr. Speaker, I must recommend to the Government that for the Local Government Authority to be effective and contribute to the rapid development of the national economy there must be equity in the allocation and distribution of resources to the Local Authorities. Mr. Speaker, I say this against the background of what currently pertains in my parish, parish of St. Elizabeth,

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and South East St. Elizabeth in particular and I crave your indulgence for being a little parochial here. And I see that we are represented in the Gallery by our Mayor and also by Councillor Smith who succeeded me in the Myersville Division.

Mr. Speaker, the taxpayers of areas in South East St. Elizabeth such as Southfield, Top Hill, Ballards Valley, Junction, Bull Savannah, Comma Pen, and all adjoining districts, find it easier to travel to Mandeville to pay their taxes and license their motor vehicles. The portion of the taxes that is remitted to the Local Authority all go to Manchester. To get what is due to St. Elizabeth, Mr. Speaker, the Council and I have lobbied long and hard to get a collectorate in Junction but our pleas and advocacy have not found favour with the Finance Ministry. So Mr. Speaker, I again bring it to this Honourable House to remedy this problem by using the TRN system and allocated taxes to the Local Authority according to the taxpayer's address, and not the parish of collection.

Finally Mr. Speaker, we as Members of this Honourable House must signal that we believe in Local Government. We must send a signal that Local Government should have a security of tenure. We must send a signal that we believe that Local Government should not be used as a political football, and how to send the signal, Mr. Speaker, is for us to pass this Bill without even one dissenting voice.

May it please you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Silvera.

Mr. SILVERA: Mr. Speaker, I seek permission to speak from a seat which is not mine sir.

The SPEAKER: You may proceed.

Mr. SILVERA: Mr. Speaker, I rise in favour of this proposed legislation which is a milestone step towards enshrining our democratic system of Local Government in the Constitution of Jamaica.

My career in representational politics commenced in 1998, when I was democratically elected as the Local Government representative for the Gayle Division in Western St. Mary. During this period I was able to work efficiently alongside the people at the community level as a Councillor. Having benefitted from a number of Local Government Reforms implemented and established under the PNP-led government administrations in the 1990s that has empowered the Parish Council with more autonomy, primarily through the provision of the independent sources of revenue, which granted each parish council the capability to adequately manage local affairs. The amendment of the Parochial Rates and Finance Act in 1996, which forms a major part of our Local Government Reform efforts.

The establishment of the Constitutional Commission of Jamaica is one conduit through which Jamaica has sought to achieve higher level of democratic governance by way of consideration for amendments geared towards decolonizing Jamaica's Constitution which included making provisions for the democratic process of Local Government to be enshrined in the Constitution.

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In 1994 a Joint Select Committee of the Houses of Parliament on the Constitutional and Electoral Reform was established to review and examine the findings and recommendations in the Report of the Constitutional Commission. This Committee comprises of a number of representatives who still sit in this Honourable House, Mr. Speaker, including yourself. The Member from East Central St. Andrew, the Member from Central Manchester, the Member from Eastern St. Thomas and Senators K.D. Knight and A.J. Nicholson.

Mr. Speaker, it is my privilege to have the opportunity to serve with you and other colleagues who participated in putting the final recommendations of the Committee together, which was reported to this Honourable House in 1995.

This process towards entrenching democracy is implemented by giving the people of Jamaica the power, a democratic local government enshrined in our constitution, solidifies the people's power, which is pivoted on the strengthening of our local communities. And as such, Mr. Speaker, I offer my full support to this Bill.

(Applause)

Mr. PAULWELL: Mr. Speaker, I move for the suspension of the debate until next week.

The SPEAKER: The question is that the debate be suspended until next week.

Put to the House and agreed to.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker it is not intended for us to do any further business today, I therefore...

Mr. McKENZIE: No, I have - Mr. Speaker, you can't...

The SPEAKER: We have suspended the debate.

Mr. McKENZIE: Not the debate, I have some questions I want to table.

The SPEAKER: To table?

Mr. PAULWELL: To table?

The SPEAKER: Where yuh coming from man?

(Inaudible comments)

Mr. PAULWELL: No, no, no, no!

The SPEAKER: Mr. McKenzie, your question was tabled.

House Leader, guide him for me, him want help.

(Inaudible comments)

Mr. PAULWELL: Mr. Speaker, I move for the recommittal of items Reports from Committee and there's a motion without...

(Inaudible comments pursue)

The SPEAKER: I didn't get that one.

The question is for recommittal of items Reports from Committees and Notices of Motions Given Orally.

Put to the House and agreed to.

REPORTS FROM COMMITTEES

(Recommitted)

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The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Sessional Select Committee of the House of Representatives on the Infrastructure and Physical Development, on the motion regarding mandatory evacuation of persons in areas threatened by natural disaster.

NOTICES OF MOTIONS GIVEN**ORALLY****(Recommitted)**

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

Be it Resolved that the Report of the Sessional Select Committee of the House of Representatives on the Infrastructure and Physical Development on the Motion regarding mandatory evacuation of

persons in areas threatened by natural disaster which was laid on the Table of the House on the 20th day of January 2015, be approved.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended to do any further business so I therefore move for the adjournment of the House until next Tuesday, the 27th of January at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to Tuesday, the 27th of January at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The House was adjourned at 5:29 p.m. to Tuesday, 27th January, at 2:00 p.m.

SESSION 2014 – 2015

TUESDAY, January 27, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:25 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

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

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP),
St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

MINISTERS OF STATE

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

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

HON. DAMION ORANDY CRAWFORD, (PNP),
St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ, (PNP), Westmoreland, Central

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Before we get down to business, let us welcome students and teachers from Glenmuir High School, from Hydel High School (Applause) and St. Andrew Technical High School.

(Applause)

STATEMENTS BY MINISTERS

Mrs. NEITA-HEADLEY: Mr. Speaker, we will have two statements today. First, from the Minister of National Security; he will then be followed by the Minister of Education.

The SPEAKER: Minister Bunting.

Mr. BUNTING: Mr. Speaker, today I will briefly update Parliament on the crime statistics for 2014, our short term response to the January 2015 spike and outline some of the strategic measures being taken to improve the long-term effectiveness of our policing strategy.

Mr. Speaker, in 2014, there was an overall reduction of 16 per cent in serious and violent crime. In what could really be called a breakthrough year for the fight against crime, every category showed double digit reductions: murders - down 16 per cent; shootings - down 12 per cent; rapes - down 23 per cent, and aggravated assault by 17 per

PRAYERS

Prayers were offered by Mr. Daryl Vaz.

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cent. Acquisitory crimes were also down by more than 10 per cent.

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

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

Mr. Speaker, a 16 per cent across the board reduction in a single year is very significant... (Applause) ...and compares favourably with almost any other area of social or economic life. It is the lowest murder figure recorded since 2003, and represents a 40 per cent reduction over the last five years.

(Applause)

A MEMBER: Good... Minister, good boy.

Mr. BUNTING: And here, Mr. Speaker, before I go any further, and whether or not you believe in Divine intervention, I pause to say *to God be the glory*.

It is important though for us to understand what else contributed to this performance, and I will highlight a few areas: The first is the merger of the ISCF with the JCF which eliminated the administrative duplication of a parallel command structure, and freed up more personnel for operational duties. (Applause)

The strength of the police presence we saw on the streets and in communities last year was in great measure, due to the policy decision to merge the two constabularies.

The second area I want to highlight is the new emphasis on crime prevention work of the Ministry, through the Unite for Change

initiative, which recognizes that violence has multiple causes and therefore requires effectively coordinated responses from multiple sectors. The Unite for Change approach accepts that an important step in reversing an epidemic is changing group behavior norms around the transmission of the disease, or specifically, in our case, where we have suffered from an epidemic of violence. It means changing the culture of violence and the tolerance of criminals and criminal behavior. As part of this initiative significant energy was put into stakeholder building and public education efforts.

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

The Ministry organized scores of events to educate and sensitize the citizenry, and the police, to the new approach.

These events have taken various forms: media campaigns, presentations to Ministries, departments and agencies, presentations to faith-based organizations, NGOs and community groups. We have held peace marches and school peace rallies. Just as important, we have partnered with parenting organizations to promote positive messaging, and forged partnerships between churches and police leadership in various divisions.

The third area I would like to highlight, Mr. Speaker, is our efforts to change the whole paradigm of policing. While the police force is only one of many actors in crime

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prevention, their role is critical to the outcomes we must achieve, so, in 2014 we focused on changing the paradigm of policing. Specifically, we looked at reversing the approach of the paramilitary style of policing that had dominated for three decades, and started a process of culture change to, one, promote proximity policing. That, Mr. Speaker, is where police personnel are embedded in the community, primarily doing foot patrols, getting to know and understand the residents, and develop relationships of trust with them.

The police were also issued guidance to avoid arresting citizens for the minor offenses such as possession of small quantities of ganja, which only contributes to hostility towards the police, particularly by the young men in community, and to overcrowding in lockups.

This guidance, Mr. Speaker, resulted in 5,435 fewer arrests in 2014 *versus* 2013, for minor offences such as... and primarily among those were possession of ganja.

The second area in terms of changing the paradigm, we held officers and men stringently accountable for the use of force, and improving the planning of operations to minimize the likelihood of casualties.

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

And the third thing we did, in terms of shifting the paradigm, was to progressively civilianize the dress and appearance of the

normal divisional patrols. What I mean by that, Mr. Speaker, is less persons in blue denim, body armor and assault rifles, and more civilian style dress, the red seam or the khaki as the case may be.

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

The assault rifle is a part of the accoutrements, but the appearance...

(*Sotto voce* comment)

Mr. BUNTING: But the appearance - but it is part of the appearance. Notice I said the dress and appearance of the police, so, certainly, the assault rifle impacts the appearance of the police officer in the community.

As I pointed out in my New Year's Day commendation to the JCF, I was particularly pleased with the 54 per cent reduction in police fatal shootings...

A MEMBER: Hear, hear!

Mr. BUNTING: ...which reflected greater attention to the appropriate use of force, the virtual elimination of the use of curfews - and if the Member from South East St. Andrew or Eastern St. Andrew were here, he would recall where we had a huge community meeting in August Town, and the citizens pointed out the challenges that the continual, or the regular curfews were causing. And we agreed there with the police operations Head, DCP Hines, that we would only use it in the most exceptional circumstances, and we have virtually eliminated the use of curfews in 2014.

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(*Sotto voce* comment by Mr. McKenzie)

Mr. BUNTING: And I think, Mr. Speaker that is another signal of the increased concern with citizen's rights to their freedom of movement.

There are many communities previously plagued by violence where the proximity policing and partnership approach advocated by the UFC initiative are starting to have a transformative effect as we lower the level of violence and other forms of crime to the point where the local police are no longer overwhelmed; policing becomes primarily preventative, rather than reactive, then violence is no longer seen as normal. Criminals are no longer seen as role models, and we can rebuild faith in law, order, and justice.

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

We are seeing the encouraging signs of this cultural re-engineering in communities like Gravel Heights, like Granville, where I was with the Member from West Central St. James on Sunday, and it was pointed out that just two years ago they had 58 murders in that police area. In 2014, it was down to nine, and it has changed the entire environment and improved the quality of life of the residents of the Granville police area.

We have seen it in Dunkirk, in Almo. And I am sure you would agree with me, Member from West Kingston, we are starting to see it in Denham Town.

A MEMBER: Is that a PNP area, Desmond? It's a PNP area?

Mr. BUNTING: Mr. Speaker, before you think that the approach is entirely naive, let me also say that swift operational responses were also important. And I would highlight that as the final contributor to the crime reduction in 2014. It was intelligence-driven targeting of known violence producers, as well as the application of Anti-Gang and Anti-Lottery Scam Legislation. The police and military responded with search operations to quickly contain any outbreaks of gang-related violence.

Now Mr. Speaker, I want to turn to the way forward for 2015. As we start 2015, the unfortunate rise in the murder rate reminds us that our considerable progress is fragile and we still have much work left to consolidate and improve on the gains.

For the month so far, we have averaged 3.2 murders per day, compared to 2.75 murders per day for all of 2014. If this rate continues, we could see the month ending with approximately 100 murders.

However, let me point out that even in 2014 we had two months with murders above 100; as recently as October we had 109 murders. So, this really points to the randomness and unpredictability in how these crimes occur, and to demonstrate that while we need to be concerned, we need not be unduly alarmed at this time.

The spike in murders can be attributed almost entirely to an increase in murders in the St. Catherine North Division. The security forces are responding operationally to the

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gang situation in St. Catherine North, and in so doing, we will employ the approaches that worked in 2014, namely, targeting violence producers, dominating critical hot spots, prioritizing forensic and investigative resources to this area, and drying up the funding sources for these criminal organizations.

(HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern, Attorney General, entered and took his seat.)

Social intervention strategies will follow once the situation is normalized.

I now turn to the more strategic outlook for 2015. Mr. Speaker, in the second half of 2014 the Ministry engaged Professor Tony Clayton, of UWI to conduct an Organizational Review of the JCF. You will recall that he had anchored the preparation of our 2013 National Security Policy.

The main recommendations in his Report are aimed at consolidating the gains that we have made in recent years, to improving the efficiency and effectiveness of policing in Jamaica.

(DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

One of the key recommendations of the Report is to allocate more resources to preventative policing by reassigning resources from the non-geographical formations to the geographic divisions.

When we refer to non-geographic formations, Mr. Speaker, we are talking about Units, such as Mobile Reserve, Transnational Crime and Narcotics, Organized Crime, the Flying Squad, Protective Services, Motorized Patrol. Those are not limited to any particular police division.

This reallocation of resources will be achieved through mergers and downsizing of some of these non-geographical units, a process that is currently in train. For example, the amalgamation of OCID and Flying Squad came into effect on January 19 this year.

The mandate of the merged units will include all the functions performed by the two entities individually, and will be extended to include counter-terrorism investigation. The merger will release 30 police officers to operational policing.

We have started a rationalization of the Motorized Patrol, which has already resulted in 20 persons formerly of the Street Crimes Unit, being sent to provide additional numbers for St. Catherine, North. Additional personnel are being identified for transfer to St. James.

At the divisional level, we have merged the Proactive Investigation Unit, the Street Crime Unit and the Divisional Fugitive Apprehension Teams. And this is aimed at ensuring a more effective team, overall.

The new team, called the Proactive Investigative Team will spearhead the enforcement of the Anti-Gang and Anti-Lottery Scam Legislation, as well as track wanted criminals.

Except for the Operational Support Team at Area 1 Headquarters, all area OSTs, both

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personnel and equipment, have been redeployed to geographic divisions within the respective police areas, to provide additional police presence in public spaces.

The Area 1 Operational Support Team has been retained since the divisions in Western Jamaica are far away from headquarters support.

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

A total of 65 officers have already been identified from Mobile Reserve and Motorized Patrol for redeployment to St. James. Further assessments are being done to determine the additional numbers that can be released to operational policing in the geographic divisions.

The Kingston and St. Andrew Major Investigation Task Force, or MIT, as well as the St. Catherine MIT will be merged and downsized significantly, resulting in the redeployment of the majority of the detectives to geographic divisions in the Corporate Area and St. Catherine.

The return of the murder investigators to geographic divisions, which will commence on the 1st of February, is geared at significantly increasing divisional capacity to investigate and clear-up murders.

The final Unit I want to touch on, Mr. Speaker, affects many of us in here. A review is currently being done of the deployment of

personnel at the VIP Protection Division, sometimes called the Protective Services Division. With a total of 544 personnel, the VIP Protection Division is among the largest units in the JCF, assigning approximately 50 per cent of its staff as Close Protection Officers or CPOs, to protect 172 officials, including Cabinet Ministers, Parliamentarians, Judges and Magistrates, and holders of some public offices.

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

This significant deployment must be balanced against the reality that there are several police stations unable to adequately cover their police districts because fewer than 10 officers staff them.

Over many years the JCF has deviated from the criteria for the assignment of CPOs to VIPs, resulting in a considerable growth in the VIP Protection Division through one or a combination of the following scenarios in each case:

- a) the assignment of CPOs without conducting threat assessments;
- b) excessive number of CPOs assigned to an individual;
- c) automatic assignment of CPOs even when no security threat exists;
- d) retention of CPOs when threat levels have subsided;
- e) individuals who have demitted public office still retaining their CPOs;

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- f) CPOs assigned to private individuals who have the ability to engage private security; and
- g) CPOs engaged in a variety of roles that have nothing to do with security. For example, many are used as drivers or to assist with a whole variety of domestic chores.

Currently, a review of the CPO assignments is underway and it is based primarily on security threats and risk assessments of the VIPs being protected.

Several observations have already been made, including that some VIPs are going to many events without their CPOs. On completion of the current Risk/Threat Assessments, CPOs will be assigned based on need. Except for the Governor-General, the Prime Minister, Cabinet Ministers, the Leader of the Opposition and former Prime Ministers, all the assignment of CPOs will be based on recommendations informed by the Threat Assessment. Where it is revealed that threat levels are not significant, officers will be redeployed to augment the personnel at geographical divisions.

(DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, entered and took his seat.)

Mr. Speaker, in conclusion, I believe we are pursuing a sustainable set of policies to maintain the long-term downward trajectory of crime that we have seen over the last five years. We need to understand and accept that there will be setbacks from week to week or

month to month, and, that available policy options are limited by fiscal constraints.

Nevertheless, we have a formula that is working. We have developed an approach that is informed by careful policy analysis and by a strategic partnership with all stakeholders. We can and must maintain the momentum we have started. No one can beat a Jamaica that is united for change.

(Applause)

I call upon this Honourable House to join in this movement to bring peace, safety and stability to our communities and society, to support our security forces, to encourage our constituents to cooperate with the police, and to be a part of the change we all wish to experience. We must demonstrate the political will and the courage to follow the new strategies and this path upon which we have embarked. This Government will not rest until the nation has been rescued from the oppression of organized crime, violence and corruption.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Thank you, Mr. Speaker.

Mr. Speaker, once again we have been exposed to some form of celebration by the Minister, with regard to the performance of the Government in this portfolio during 2014.

The Opposition said in the past and we will say it again, that we acknowledge and are happy about the reduction that took place in 2014. But as we had said then and we continue to say now, we have to be very careful about the hills and the valleys.

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Dr. PHILLIPS: That is what he said. You weren't listening.

Mr. D. SMITH: Well, he perhaps said it having heard me speak of it. Because, my count as of today, we have had 83 murders compared to...

Dr. PHILLIPS: He said that, too.

Mr. D. SMITH: No, he spoke about percentages. You weren't listening - compared to 64 for the corresponding period last year. So, it's a very peculiar situation, and it's one where we have to be very careful.

Nonetheless, it was good. And the Opposition would like to put on record our commendation. (Applause)

Government MEMBERS: Hear! Hear!

Mr. D. SMITH: To all those who were involved in that good show last year. (Applause) We need to bear in mind, Mr. Speaker, that other than 2013, the numbers were always going down especially since 2010, since 2010. So...

(Sotto voce comments by Members)

Mr. D. SMITH: So, the numbers were always going down...

Dr. PHILLIPS: Since 2010?

Mr. D. SMITH: But for 2013, there was a spike and it is against that spike that the Minister has been making his comparison for the 16 per cent, but it doesn't matter, what is important is that there was a decline and an expectation of the nation that the decline would have continued. (Applause)

Unfortunately, it did not happen, I heard the Minister saying somewhere that it is the early days, just three weeks. It is in fact early days but with the direction has reinforced in

the mind of the populace the fear of crime which is most paramount.

Mr. Speaker, I want to say that the Minister took some time in outlining some new units, or spoilt or whatever, that is being introduced and as of the 1st of February additional units will be introduced. I just sat here, I just sat here...

Mr. BUNTING: If you would yield. There are no new units being introduced. In fact, what we are having is elimination of some units, mergers and downsizing so there will be fewer units; it is a streamlining.

(HON. LISA RENÉ SHANTI HANNA, (PNP), St. Ann, South Eastern, entered and took her seat.)

Mr. D. SMITH: Eliminating, downsizing and establishing a new situation, brand new situation. And you know, when the Minister said it, I just wrote down some that we have heard about in the past, not new, whereas the Echo Unit, Operation Justice, Trident, King Fish, ACID, Organized Crime Unit, MOCA 1, MOCA 2 and I could go on and on these are just what came to mind while you were speaking, Minister. So the point I am making is, if it guarantees efficiency, better policing and better results, then obviously that is a welcome move. But what I am saying to you that we have lived through these situations in the past. A lot of effort was made on the way forward because that is what is now important. But what I was particularly disappointed in, that in speaking to the way forward, there was no mention made about promises, what the

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Government intends to do in relation to crime, national security. We are given many deadlines for the tabling of the DNA Legislation for one, and it is very disappointing that in January 2015, we are talking about the way forward and there was no mention of the DNA Legislation when it will be tabled, when it will be brought to Parliament.

Equally, last year, a big issue was made for the cameras; again it must be disappointing to all of us including the crime fighters that there was no mention about when body cameras would be introduced.

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

Mr. Speaker, there was no mention made of improving and upgrading the availability of adequate amount of motor vehicles in the security force. Minister, you are making notes, perhaps one of the important note you should make is the - just to update the Parliament on how many - what is the establishment of motor vehicles in the police force, and what percentage of that is now operational and on the road. My information is that 30 per cent of what should be on the road is not on the road, and accordingly, the police are not in a position to respond adequately to calls for help whether murder attempt, robbery attempt, domestic situations at home, this is what we want to hear about and this is what persons would be very disappointed, that you have this forum and you had - it was not mentioned at

all. Policemen who are in the field are complaining about vest, police vest, protective vest, ballistic helmets that I would like you to make a note of that and update the Parliament and by extension the country in relation to the way forward.

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

There is another sensitive issue which I perhaps not speak about now, that there is a shortage in the force, and I think you have an idea of exactly what I am talking about if you are on top of the situation as I hope you are.

Mr. Speaker, the Minister did not include in his, the way forward plan, how we are dealing with extortion. A major epidemic in the country at every level, in every parish, in every town and we saw back-end in the last year, the Government by way of the Commissioner responded to the Chinese, the Chinese traders downtown. A visitation was made specifically dealing with the Chinese complaint. Well, it is not only the Chinese wholesalers who are having problems with extortions everywhere, and I - it is a wonderful opportunity for you, Minister, to advise the nation what is the strategy, which of these, what I call new units which you said they are not new, will specifically be dealing with this particular situation as we speak.

So Minister, you know, I have some concerns about the numbers and how they are complied, how they are put together, and if there are any loopholes, and you know why I

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make the comment. I make the comment because the information that I have, but I followed these numbers daily, hourly. On the 7th of January, there was a shooting in Anchovy some days after, on the 11th of January this year, they found the body of an individual in Great River Hanover, up until two days ago that shooting and subsequent death was not recorded, as a murder, and I want you to double check that, because I sit on it as I said.

(DR. THE HON. OMAR LLOYD DAVIES, (PNP), St. Andrew Southern, entered and took his seat.)

There are two unaccounted murders in North St. Catherine, again - I am following that and it has not yet showed up in the police statistics. So, it's making me a lot - I am wondering Minister if there is any likelihood of one or two of these situations falling through the cracks. I don't know, I am asking the question if it is, and I am asking for you to double check what is happening here.

But all in all, Mr. Minister, Mr. Speaker, last year is behind us, it is now 2015 and beyond. So I think that, you know, you coming here and reminding us about last year it is good, but that is finished and done with, we are looking to the future and the start of the future is not looking good.

Thank you, Mr. Speaker.

The SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I listened carefully to the Minister. And Minister I must confess, I am not impressed. You may be

impressing the press, but you are not impressing me.

Your statistical solution to crime is not the way forward, and let me tell you why. Over the last two and a half years under your watch over five hundred people who have designated them to be murderers and criminals have been killed by the police, 500, yet we still have over 1,000 Jamaicans murdered. I am not impressed by your statistical solution; it is not the way forward Minister. Over the last five years, over the last five years...

(Sotto voce comments by Members)

Mr. CHARLES: All the noise you want to continue make in the sty, I will continue to throw stones.

(The Speaker gavels)

(Sotto voce comments by Members)

Mr. CHARLES: All the noise you want to make in the sty, I will continue to throw the stones, so keep quiet.

I repeat, I am not impressed by your statistical percentage solution to crime. For the past four or five years over 1000 of the men and women we designate as murderers and criminals have been killed, yet we still have more than a thousand Jamaicans being murdered. We, according to our population, there is no other country in the world with a population under three million that have the murder rate that we have, none. Our population of under three million makes us the number one murder country in the world.

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

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All other countries that have higher murder are four, five times higher than our population.

(Cross talk)

(The Speaker gavels)

(Cross talk)

Mr. CHARLES: Can I go on, Mr. Speaker? You think you can...

(*Sotto voce* comments by Members)

Mr. CHARLES: You have to listen to me.

Mr. PICKERSGILL: No?

Mr. CHARLES: Or if you have a chance, you can go outside.

(*Sotto voce* comments by Mr. Pickersgill)

Mr. CHARLES: No, I won't.

Mr. Speaker, and I will say, Minister, I will say this. The challenge for bringing down murder is not yours alone, so I am here saying, as Minister, you are responsible for the murders, that is not true, I would not stay that. I will say though that the Government has a responsibility to work out a programme as to the solution to crime, and those solutions to murder.

When all of these men sit down, and on a weekend like two or three weekends ago, they say, boy, I am going to make some duppy, they don't have any work doing they are unemployed. The Government must find a way to solve the problem and the statistics that you are coming here to tell us about 16 per cent down is not impressive, it does not mean anything; you still have one thousand Jamaicans murdered. You still have young girls being murdered, raped, young men being raped in the country. Minister, that percentage solution is not impressive to me. (Applause)

Mr. CHARLES: To come here to say I must clap (claps) because murder gone down 6 per cent is rubbish.

(Cross talk)

(Inaudible comment by Mr. L. Buchanan)

Mr. WARMINGTON: You old fool!

Mr. SHAW: Go back to your seat; go back to your seat.

(Cross talk)

Mr. WARMINGTON:cane piece rata.

Dr. WHEATLEY: Shut yuh mouth!

(Cross talk)

Mr. WARMINGTON: You are nothing but a cane piece rata.

(The Speaker gavels) (Cross talk)

Mr. CHARLES: Mr. Speaker, I have already said in this House that you can't expect...

(Cross talk)

...you can't expect the police that we have working on three shifts to confront the problem that we have. Divide it into three and put some on leave, some on vacation, some absent and we don't have 3,000 police on each shift.

(Cross talk)

Am I correct, Minister? We don't have 3,000 police on each shift. And I am the only man in this House, only Member who'll tell you Minister that whoever removed the District Constables from their districts and turn them into police watch writing up book it is wrong and I know why I say so. I am a country man, born there, work there, live there and I know that the man in the district knows every man. In fact, I told you in this House that the District Constable is such an expert if they

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break a shop he can ask where they break the shop in the roof or on the door. And if they sey roof, they sey I know who. (Laughter)

(Cross talk)

Mr. Speaker, the Member may have to take the responsibility and have to speak on behalf of the Government in the House. I not going to say it's unfortunate because you know when one politician get in trouble they sey politician, when one police get in trouble they sey police. So Minister you have to take it, but I understand that you are carrying the line for the Government and we are not impressed....

The SPEAKER: Mr. Charles.

Mr. CHARLES: ...that the Government has a programme...

The SPEAKER: Mr. Charles.

Mr. CHARLES: ...that is going to...

Mr. BUNTING: When *yuh* getting to the question?

The SPEAKER: When *yuh* getting to the question?

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

Mr. CHARLES: I am about Mr. Minister.

(Laughter) (Cross talk)

Minister, the question is, are you in position to present to this House a programme from the Government, a national programme, designed to solve murder, design to solve

crime, design to put idle, unemployed, unemployable, illiterate who are causing much of this problem to some working position. Are you ready, Minister, with a programme for me to support that is going to make - you don't have to come and announce it. We can see it. Minister, December you were here...

A Government MEMBER: Mr. Speaker.

Mr. CHARLES: ...crying and laughing and praising yourself about how you have solved murder...

Mr. PICKERSGILL: Question.

Mr. CHARLES: ...and in January just a few days after your head is again under the desk.

Mr. SILVERA: What's your question?

Mr. CHARLES: We are in trouble. The question is, Minister, when are you going to be able to present to this House a programme on behalf of your Government designed to look towards solving the problem of murder, rape, other criminal activities and take in mind - taking in mind the kind of rape: three-year old, five-year old girls, babies, boys. Minister, I am not impressed by your percentage solution to crime. Come with something better. Answer that.

(Cross talk/Laughter)

Mr. BUNTING: Mr. Speaker, let me start by attempting to discern the point made by the Member from Clarendon. But I really want to - he repeated a number of times that he was not satisfied with the statistical solution. Now I really want to go very slowly and... (Laughter)

Mr. PICKERSGILL: For his benefit. Very slow.

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Mr. BUNTING: ...for his benefit and to explain that the statistics that I provide are not intended to be a solution but merely to provide information for analysis.

(Cross talk)

Mrs. NEITA-HEADLEY: It's a report, it's a report.

(Cross talk)

Mr. BUNTING: And you know, Mr. Speaker, I thank him for pointing something out. Maybe the - he is not impressed with the 16 per cent reduction in murders, or the 54 per cent reduction in police fatal shootings, but the 300 and odd fewer people murdered last year makes a hell of a lot of difference to their families, their communities and all over.

(Applause)

A Government MEMBER: Hear, hear!

(Cross talk)

Mr. CHARLES: Kill three murderers too.

Mr. BUNTING: That's - no, we did not. No, no, no, we did not, we did not.

(Inaudible comment by Mr. Charles)

Government MEMBERS: Stop yuh noise.

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

Mr. BUNTING: No, no. Those figures are completely inaccurate. The Member raised his usual pet peeve of the District Constables shouldn't have been taken from the

communities. They were removed from the 70s and brought to the stations. But what I have tried to explain to the Member is that the new approach of proximity policing is designed to achieve in many ways the same benefits that we had when the District Constables were in the communities.

(Cross talk)

It's just that today rather than being, you know, deployed in many areas a lot deployed in police posts in densely populated communities. And some of the Members who have benefited, the Member from East Central St. Catherine, for example, will tell you that it's making a difference in their communities.

Mr. Speaker, the Opposition Spokesman asked - he wanted to be updated on a whole range of issues that I think will be adequately addressed in the budget debate and in the sectoral debate.

Mrs. NEITA-HEADLEY: That's right.

Mr. BUNTING: I was making a Statement updating on a few particular areas. He wants a state of the nation type of address and he will have to wait for that, because I am not going to delve into that. Sufficient to say that the DNA Bill, the draft Bill has been submitted to Legislative Committee by the Ministry and we expect that within a few weeks that will be tabled in Parliament.

The issues of the body cameras, I've made a Statement on that already. We're being supported by our international partners who are going through their procurement process to get it. But I would mention in the meantime the urgency for the police accountability has diminished somewhat with the dramatic

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reduction in police fatal shootings. And there are whole series of other questions in terms of allocation of motor vehicles, *et cetera*, which is to be dealt with in February when the budget is tabled, Mr. Speaker, and we will deal with the other matters during the sectoral debate.

Thank you.

The SPEAKER: Rev. Thwaites.

(Inaudible comment by Mr. D. Smith)

Rev. THWAITES: Mr. Speaker, allow me to remind myself and all of our Members what a powerful teaching moment coming to Parliament is for the students who are here. (Applause) And what they learn from us is of great influence to their own sense of worth and deportment.

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

Mr. Speaker, I take this opportunity to introduce two Ministry Papers, which have been tabled this afternoon. Ministry Paper 16 on Parent Places in Schools and Ministry Paper 17 on the Reintroduction of the High School Diploma Equivalency Programme.

Mr. SHAW: They've not tabled.

Rev. THWAITES: Beg pardon?

Mr. SHAW: They've not been tabled.

Rev. THWAITES: I beg your pardon? Statements by Ministers comes before the tabling. I apologize for the order. Copies, I think, are available to the Members notwithstanding the formality.

Mr. Speaker, I must share with this Honourable House a memorable experience I had while visiting the Top Hill Primary School in South East St Elizabeth...

Mr. PARCHMENT: Good place.

Rev. THWAITES: ...one Friday morning last October. It was mid-morning and the President of the Parent Teachers' Association was in the Resource Room, an unpretentious place assisting a special needs child to read using the computer. Now it wasn't her biological child, you know. She was just offering a helping hand in assisting a student who needed considerable attention. The involvement of the PTA President in the teaching and learning process is a model that other parents and PTAs should emulate.

Mr. Speaker, she could have been out doing her own business, earning money, but she choose to give of her time, her talent and no doubt her treasure forgone in order that this child could have a better chance to become a reader. The Resource Room at Top Hill Primary like many other schools doubles up as a Parent Place. These facilities are established communities and schools as focal points for information on various aspects of parenting and support services. They also serve as a counselling and training centre, providing parents with skills for their economic development, as well as empowering parents to support their children in the acquisition and development of early literacy skills.

Mr. Speaker, without fear of contradiction the most important role that any adult can play, especially in Jamaica is to be a good

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parent. (Applause) At the beginning of 2014, the Ministry of Education committed itself along with its partner, the United States Agency for International Development, for funding and establishment 120 Parenting Places in primary schools, particularly those with significant challenges, those schools. And so far I am pleased to report this afternoon as contained in the Ministry Paper 112 of the 120 have been established and the names and locations of them are printed as annex to the Minister Paper. 112 out of 120 targeted.

Mr. Speaker, the National Parenting Support Commission, the child of the Parenting Legislation, which was originated by the other side during their time, drafted and brought into legislative fruition during this administration as an agency of the Ministry of Education is in the process of delivering parenting programmes at most of the places already established. The Commission's choices are guided by the National Education Inspectorate Report of 2013 which identified some schools as in need of immediate support, establishing a parent centre, supporting the parents of students in schools that show up the greatest challenges is one very important way of improving the educational outcomes. And so the Ministry of Education by this medium invites all persons and organizations of goodwill to support the programmes offered by the National Parenting Support Commission. And I make an appeal this evening, especially to colleague Members of Parliament that by our own modelling, Mr. Speaker, by our own modelling and the

promotion of effective parenting and strong families to improve the social fabric of our nation.

Mr. Speaker, I turn now to the other Ministry Paper No. 17 of 15 which indicates the embedding of the High School Diploma Equivalency Programme. Members are being asked to note that the implementation of the High School Diploma Equivalency Programme has begun under the direction of the Jamaica Foundation for Lifelong Learning. The HSDEP for short, an unwieldy acronym but one nevertheless, will become the core business of the Jamaica Foundation For Lifelong Learning as the organization pursues its mandate. The programme has a current enrollment of 3,824 students and the recruitment activities are underway to increase this number to 7,500 in 2015/2016 and to increase that number by 30% in each succeeding year. Every Jamaican, Mr. Speaker, every Jamaican in need of upgrading his or her own educational level should be encouraged to avail themselves of the opportunities of this literacy renaissance.

Mr. Speaker, we invite students who don't know the letters of the alphabet or cannot read the road signs or their own name to come just as they are. They will be placed in a programme that brings them to a level of literacy over a 40-week period. We invite those who are literate but who never went beyond the primary school or junior high school to come and for them too, there is a programme to upgrade their skills. And we invite those who are able to move progressively towards taking external

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examinations such as others do in the regular school system, to avail themselves of the second chance that this Programme offers.

(Applause)

Mr. Speaker, the principle behind this is that there is no greater benefit that any State can offer to its citizens than the opportunity of a good education and that is what is being offered here. And once again, Mr. Speaker, I wish to record that while this programme is taking new legs and scope, it is not the invention of this Administration but rather is the outgrown and the improvement of plans that were already underway under the previous Administration. People must stop playing partisan politics with education; it is too important. (Applause) The present enrollment levels represent the numbers that can be accommodated in the Jamaica Foundation for Lifelong Learning's existing 28 centers. The Ministry Paper contains an appendix for the distribution of those centers and every Member of Parliament should pay attention to this to see how our constituents can be served by them, or how the Foundation can in fact be requested to extend the facilities where they are needed.

A partnership with the Jamaica Library Services extensive network in the sharing of facilities and technology is near in completion. The House will remember that some weeks ago I announced the grant of US\$2 Million which would allow the Jamaica Library Service to considerably add to their technological capability. It is not just for those who habitually used the library service; those facilities are to allow hopefully thousands of

other Jamaicans who for whatever reasons did not complete their high school education to avail themselves of this opportunity through virtual as well as traditional means. This along with the use of schools, church halls and community centers will allow for the doubling of opportunities this year and increases thereafter.

Mr. Speaker, I had the privilege in 1974 of being one of the members of the first Board of the National Literacy Programme - the dream and heritage of the great Michael Manley - that which inspired so many thousands of Jamaicans to improve themselves, to step up in life by virtue of literacy. Years have passed and that programme has lost its luster, but the cause which impelled it then and the (verb) that enters the hearts of all Jamaicans that education is the only legitimate means of upward mobility in school and out of school must be recaptured, and this is the effort to do so. It is expected that by 2018 20% of the programme will be delivered by churches and faith-based organizations, 40% to be delivered by schools islandwide, 40% to be delivered by adult education centers and the remainder made up of civic, social and other corporate partnerships to deliver the High School Diploma Equivalency Programme.

You know, Mr. Speaker, while I mentioned in passing the originating idea of the later Prime Minister Michael Manley, who could forget the important role played by Dr. Mavis Gilmore who was at one time a Parliamentary Secretary when that movement was initiated, people like the late Lascelles Beckford, Marjorie Kirby and D.R.B. Grant.

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These are the fallen saints, the apostles of a movement that we are seeking now to recover in greater glory.

Currently, there are 129 adult facilitators deployed across the Jamaica Foundation for Lifelong Learning network; 65% are qualified. However, a very limited number has trained in specialization areas needed to provide relevant and appropriate instructions and, as such, there is going to be a collaboration with teacher-training institutions and the Ministry of Education to embark on teacher recruitment, and to upgrade initiatives to engage teachers with the requisite knowledge and skills in literacy development, reading and adult education.

Parenthetically a number of teachers in Jamaica, people who have been trained as teachers, have difficulty in finding employment within the formal education system. The movement towards adult education offers an opportunity for them hitherto unavailable. The teacher recruitment and upgraded drive will commence in March this year and will seek to deploy an additional 300 teachers over a period. The High School Equivalency provides a second chance and an alternative part way to a general education programme for adult learners age 17 and older. The programme is in a direct response to the growing demand for education and skills training for the adult population and it is expected to improve the outcomes of the adult learner by forming the foundation for the acquisition of skills needed to make them marketable both locally and internationally.

And Mr. Speaker, it is envisaged that the programme, while diverse according to particular need, will have five core components. Those five core components are Language - the English Language, Mathematics, Information Technology, Science, and very importantly Social Studies with an emphasis on our history and our heritage.

Mrs. NEITA-HEADLEY: Yes.

(Applause)

Rev. THWAITES: And one of the benefits of acquiring the alternate high school diploma is that this credential has international recognition. It has taken some time to get to this stage, Mr. Speaker, because the Jamaica Foundation for Lifelong Learning has been ensuring that their certification, our Jamaican diploma will be accepted by the City Adult Learning Center in Ontario, Canada, one of the most important certifying agencies in that country as well as the Office of Adult and Continuing Education, which is the largest provider of adult educational certification in the United States of America. (Applause)

The programme has a duration in each of its iterations of 40 weeks and is comprised of 11 modules offered over three distinct levels: basic, intermediate and proficiency levels. And it is aligned to the Caribbean Secondary Education Certificate so as to give local and international currency to the high school equivalency programme. And this is based on the fact that the CSEC now has international recognition. We believe that the strategic alliance with CSEC has already elevated the

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status of the programme by giving it international recognition in Toronto, Canada and in New York, USA. A customized version of the high school diploma curriculum will be offered to learners in the Career Advanced Programme general stream, Mr. Speaker. And I would like to also take pleasure in announcing that a virtual edition of the programme, virtual and interactive is expected to be available by September of this year. We are using technology to forward adult education.

To conclude, this is to call for the support of Members of Parliament, of persons of goodwill in the society to request for classes in their communities and in their constituencies to offer their voluntary, (Applause) to offer voluntary services and to encourage us to engage the second leg of a pilgrimage of adult education of literacy in a broader sense. The kind of programme envisaged by the late Dr. Joyce Robinson and so many of the others I have named. I trust for the support and critical engagement of this House.

I thank you.

(Applause)

The SPEAKER: Mr. Holness.

Mr. HOLNESS: I want to thank the Member for these two Ministry Papers which are very timely updates as to the efforts of the Minister of Education, particularly in the areas of parenting and literacy.

Mr. Speaker, as it relates to parenting, the considered strategy of the previous Government was to strengthen parental participation in education. The Ministry of

Education is well established and spreads over many areas of social development. But the areas in which arguably it was the weakest was in supporting parenting. Indeed, we realize that there was an institutional weakness in getting parents support in schools. Some schools do have a very strong tradition with their PTAs and those schools that have such support generally, Mr. Speaker, tend to do well. But the majority of schools did not have the full support of parenting.

In fact, Mr. Speaker, what we found was that in some schools what is being taught was not being reinforced at home. In fact, when the teacher would exercise considerable efforts in getting the mind of the child where they would accept certain important social values, by the time that child left the school gate and reach home it was all erased. And so the idea behind developing a formal institution of the Ministry of Education, what is now the National Parenting Support Commission, was to ensure that what was being taught in schools was being reinforced in the homes. That was the idea, Mr. Speaker, of the parallel reinforcement for the education system. In other words, the strategy was to bring the parent formally into the system of education to reinforce the work that was being done in the school.

Mr. Speaker, I am happy to see that the present Administration has carried out that strategy and is now establishing a parenting placing in 120 institutions and more to come. What this will do, Mr. Speaker, is to ensure that the parents have access to information about parenting that if there – if parents,

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which they oftentimes do fall into crisis, there is an area for counselling and support and for assistance. So Mr. Speaker we on this side endorse this work and we would want to place on record our thanks to the USAID support, without them it would be, of course, very difficult, given the austere economic times to execute such a programme.

So Mr. Speaker, we on this side endorse what is being done in terms of the building out of the formal institution of parenting support through the National Parenting Support Commission and the establishment of parenting place in schools.

(Applause)

Mr. Speaker, we do have some concerns however, as it relates to the development of the High School Diploma Equivalency Programme. Again, as the Minister pointed out, this had its genesis in the previous administration and even before that. So it is a programme that we support, it will create a new avenue for certification for persons who did not get certified whilst they were in school or who did not get a chance to be in school.

But Mr. Speaker, contained in the Ministry Paper are some statistics that we should pay attention to - the nation should pay attention to these statistics. The Ministry Paper points out that 12,000 students leave school at Grade 11 or age 16 with no form of certification. In fact, Mr. Speaker, those 12,000 - well if I'm reading the Ministry Paper correctly, Minister, you could tell me, it is that 12,000 students out of the population of 55,313 at that age cohort are not in school. Would that be correct, Minister?

Rev. THWAITES: The first interpretation.

Mr. HOLNESS: The first interpretation. So 12,000 leave school without any form of certification, but of the 55,313, you're saying that 42,000 are in school?

Rev. THWAITES: Mr. Speaker, just to clarify.

The attendance - the enrollment in school is 55,000, but of that number a number dropout and the remainder making up the 12,000 do not leave with any certification.

Mr. HOLNESS: Thank you, Minister.

My interpretation from the statistics provided is that at age 16 when they should be in Grade 11 there are 55,313 students in that age cohort; only 42,200 are actually registered in school. And of that 42,000, 12,000 leave the school system without any certification. So if you take an age cohort of 55,000 you only have 42,000 in school, so there are 13,000 who are not in school at that age cohort, in addition to 12,000 who are in school but leave with no form of certification.

And I think, Mr. Speaker that if you put those together you're looking at probably 50% of the age cohort leaving the school system with no form of certification; now that, Mr. Speaker, is something that we have to be concerned about.

I recalled during my time at the wicket, Minister, we managed to reduce the numbers. I don't have the statistics at the tip of my fingers right now, but I think Minister that you probably should look at that carefully to see what is happening, if we're making improvements or there is regression.

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We should, Mr. Speaker, pay close attention to this because it will have significant impact on crime and social deviance once we have this high level of non-achievement and un-attachment in our youth cohort.

So, Mr. Speaker, I urge the Minister to come back to Parliament with some information on this.

Rev. THWAITES: Mr. Speaker, thank you for the Member's contribution and for...

Mr. HOLNESS: I have another one again, so...

Rev. THWAITES: Okay.

As far as the encouragement regarding parenting is concerned, I'd only want to add and invite the Members of this House and those who listen to us, to be mindful of some of the disabilities with which we operate and many of which we impose upon ourselves. I was sharing with a colleague here, table number 7.2 on page 203 of the - I think it's the latest Jamaica Survey of Living Conditions, and the title of it is the Distribution of Male Parenting Role by Age Cohort, and it covers 2008, 2010 and 2012. And the frightening aspect of it, colleagues, is that 37% of all of our children have no father figure, no father figure.

A MEMBER: Only 37%?

(Inaudible comments)

Mr. VAZ: It's 25%.

Rev. THWAITES: Well, I'm using the statistics.

Mr. Speaker, we can no longer refrain from talking about these things, they're very sensitive; they speak to a variety of very

intimate aspects of our lives. I think what the Members may be adverting to is that there are other categories that advert to other types of relationship - grandfather, stepfather, mothers, boyfriend and so on.

Mr. Speaker, allow me to say that the lack of paternal modelling, the lack of mentoring by your father, so many of us have managed to do well in life without the strength of a father figure, but that is not to say that it can be considered normative. If Jamaica is going to develop, if our education system and character developments, social advancement is to take place, our fathers have to play a more prominent role. Thank God for those who are doing it now, things are getting better. (Applause) Thank God for the heroism of the single mothers. (Applause) But these figures, dated or current, are of extreme worry and emphasize the need appreciated by both sides of this House to provide opportunities for parenting to improve their skills and to engage in active involvement with their children.

As far as the comments made by the Minister so far on the High School Diploma Equivalency Programme, a number of measures are being taken in order to alleviate the fallout of acceptable outcomes at the Grade 11 cohort. The Member will remember from his tenure that there was a distinct - there is a distinct and progressive effort to de-emphasize the all age and junior high schools. Because many of that Grade 11 cohorts, the deficit from it is those who didn't advance beyond the all age or the junior high school who left at 15. And the effort being made now, and successfully so, is that all of our

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children after Grade 6 should have a place in a five-year high school. And that is by dint of the considerable sacrifice and very, very important allocations from the budget that - to the Ministry of Education and the reallocation of sums within it, which allow us to do this.

As far as the certification at Grade 11, Mr. Speaker, the current policy is that we are mandating that in order to graduate by 2016, 2017, you must have taken an exit examination in English, in Mathematics and at least in one marketable skill. This notion that you can go through 12 years of education at public expense and private sacrifice and effort and simply put on a cap and a gown and leave with some certificate of attendance is no longer tenable if we want to move Jamaica forward. (Applause) And therefore we have to make sure that we avoid the dropouts that take place because of systemic reasons and personal problems.

I want to pay tribute to the efforts of the PATH Programme that allows us to help many of those students who cannot otherwise finance themselves. But we need to look carefully to ensure that we're not adding to the problems which the Minister of National Security spoke of earlier. He has given me the statistic which the nation should know, that just staying in school, even if you don't qualify for anything, just staying in school reduces the possibility, the likelihood of a young person entering a gang by 40%.

And therefore, now Social Workers, Guidance Counsellors, Deans of Discipline, and we are projecting that we must include members of the police force, not to go with

baton and gun, but to go as support for school personnel, parenting personnel. Whenever a child drops out of school it is vitally important that we find out why and bring that child back.

(Applause)

We will never solve the problem of adult education if the school system continues to hemorrhage in the way that these statistics indicate it is at present. This is of foremost national concern, and I'm pleased for the opportunity to encourage the nation to recognize that the transformation of our education system, the prevention of the mediocre outcomes that it provides despite all of its other successes, is of significant importance to every Jamaican.

Mr. HOLNESS: Mr. Speaker, the other concern I had regarding the Minister's presentation on the two very important subjects, was on his tangential presentation regarding literacy. Clearly, a High School Diplomacy Equivalent Programme is a way of trying to address adult literacy within the population.

Mr. Speaker, the last statistic of any qualification that he could use as a judgement as to the literacy of the Jamaican population, would be a statistic produced by one of the UN agencies suggesting that 67% of Jamaicans were literate. There are other statistics which suggest in the high 70s. Mr. Speaker, we need to do a new national survey on adult literacy in Jamaica.

We had started work with - I believe it was the UNDP or one of those UN agencies to do such a survey, a national literacy survey, and I want to find out from the Minister

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whether or not work continues on that or that the work has been completed and if so, when would those statistics be made available. Mr. Speaker, the Minister also quoted from a very important survey, the Survey of Living Conditions, a very important survey because it gives us benchmarks for our human development progress. The Minister quoted, for example, on parenting, but the Survey on Living Conditions also gives us good information on Poverty. And Mr. Speaker that survey has not been tabled in the House which traditionally it has been made available to us. And that would be very useful for Parliamentarians to see...

Mr. SHAW: That's right.

Mr. HOLNESS: ...the progress, the human development progress of the society in the last two to three years.

Mr. SHAW: Why are they hiding it?

Mr. HOLNESS: So Mr. Speaker, I want to encourage the Minister of Education along with his colleagues to have this placed on the table so we can have access to that information.

Dr. PHILLIPS: It was laid here.

Mr. HOLNESS: It was?

Dr. PHILLIPS: It was laid here.

Mr. SHAW: When?

Dr. PHILLIPS: It was laid here, the 2012 Report which came out last year September.

Mr. HOLNESS: Is it the 2012 Report the Minister was...

Dr. PHILLIPS: It's the 2012, he was...

Mr. HOLNESS: ...citing?

Dr. PHILLIPS: It's the 2012; it was laid in the House.

Mr. D. SMITH: What year you're talking about?

Rev. THWAITES: Mr. Speaker, I was quoting from the 2012 Survey. And I'd like to just say I hope we don't have a major difference of opinion or any at all, on the question of the literacy survey. But yes Mr. Speaker, we took a decision that it was better to spend the money curbing the problem of literacy rather than surveying what we knew many aspects of already. And therefore, there is no ongoing survey of literacy being done by the Ministry of Education. We feel that all our resources and effort need to be put in setting up centres, hiring teachers, enabling volunteers and marketing to students - potential students, what needs to be done. It's not to discount the usefulness of a survey, but to establish a priority which is different.

Mr. HOLNESS: Mr. Speaker, I would never want to say it is not important to spend public resources on curbing the problem, but I think, Mr. Speaker, you need to know what the problem and the magnitude and extent of the problem is first. So, whilst I will say Minister, you know, it's your judgement to do that, but I would still encourage you, there are funds, international funds available that I think you should pursue to have the problem actually studied because the nature of the problem may be changing and what we actually require for national development, certainly, the kinds of literacies that we normally depend on are not the literacies that are needed for future development, and we need to know where we are in those literacies. For example, the ability to interface with

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computers, technological literacies, that's very important. Where is Jamaica in that scale? So I would encourage you Minister, to get a definition of the problem, see the magnitude and extent so that policies can be properly geared towards actually improving the situation.

The SPEAKER: Dr. Baugh.

Dr. BAUGH: Thank you, Mr. Speaker.

Mr. Speaker, I commend the continuing effort which is a bipartisan effort to make education a priority and to invest as much as we reasonably can to make sure we bring about changes in the education system that can benefit our young people, and these two Ministry Papers are commendable, but there is a certain concern I have and I would like to ask a question about it but I must, of course, define exactly what I am speaking about before.

The fact is that I as a rural MP, have communities that has all the school places that we need, and yet children pass through these schools with good teachers and end up coming out on the other end, as you are describing, some 15,000 I believe, that are not able to be certified in any way and end up at a dead-end in terms of their education and in terms of their future. Those are the ranks from which criminals are recruited. Those are the ones who end up drifting from rural Jamaica into inner cities and have no choice but to get involved in drugs and to get involved in criminality.

I have looked at it myself. I have met with the principals, the board chairmen and the church as well, and the teachers in particular point out the fact that although they are there

and although they can identify those children from a very early stage, it's very difficult to do anything about it because of the fundamental nature of the cause. It's not the absence of school places, not the absence of teachers but is a serious problem to do with the indolence of poverty, intractable poverty that render these parents incapable of providing the support and the needs that are necessary to keep their children in school.

The absence on Fridays in particular, when young children are kept at home to work, and even now, Mr. Speaker, I am confronted with a lot of children who can't go to school because of the economy, the very poor economy of the home, and this is a fundamental issue and I believe the point that was being made by the Member from North Central Clarendon in relation to crime, whereby if we do not deal with those fundamental issues then all the measures we put in place, to recover it, to repair it, are being wasted. The fundamental causes of crime has to be addressed at the community level, at the education of our children, and what we have to address is, why children are going to schools and not learning? Coming out almost illiterate and not being able to be certified for anything or to go further in life. It is an economic problem.

In my own constituency I see the need to bring together the school, the parent, teachers, the church and community leaders to identify those children from the homes that are most at risk. The statistic I learnt from the Living Standard Survey earlier on, a couple years ago, was that 45 per cent of the homes are

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headed by women who are single parents and those homes are the homes with the largest families, and those homes have the lowest incomes. Those parents, those single parents who are female, are the ones who have to be the care-giver, the earner, the person who plants the ground, the person who reaps and goes to market, and seven children are brought up, and you bet, Mr. Speaker, that every one of those children may have a different surname because they have different fathers. That is the cultural structure that we have to deal with. It has an economic base.

And I want to remind the Minister that in my own constituency there was a valiant effort to put in a reading centre, to put in all the computer equipment to facilitate learning of children and even to help those who had missed learning in schools, had dropped-out, to give them a second chance that facility eventually closed. It was held by USAID to build and equip. People were trained, but the economy of the community of Point Hill could not support it, and even though it was necessary it eventually closed.

So my question to the Minister is, to what extent he sees the need for intersectoral collaboration for Members of Parliament and their CDF to support these programmes? These programmes have to be coordinated. So the agricultural programme, the putting of water in a community, the building of roads to a community will be a comprehensive and holistic one. We can't do it in a piecemeal way. We can't expect to solve the problems of education at that level without solving the problems of the economy, and those

infrastructural problems that make it a poor economy intractable. That's the problem in Jamaica.

The family - and I always feel, Mr. Speaker, I always say, that the family, the basic structure of society in Jamaica to a large extent has been dismantled. That is the culture, that is the legacy that we have inherited, as an independent nation, and we can't change it. Lady Huggins in years gone by, who was the wife of a Governor, had mass weddings to try to resolve that issue. It failed. It's an ingrained culture, and to have different fathers in a home. As a matter of fact, under the current economic circumstances it's impossible to resolve it.

I have met young men who are dedicated to their children, dedicated to their families and yet the children and the mother has to separate from him because he is not earning anything, and does not have a reliable income. So I would think that if we really want to solve the problem we have to look at the fundamental issues, like crime, and violence, as to why children are going to school, and we have too many school places in my constituency. One school is closing Mr. Minister, the school in Kentish, because there are no children, and we are having such situations in other schools. Some schools only have girls, some schools only have boys because the population is shifting, which is also made worse by the migration into urban centres, but we have to address those fundamental issues to understand why with all that we are doing and providing, the problem still exists.

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I remember when that adult literacy programme was in vogue, and many people questioned the advisability of spending the money to teach adults to read while we still have children going to school who are ending up not being able to read. Where would be the best investment? Because if at that time when it was questioned we actually made sufficient investment in making certain that children learn to read, then Mr. Minister, we wouldn't have this problem today, but here it is today that an important part of our cohort is ending up being illiterate, semiliterate or failure to be certified although they have been through school. And therefore, Mr. Speaker, my question to the Minister, to what extent does he see the necessity to make sure that there is intersectoral collaboration between the different infrastructural needs of a community and the Members of Parliament and their CDF, to make sure that this programme is supported to make it effective?

Thank you very much.

Dr. PHILLIPS: Mr. Speaker, if I might with the indulgence of the Minister of Education just make a comment on the issues, some of the issues raised by my colleague Opposite, Member from West Central St. Catherine.

It is, I think, to the credit of the House that this very important issue of not just education but poverty and the effect of it, on educational outcomes is being raised, and I dare say, Mr. Speaker, at some point I had commend to the House Leader, I think it warrants serious debate and perhaps examination by the Human Resource Development Committee of

the House, but I rise because of the particular issue touched on by the Member which might be framed in terms of the intergenerational transmission of poverty. It's a problem that has been with us for a long time, and indeed -

Mr. D. SMITH: Remember it's not Minister's Statement.

Dr. PHILLIPS: I am responding to a question.

(Inaudible comment by Opposition Member)

Dr. PHILLIPS: I know, but I sought the Leader of the House and the indulgence of the Minister. I know you are a reasonable man. Thank you.

It formed the subject of discussion in relation of the Cabinet Retreat considering the Survey of Living Conditions of 2012 and indeed the status of the preparation of the 2013 and 2014 Reports, which to answer question raised earlier, we are committed to ensuring that the schedule of annual presentations of the Survey of Living Conditions be sustained. It was missed because of the delay in the preparation of 2012, because of it coinciding, in fact, with the census preparation and the computation of the 2010 census data.

But the response was particularly to establish of the Cabinet, to establish a secretariat in the Planning Institute and an inter-ministerial committee precisely to address the inter-ministerial, inter-sectoral issues that arise. There are many of them, some rest in Health. The question, for example, of teenage pregnancy we know is a tremendous contributor to the inter-

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generational transmission of poverty. Usually it constrains the life of the mother, the young mother, teenaged mother to hardship, and it's often a person, a mother unprepared for the responsibilities of motherhood, and so that is one element of the problem as well as the general question of the attitudes and the reinforcing attitudes in the home, that the Parenting Commission and other policy responses were aiming at.

There is the nutritional problem which is a particular element of it all, and the intention of that particular inter-ministerial group, and I dare say it would be something that I believe may be worthwhile seeing how we can engage other stakeholders in its operations, is to try to combine all the resources to tackle this problem which has proven to be quite enduring across the 50 years of our Independence, and which needs to be tackled.

Thank you.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I feel moved to ask the Minister of Education. We know what the statistics are, alarming as they are, of the level of literacy in the country, and I wonder if the Minister would give us an indication whether there is any serious discussion by the Government to attack the problem at the beginning, at the beginning?

The government of Trinidad and Tobago over the past five years, spanning two different political administration, six years, have taken over the early childhood education system. They haven't touched the Mona Preps and the Belair Preps and so on, there are private ones that continue on their merry

course, but they have taken over the mainstream early childhood education system because they have found that the dysfunction begins there. That the average poor person and family sends their children from three to six years old to a glorified daycare centre that does not offer them training in literacy, and I'm simply putting it on the table that it is a matter of urgency. Urgency. That this matter be attacked with the consensus of Government and Opposition that we must rescue our children now and not put it off anymore.

Rev. THWAITES: Mr. Speaker, I thank all Members for their contribution, and in a sense, the questions by the Member from West Central and from North East come together. There obviously is need for inter-ministerial collaboration – inter-sectoral collaboration, and it has to go even beyond the pale of Government: the churches, the service clubs, people of the goodwill, all have to cohere in order to transform the education system, rather than leave it in the state of stasis that it is, where we just keep it going with some good results but generally insufficient ones. I concede that there is a systemic weakness. The political economy of this country does not, at this point, support education in the way that it needs to. That is a fact. But what we must never do is to fail in the effort to do the best we can within the constraints that we have. And that is what we all are trying to do, irrespective of who sits on whichever side of the House. And the issue of dealing with it, tackling it at the beginning, which the Member raises, is obviously fundamental.

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Can I give you some statistics? Even at the end of the early childhood cohort, age six, we are finding that our boys, for example, are running 20 per cent behind the girls in number recognition and in word recognition. And unless we correct that, we find that this cascades up the system into outcomes of failure, of social distress which then becomes the purview of the Ministry of National Security, the instability of the society, the inadequacy of trained people to sustain the development, local and foreign, that we speak of, curtail the GDP in numbers, and even before then, engage us in an orgy of remediation- effort at remediation – which cost billions of dollars. The estimates of a previous Minister of Education are that we spend \$20 Billion a year on remediation. Can you imagine what that would mean if we could spend it on enrichment? I wish to say to the Member that we are at one in this respect.

Some 600 basic schools will have been rationalized and merged into about 220 infant schools by the end of this year. (Applause) We have done a survey, Mr. Speaker, which looks at the 2,600 early childhood institutions, and which separates those which are supported by communities, churches, business philanthropic groups and which can stand alone. We are offering them a kind of early childhood grant-in-aid, Member, where we say maybe you have a set of trained teachers - can I tell you, only little over 30 per cent of all the teachers in early childhood institutions in Jamaica, only that are trained at all, you know.

We have to be training hundreds a year. We wish we had the flexibility within the

educational regulations. I plead for your support and that of the teaching profession. We have surplus teachers, perhaps as many as 2,600 of them in the system, beyond the ratios, for primary and secondary schools, and yet we have this hopeless deficit of trained teachers in the early childhood system.

We don't want people to lose their jobs, nor do we want for them to be employed at public expense when they are not really needed in the particular place that they are tenured. Every one of the schools - forgive me pointing - that the Member from West Central St. Catherine speaks of in his constituency that are underserved, has a full complement of teachers.

We have 220 primary schools with less than 100 students. We had to close 11 last year because there were more teachers than students, and if they were doing well it would be one thing, but unfortunately, the outcomes in those schools are even less impressive than in some of the other institutions.

(Sotto voce comment by Dr. Baugh)

Rev. THWAITES: It has to do with - pedagogy, it has to do with socio economic circumstances. The Member from East Central mentioned the importance of nutrition in schools. That has a lot to do with the success of the early childhood institutions. One of the features of the Infant School Movement which is our deliberate effort, Member Shaw, to do what the Trinidadians seem to have done at one fell swoop, or over a quicker period is to ensure that that 30 per cent of the early childhood cohort who we know come to school hungry every day, and the other 20 per

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cent who come to school hungry intermittently, depending on the ebb and flow of family income, get a breakfast and a lunch. What we find is that attendance in schools is directly related more now than ever before, on whether you offer food.

Dr. BAUGH: That is right.

Rev. THWAITES: There is nothing wrong with that; it is perfectly normal. Can we unite using the same limited resources that we have, curtailing some of the expenditures that may be used to go in a direction of some perquisite or some other programme, and concentrate on the basics that we must get our early childhood cohort performing right, and that demands trained teaching, it demands adequate nutrition; it demands parental support, and demands a common curriculum and support for that curriculum. Those are the ingredients.

Mr. SHAW: Re-train the 2,600 teachers.

Rev. THWAITES: Mr. Speaker, the Member is perfectly right, but remember, when they have vested in their schools, no one can move them under the present Regulations unless they agree to go. This is why legislative change is inevitable and support of this Parliament, not through any bad mindedness, not to decrease any teachers comfort level, but this is the simple problem.

Mr. Speaker, indulge me for a minute; I know the sitting is getting long. There is a school in Jamaica that I visited recently to exemplify - their situation exemplifies the problem. This is a high school in the eastern end of the island - the Member is not here any

longer - and the Head of the Mathematics Department rose in the meeting with me, and he said: "Look, I have - I think it is 1,400 students in my school. I have seven math teachers qualified..." By the way, of 1,706 mathematics teachers in high schools, 740 of them are qualified at the top of their scale in guidance counseling, religious knowledge, sports education, history and social studies, but not in Mathematics. And we can't move any of them.

We can encourage them at public expense, to re-train, but there is no constraint or necessary accountability under the present Legislation. So, this gentleman got up and said with my seven teachers, I can't possibly give the emphasis to mathematics that I understand students are going to need, send me more math teachers. Before he had sat down, the home economics teacher got up and said, "You know, really, I am in a wicked situation because I am expected to supervise 100 students for their CSEC practical, because my colleague has gone off on maternity leave." Send me a home economics teacher, sounds very, very reasonable. But when we look at the establishment of that school they had 17 surplus teachers beyond establishment. And we are below the United Nations levels of teacher/student ratio. But, the problem is they are in the wrong places. And none of those 17, for example, were adept in mathematics or in home economics. And therefore, we have got to change the situation. We need early childhood trained teachers; we need mathematics and science teachers now.

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Dr. BAUGH: Rationalize.

Rev. THWAITES: Mr. Speaker, last year, of the nearly 40,000 students who left the Grade 11, only 5,000 took even one science subject, you know - whichever Government tries to bring investment into this country - We talk with anticipation and optimism about a logistics hub; the skills that are required are basically scientific skills and technical skills based on scientific understanding. How are we going to do this if we don't make the changes now?

Mr. SAMUDA: Mr. Speaker, I take it we are still on Statements by Ministers?

(Sotto voce comment by the Speaker)

Mr. SAMUDA: Is that what we are on?

The SPEAKER: Yes Mr. Samuda.

Mr. SAMUDA: I am a little bit amazed that neither yourself nor the Leader of Government Business had made reference to the timeframe, and the extent of the discussion. It seems to me, we are in a full fledged debate. So, I therefore ask that if we are to complete this Agenda today, that the Chair pays particular attention to certain basic Parliamentary rules.

Mrs. NEITA-HEADLEY: Yes.

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, I understand the spirit behind the rather arid formalism of the request, and I yield.

ANNOUNCEMENTS

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

- **Ministry Papers Nos. 9, 10 and 11**

Cabinet Agenda Issues for 24 November, 2014; 02 December, 2014, and 15 December, 2014

- **Ministry Paper No. 12**

Cabinet Agenda Issues dated 05 January, 2015

- **Ministry Papers No. 13 and 14**

Annual Reports and Audited Financial Statements of the South East Regional Health Authority, (SERHA) for the financial years 2009/2010 and 2010/2011.

- **Ministry Paper No. 15**

Annual Report and Audited Financial Statements of the National Family Planning Board for the financial year 2013/14

- **Ministry Paper No. 16**

Parent Places in Schools

- **Ministry Paper No. 17**

The High School Diploma Equivalency Programme (HSDEP)

- **Port Authority Management Services Limited (PAMS)**

Annual Report and Audited Financial Statements for the financial year 2013/2014

- **The Jamaica Cultural Development Commission, (JCDC)**

Annual Report and Audited Financial Statements for the financial year 2010/2011

- The Provisional Collection of Tax (Income Tax) (Confirmation) Resolution, 2015 under The Provisional Collection of Tax Act

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- The Provisional Collection of Tax (Income Tax) (No. 3) Order, 2014, under The Provisional Collection of Tax Act
- The Income Tax (Concessionary Loans) (Prescribed Rate of Interest) Order, 2014 under The Income Tax Act
- **Certified Appropriation Accounts**
 Department of Correctional Services 2013/2014, Ministry of Foreign Affairs and Foreign Trade, 2013/2014 and Ministry of Education 2011/2012

Mr. SAMUDA: Mr. Speaker, this is not a usual contribution on the subject of Announcement, but I do note that we are treated to Reports from the deliberations in Cabinet or the highlights - what is it called? I think they are called Highlights - Cabinet Agenda Issues, and I do take note of the fact that we are today... at what date...

The SPEAKER: You seem lost today man.

Mr. SAMUDA: ...twenty-seventh of the month, and we are being treated to Reports dating back to 24 November, of very little use to the House, because I would perhaps, suggest that most of our Members don't bother to read it because they regard it as just form - just form - very little matter - more form.

Mr. SHAW: You lucky you get it.

Mr. SAMUDA: However, I am attracted to two of the Papers submitted for our entreatment today.

(Sotto voce comment by Mr. Fagan)

Mr. SAMUDA: I make reference to the one dated 24 November, and I make reference

to page 4 where it says: A report on the cement trade 2013/2014...

The SPEAKER: Mr. Samuda, you seem to be - you seem not to have all of the Cabinet Agenda issues there because the latest one I have is of January 5.

Mr. SAMUDA: No, you do, but I am referring to the one that was tabled as per the Announcement.

(Sotto voce comments)

The SPEAKER: No, that's not the one that was tabled.

Mr. SAMUDA: It's an interesting point you raise, Mr. Speaker. Are you suggesting that because we are not privy to the Report submitted to the House, that, through no fault of ours if it is submitted late, we have no right to comment on it? Is that what is being proposed?

The SPEAKER: No.

Dr. PHILLIPS: No. The implications that it was only laid in the House...

Mr. SAMUDA: No, I am not making reference to whether the House sat or whatever it is, I am making reference to a Report. I am making reference...

The SPEAKER: No, Mr. Samuda, the point you were trying to make was that you were two months behind.

Mr. SAMUDA: No.

The SPEAKER: You were very clear in that.

Mr. SAMUDA: No, no, no, no! You must always wait for the completion of the statement.

The SPEAKER: No, I listened to you very carefully, man.

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Mr. SAMUDA: That is just reference to the date.

Mr. Speaker, let's not get...

The SPEAKER: But this is not for comment. It is not for comment, Mr. Samuda.

(Sotto voce comments)

Mr. SAMUDA: Hold on! Mr. Speaker, I wish to be guided...

Dr. PHILLIPS: When the Speaker talks you must sit down!

Mr. SAMUDA: ...and I know that you are possessed of great procedural experience.

The SPEAKER: Anyway, get to the point.

(Laughter)

Mr. SAMUDA: I wish to be guided. Can I make reference to the documents tabled in the House?

Mr. PAULWELL: Mr. Speaker...

Mr. SHAW: He never asked you, he asked the Speaker.

Mr. PAULWELL: Yes, I am the House Leader.

The SPEAKER: House Leader run tings!

Mr. PAULWELL: Mr. Speaker, the Member just reminded us in the first item on the Agenda, of process. And these matters are tabled here in the form of a Ministry Paper. The Member can pose questions on any of these matters in the appropriate way. And so, I will therefore encourage the Member to do so.

Mr. SAMUDA: And I will do so.

Dr. PHILLIPS: Not now.

(Laughter/Sotto voce comments)

Mr. SAMUDA: I thank you. I thank the Leader of the House for giving his consent to my posing questions on the...

The SPEAKER: No, no, no, no!

Mr. SAMUDA: ...matters contained in these Reports.

The SPEAKER: Not now.

Mr. SAMUDA: Eh?

The SPEAKER: No, no!

Mr. PAULWELL: Table the questions.

Mr. SAMUDA: Table the questions?

Mr. PAULWELL: Yes.

Mr. SAMUDA: Well, may I now ask before tabling the questions, may I ask, have we been given any information about what is contained in these Reports? For instance, have we been given any information concerning the operations of the Carib Cement Company, in its...

Mr. PAULWELL: Mr. Speaker, no, it cannot be, that is inappropriate.

Mr. SHAW: No, no, hold on, man! What he is saying is that what is here contains no information whatever, that's what he is saying.

Mr. PAULWELL: Yes. And the Member can get all the information, Mr. Speaker. Just table the questions.

(Sotto voce comments)

Mr. SAMUDA: In other words, Mr. Speaker, what I am saying, Mr. Speaker, is if this document is to assist the Parliament, and when a Member rises to address it he is told that he must go outside and collect statements and bring them - enough questions and bring them...

The SPEAKER: No, no, no!

Mr. SAMUDA: ...I am submitting to you, stop submitting them to Parliament, they make no sense, and they make no contribution to the development of the country.

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The SPEAKER: Thank you, Mr. Samuda.

Mr. SAMUDA: We want to know what is the position with Cement Company.

The SPEAKER: Mr. Samuda!

Mr. SAMUDA: And we also want to know Mr. Speaker, please...

The SPEAKER: Table a formal question!

Mr. SAMUDA: Please Mr. Speaker, with respect...

Mrs. NEITA-HEADLEY: No! No! No!

(Sotto voce comments)

The SPEAKER: (Gavels) Mr. Samuda!

Mr. SAMUDA: I am agreeing with you, I am agreeing with you.

The SPEAKER: Hold on!

Mr. SHAW: He is agreeing with you!

Mr. SAMUDA: I am agreeing with you. I am agreeing with you.

The SPEAKER: Take a seat, Mr. Samuda!

Mr. SAMUDA: I am agreeing with you.

The SPEAKER: Take a seat, Mr. Samuda.

(Mr. Samuda took his seat)

You just, fifteen minutes ago, while Reverend Thwaites was making his statement, brought it to my attention that he was being extensive.

Mr. SAMUDA: Excessive.

The SPEAKER: Yes. And you are now trying to impose your extension on the tabling of the Cabinet issues. No, I can't allow that.

Mr. SHAW: For good reasons. Go ahead, ask your question, man.

The SPEAKER: No, no, no, whether good or bad, I am not interested in his reasons. *(Heckling)*

Mr. SAMUDA: Mr. Speaker, if you do not allow me to make an observation on the documentation brought here from the Cabinet...

Mr. BUCHANAN: You will never come back to this House.

(Laughter)

Mr. SAMUDA: No, I can't promise that.

(Laughter)

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Then don't table it!

The SPEAKER: I don't table any, you know.

Mr. SAMUDA: We are not robots in this House.

The SPEAKER: If you have a question...

Mr. SAMUDA: If you bring something to this House that doesn't make sense I am going to comment on it.

(Sotto voce comments)

The SPEAKER: In the appropriate way, sir.

Mr. SAMUDA: But what is the appropriate way?

The SPEAKER: Table a proper question.

Mr. SAMUDA: I am to table - I was going to comment on what has transpired. For instance, SCC has been contradicted in the very Ministry that consulted with the preparation.

The SPEAKER: If every Member wanted to consult we would be here until tomorrow just to deal with this thing. It's impossible, we could never do business that way.

Mr. SAMUDA: But then the system has gone amok.

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The SPEAKER: I cannot accommodate you, sir.

Mr. SAMUDA: Mr. Speaker, the system has gone amok.

The SPEAKER: Okay sir, we will try and correct it.

Mr. SAMUDA: This is a PR document and nothing more.

The SPEAKER: Okay sir, thank you.

Mr. SAMUDA: It has no functional purpose and must be discontinued. It has no functional purpose if a Member of this House cannot ask a question on what is presented to them in the House from the Cabinet.

The SPEAKER: Thank you, Mr. Samuda.

Mr. SHAW: It makes no sense.

Mr. SAMUDA: It is total nonsense.

The SPEAKER: Thank you, Mr. Samuda.

Mr. SAMUDA: Total nonsense.

REPORTS FROM COMMITTEES

Mr. PAULWELL: Mr. Speaker, I beg to lay on the Table of the House, a copy of the Report of the Standing Orders Committee of the House of Representatives, on its deliberations on the Review of the Standing Orders, the Sectoral Debates and other matters.

NOTICES OF MOTIONS GIVEN ORALLY

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

Be it Resolved that the Report of the Standing Orders Committee of the House of Representatives, on its deliberations on the Review of the Standing Orders, the Sectoral Debates and other matters, which were laid on the Table of the House on the 27th day of January, 2015, be adopted.

Dr. PHILLIPS: Mr. Speaker, if you will indulge me.

The SPEAKER: Yes, Dr. Phillips.

Dr. PHILLIPS: I beg to give notice that at the next meeting of the House I will move the Provisional Collection of Tax Act, Provisional Collection of Tax (Income Tax) (Confirmation) Resolution, 2015.

Whereas by virtue of subsection (1) of Section 3 of the Provisional Collection of Tax Act, (hereinafter referred to as “the Act”) the Minister may, by Order, provide for the variation, renewal or imposition of any tax;

And Whereas under the above provision the Minister made the Provisional Collection of Tax (Income Tax) (No. 3) Order, 2014, which was published on Wednesday, December 31, 2014 in the *Jamaica Gazette* Supplement, Proclamation, Rules and Regulations as Legal Notice No. 151;

And Whereas subsection (4) of Section 3 of the Act provides that every order made under subsection (1) of that section shall cease to have effect unless it is confirmed, with or without modification, by Resolution of the House of Representatives within the next thirty days on which the House sits after the date

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of publication of the Order in the *Gazette*;

And Whereas it is desirable that the Provisional Collection of Tax (Income Tax)(No. 3) Order, 2014, be confirmed:

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

1. This Resolution may be cited as the Provisional Collection of Tax (Income Tax) (Confirmation) Resolution, 2015.
2. The Provisional Collection of Tax (Income Tax) (No. 3) Order, 2014, which was laid on the Table of the House on the 27th day of January, 2015, is hereby confirmed.

Mr. Speaker, at a later stage today I propose to move suspension of Standing Orders to enable me to take this through all its stages - to take the resolution.

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Dr. PHILLIPS: Mr. Speaker, I now move to introduce and have read a first time, a Bill shortly entitled: The Insurance (Amendment) Act, 2015.

Bill shortly entitled:

“The Insurance (Amendment) Act, 2015”, read a first time.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice of second reading.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, the Minister of Finance will commence with the

items, both of which he just gave. Then we will do items 12, 13 and 14. We intend, after that, to conclude the debate on the Reparation, in that order, Mr. Speaker.

Mr. HENRY: I was wondering if.... it should be the Houses’ most important public business, and look where it’s stuck.

Dr. PHILLIPS: Don’t be cantankerous, be nice.

(Cross talk)

Mr. Speaker - I don’t know if Madam Clerk can help me with one of the orderlies?

Mr. Speaker, I move the Provisional Collection of Tax (Income Tax) (Confirmation) Resolution, 2015. This amendment, Mr. Speaker - this Resolution is to increase the concessionary loan amount which is paid to employees in certain financial institutions, in order for benefits which are granted to them to keep pace with current economic realities.

Mr. Speaker, workers within specified financial institutions such as the Bank of Jamaica, Merchant Banks, Development Banks, Insurance Companies, Building Societies licensed under the Building Societies Act, Trust Companies and other institutions licensed under the Banking Act or the Financial Institutions Act, should benefit under the Concessionary Loan Policy, in respect of an amount up to One point Five Million (\$1.5M) for the purpose of one of the following:

- purchasing a house for the owners occupancy;
- purchasing of a motor vehicle;
- purchase of land;

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- education;
- training;
- emergency needs, *et cetera*.

Over time, due to the inflationary effects of the rising cost of living, the Concessionary Loan Policy has not kept pace with the current realities, whether in terms of the interest rate levels or the threshold amount.

In respect of the threshold of One point Five Million (\$1.5M), it must be emphasized that this sum was not reflective of the current costs associated with those stipulated purposes, some of which I just read out. As a consequence, the concessionary nature of the loans has been severely reduced.

Another trigger for the amendment was the subsequent - is that subsequent to 2002 when this policy was introduced, the non-taxable ceiling for BoJ staff was raised to Seven Million in order - Seven Million Dollars (\$7M) in order to keep staff compensation apace with current pricing realities, while for the other institutions the non-taxable threshold remained at One point Five Million Dollars (\$1.5M). The disparity has not only placed staff at the other institutions at a disadvantage, but has also highlighted the urgent need to raise the threshold amount.

As a consequence, what this amendment does, and what the Order gazetted does is to raise the threshold from the current One point Five - from what it was, One point Five Million (\$1.5M) to Four point Five Million (\$4.5M), and that was done by way of a Provisional Tax Order.

The increase in the threshold - it is also the case, Mr. Speaker, that in 2003 an Order was made by the Minister, pursuant to his powers under the Income Tax Act, which then prescribed the interest rate for these concessionary loans to be 14 per cent.

The interest rate has also been reviewed, and, given the current economic realities, has also been changed. The new rate is set at a cap of 9 per cent *per annum*, which is two percentage points above the weighted average of the rate applicable to the Government of Jamaica T-Bill - Treasury Bill and this rate of the concessionary loan is actually prescribed by way of an Order.

Dr. PHILLIPS: In other words, the interest rate won't be described - is not described in the *Gazetted* Order as a specific *per centum*, but is described as 2 per cent above the weighted Treasury Bill rate so that it can vary as the Treasury Bill rate goes down, and the workers in the financial institutions can benefit.

This matter has been raised persistently by the financial institutions and by the trade unions who represent them, Mr. Speaker. I think it is well recommended to enable them to keep the benefits which they have negotiated and which they have long had to be real benefits in terms of current pricing realities and current interest rate realities.

And I so move.

Mr. SHAW: Mr. Speaker, we have no objection to the resolution, only to say to the Minister that there are many other sectors in the society that need a break as well, and I

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think that the best way and the fairest way to allocate that break is really to have a system of overall low duty rates where everybody benefits. And there is no need for us to come to Parliament to create a special privilege for a particular category of workers. And I think that, in your own recent experience where you had inherited a situation where we had lowered duty rates on motor vehicles, and you imposed a 10 per cent increase and immediately saw a slackening of sales as a result, and which you then came to Parliament and reversed yourself. And I am sure that - I am sure that the income that is now being - the revenue that is coming your way has increased as a result of the reduction of 10 per cent.

I really suggest that we look to the day when we cut out these special privileged windows and really give an overall privilege to everybody who wants a motor vehicle, a low rate, one low rate and then everybody benefits.

Dr. PHILLIPS: Mr. Speaker, I appreciate the support for the measure. The fact is that this is a negotiated pay provision by workers in the financial institutions negotiated by their trade unions.

Once long ago, a 9 per cent rate of interest could have been considered concessionary. Thankfully, thankfully, the general trend of moving interest rates downward means that 9 per cent now stipulated, the law would be burdensome because it would be above the current rates applicable in those institutions. This only seeks to bring that into light. We are seeking to bring all rates down, but this is to enable workers who have negotiated by virtue

of them being employees of financial institutions, they have negotiated the benefits and privileges as part of that and the purpose of Government is to facilitate in this regard.

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

Motion put to the House and agreed to.

The SPEAKER: Resolution carried.

Dr. PHILLIPS: Mr. Speaker, I now propose to take the items at - Mr. Speaker, I propose to take Amendments at 10, 11, 12, 13 and 14. And Mr. Speaker, for the purposes of the debate I am proposing that we treat them as a single issue.

Mr. Speaker, the House will recall that in March of 2014 Parliament approved legislative amendments to enhance the Fiscal Responsibility Framework which was first enacted in 2010 by my colleague opposite. As such, this Honourable House is being asked to consider the following Bills, that is to say, the Financial Administration and Audit (Amendment) Act, 2015, the Public Bodies Management and Accountability (Amendment) Act, 2015, and the Attendant Regulations, the Financial Administration and Audit Fiscal Responsibility Framework (Amendment) Regulations, 2015, the Financial Management (Amendment) Regulations, 2015 and the Public Bodies Regulations, 2015.

What we seek to do here, Mr. Speaker, the Amendments contained in these Bills and Regulations seek among other things:

- 1) To establish quantitative fiscal targets for the specified public sector.
- 2) Establish a mechanism for correcting deviations from the targets, and

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- 3) To expand the role of both the Auditor General and the Parliament within the enhanced fiscal governance framework.

Beginning in 2017, April 1st, the Auditor General will be required to certify that certain conditions of the fiscal rules have been met in addition to providing the assessments that more accountable Parliament within this framework will need to take account of in order to better evaluate its decisions.

Indeed, I should just point to the fact that this year the Auditor General will be required to certify the validity of the fiscal responsibility framework, but that beginning in 2017 the rules and the responsibilities of that office become even more strictly or stringently defined.

As a consequence of this, Amendments to the Financial Administration and Audit Act Prescribed Regulations pursuant to Section 50 of the FAA Act, the Financial Administration and Audit Act that will guide the Auditor General in certifying entities that satisfy the criteria developed under the Regulations as commercial, and accordingly not defined as being part of the specified public sector.

There are other significant Amendments, but the criteria for certification as commercial and therefore not being part of the specified public sector are quite extensive and profound with respect to the implications for the fiscal governance in the country.

We are doing this because the current fiscal governance framework has quite an extensive coverage in that it includes the specified public sector which is defined as the

public sector minus those public bodies that are certified as being commercial bodies by the Auditor General. The group that could be eligible for certification as commercial is very small based upon the established criteria.

Effective 2017 the applicable fiscal balance and public debt target under the enhanced fiscal rules will cover those bodies and entities that comprise the specified public sector. This means that coverage will be much wider than Central Government which is, as defined now, though it will not include the entire public sector.

So that in effect, Mr. Speaker, we will have - three categories or two basic categories - the specified public sector comprising Government and other statutory entities that are not defined as commercial entities and those entities that are defined as commercial entities. Based upon those criteria, over 90 per cent of the public sector is likely to be covered under the enhanced fiscal rules as far as their debt targets, for example, are concerned.

An issue that was recognized during the process of consultation is that there are some self-financing entities that are operating as purely commercial, which may need to undertake significant investment. If these entities are under the fiscal rules there will be limited fiscal space to permit these investments and that that would in a sense fetter them from operating commercially. By the same token if they are operating commercially they need to be in the position where their balance sheets can on their own meet any debt obligations which they may incur.

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Similarly, the potential for growth in these - that these significant investments would generate, would be tremendously undermined if they were not permitted to operate on the basis of their own balance sheet. It is based on this premise that extensive consultation took place to develop a criterion that would be robust enough to both achieve fiscal discipline and commercial independence for these State agencies.

It should be re-emphasized that only those entities that satisfy the criterion regulations with the exceptions to the fiscal rule. Safeguards would be put in place whereby if the entities no longer satisfy the regulations that are perceived to pose a fiscal risk to the Consolidated Fund, the Auditor General can assess and rescind the commercial classification which would place the entity back within the framework of fiscal rules and part of the specified public sector.

The imperative for this suite of measure is to balance fiscal discipline and sustainability with macroeconomic stability including growth and investment imperatives. The aim is to allow for those certified entities to operate in a fully commercial and corporate manner and not stymie their potential for investment opportunities or for achieving growth objectives in the national interest.

These amendments to the statutes and regulations seek to ensure coherence with early Amendments in 2014 and to better articulate changes especially with respect to the situation which will arise when the Auditor General's enhanced rules become effective. They seek to ensure that there is a

clear structure with respect to who is responsible and for what and to determine the impact of the various changes, as far as the overall public financial management of the Government of Jamaica is concerned.

With respect to the criteria for entities to be certified or not, as part of the specified public sector the reform provide time that is to say the next two years for the current corporate governance structure which is being scrutinized to be improved on, and to allow for consultations that can make the process more transparent and circumspect. So that there is a period between now when the legislation is to be adopted and April 1, 2017 when it comes into effect for us to refine the corporate governance framework.

The key areas to be highlighted as far as the major innovations entailed by this suite of regulations and amendments it concern relate, first of all, to the fact that public bodies certified as commercial will not be included in the public sector investment programme. And you recall that this year the public investment programme comes into being, which requires projects to be included on the capital side of the budget to go through a rigorous process of evaluation and preparation and formal Cabinet decision project by project on the recommendation of a Public Investment Programme Committee, which includes members of the Cabinet as well as members of senior public officials.

These entities, commercial entities, will not be bound by Section 20 of the Public Bodies, Management and Accountability Act as far as emoluments and staff conditions of

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work, *et cetera* are concerned. Notwithstanding the PBMA, Public Bodies Management and Accountability Amendment seek to establish a Committee to comprise private and public sector representation to provide oversight and advice on the levels of remunerations that Boards will approve. The Boards of the entity will be fully accountable for the decisions that they take. While the corporate plans and budgets will be tabled these will be for information purposes and not for Parliament's approval. The aim is to allow these entities to operate to the fullest extent possible as fully commercial operations.

It is recognized that the Government of Jamaica is not in a position to provide the necessary equity for some entities to undertake the needed upgrading or improvement works. These entities need to be able to leverage their assets to undertake necessary work without jeopardizing other public investment and fiscal targets. However, this does not mean that there will be no safety guards or checks and balances. The Ministry of Finance and Planning will still need to monitor the fiscal operations of these entities that are certified as being exempted from the fiscal rules. Ministry of Finance will need to be aware of any fiscal risk that may arise from the operations of these entities including possible contingent liabilities and to ensure that these are minimized to the utmost extent.

The main impact of all of this will be public sector wide. First of all on the public bodies which could be certified as being exempt from the fiscal rules, and secondly on

the Parliament which will be required to exert even greater oversight on the public finances of the country guided by the appraisals of the Auditor General upon whom these new regulations will also have considerable impact. And of course, the Ministry of Finance will be affected in this regard as well. Mr. Speaker, in the first instance, we have the Item 10, the Public Bodies Management Act, and there will be - in Committee, Mr. Speaker, I will propose to move some amendments, slight amendments, to this Act. But the Act, Mr. Speaker, Clause 1 has the short title and the construction.

Clause 2 amends Section 2 of the principle Act, which is the interpretations clause to ensure consistency in the definition between the FAA Act and the Public Bodies Management Act. The definition for public investment is amended and a definition for public investment project is newly introduced here. The definitions for public sector and specified public sector are deleted from Section 6B(10) of the principal Act and reintroduced here in the interpretation Act.

Clause 3 seeks to amend Section 2A(2) of the principal Act to except an entity that is not part of the specified public sector such that it tables its estimates for information only.

Clause 4 is an amendment of Section 4 of the principal Act seeks to amend Part IV and V of Section 4 of the Act. The amendment in Part IV seeks to remove any future interpretation that annual financial distributions are only applicable to public bodies that are within the specified public

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sector. It will reinforce the provision regarding annual financial distributions is applicable to all public bodies.

Section 5 of the principal Act is being done to remove reference to a section that was deleted in 2011. Amendment of Section 5A of the principal Act seeks to specify that the provision for payments to public bodies from the Consolidated Fund applies to public bodies within the specified public sector.

There is a new Clause 7 to be inserted, which deletes the word, “principal” in Section B of the principal Act.

Section 5C is amended in the principal Act to define the provision for the Minister to take remedial action in the case of a default on a Government guarantee is applicable. The amendment seeks to specify that only public bodies within the specified public sector can receive guarantees. A public body that is not, that is to say a commercial – functioning commercial entity, publicly-owned, cannot receive government guarantee in the context of this Act and the new governance rules.

Section 6 of the principal Act outlines the corporate governance provision. Section 6(1) gives the board of a body that is not part of the specified public sector the authority to enter into a performance contract with the Chief Executive Officer as opposed to the Minister in the case of public bodies within the specified public sector. This amendment proposed to establish dual authority for entering into performance contracts with CEOs one for public bodies within the specified public body and another that are not part of the specified public sector, namely the

Minister in the first instance and the Board in the other. By inserting that this provision applies to public bodies within the specified public sector, this clause seeks to amend Section 6A to establish that public bodies not part of the specified public sector need a separate procurement mechanism. In relation to Section 6B of the principal Act it is proposed to delete the definitions of public sector and specified public sector from Section 6B, as I mentioned earlier.

Clause 11, Section 6C of the principal Act is related to the public investment management system and does the same thing that the new Section 4 of Section 48G of the FAA Act does. It excludes public bodies not part of the specified public sector.

Section 7 of the principal Act is amended, refers to requirements as far as corporate plans, *et cetera*, and makes clear that these relate to the specified public sector. Section 6 is amended to specify that public bodies that are part of the specified public sector that would have their plans tabled in the House of Representatives and the Senate for approval. A new Section 7 is inserted to specify that those public bodies not part of the SPBs would table a summary after the Minister’s endorsement in both Houses for information purposes only.

Section 12 is amended to differentiate between the special audit for public bodies within the specified public sector and those not part of the public sector. It is done by deleting the words, “in any particular case”, which is of a more general nature, and replacing said words with, “in the case of a

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public body within the specified public sector”.

Section 12A replaces Section 12 in the case of public bodies not being part of the specified public sector since the amendment to Section 12 exempts such public bodies from special audit. Section 12A indicates how the Minister may direct a special audit and how such an audit should be carried out. The Minister has to direct the Board which will then take the necessary steps to appoint an auditor.

Section 14 brings the Public Bodies Management Act in line with the Financial Administration and Audit Act (Fiscal Responsibility) regulations by ensuring that the audit has a statutory responsibility to advise the Board which appointed it in the event that it becomes aware that the Auditor General no longer determines that a public body is primarily carrying out functions that are of a purely commercial nature.

Clause 16 amends Section 20 of the principal Act, maintains the provision regarding level of emoluments for public bodies within the specified public sector and makes consequential renumbering of the original section of the Act.

A new Section 20A establishes a Public Bodies Human Resources Committee to oversee the human resource functions that the amendment to Section 20 now exempts public bodies not part of the sector from.

Mr. Speaker, overall these amendments essentially strengthen the fiscal responsibility framework of the Government of Jamaica by fundamentally recognizing that there is a

different regime that would have to apply to purely commercial entities and by also strengthening the role of the Auditor General in certifying public bodies generally and the status of public bodies generally in relation to the Act. In relation to the item 11 and the Financial Administration Act, again the critical amendments in that Act, Mr. Speaker, in Clause 2 amends Section 8A of the principal Act so that while appropriation-in-aid are often used by MDAs to supplement budgetary expenditure from the Consolidated Fund additional amounts appropriations-in-aid must be appropriated and no more than what has been appropriated should be used by the MDAs. So it provides greater parliamentary oversight for appropriations-in-aid.

Those amounts not appropriated by the Parliament should be turned over to the Accountant General and that's what this Clause seeks to do and brings clarity to Section 80 of the principal Act by inserting a new subsection (4) to ensure that appropriations-in-aid do not exceed the amount that has been appropriated by Parliament.

Clause 3 of the Bill seeks to revise the definition of public investment in Section 48(a)(1) of the principal Act by excluding investment to be undertaken by a public entity but is not within the specified public sector.

Clause 4 of the Bill provides more time, that is two weeks instead of one week for the Auditor General to review the Fiscal Policy Paper and to clarify that the legally mandated application is met with respect to the Fiscal Policy Paper tabled in February of each year.

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Clause 5 seeks to clarify that the public investment management system does not apply to public bodies that are not part of the specified public sector.

Clause 7 seeks to extend the period for which information is to be provided by an additional financial year from two to three financial years in order to inform the Fiscal Policy Paper in keeping with reform procedures such as medium-term budgeting.

In relation to 12 and 14 - 12 and 13, Mr. Speaker, the regulations have been 12, 13 and 14 - the regulations have been circulated and I presume that they will be taken as read rather than me going through a detailed clause by clause treatment of the regulations. It essentially seeks the purposes which I described earlier in my opening, Mr. Speaker.

So Mr. Speaker, I move that the Bills - Act to Amend the Public Bodies Management and Accountability Act be read a second time and the Act to Amend the Financial Administration and Audit Act be read a second time, and that the regulations as set out in the Motions at 12, 13 and 14 be passed.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, the Minister has gone through all the details of the two Acts and the three Regulations. And I just, first of all, would like to make the observation that clearly the main objective of these amendments is to basically separate the commercial entities from what would remain as the specified public bodies and so by implications this also means, Mr. Speaker, that the fiscal rules that apply to all of the public

bodies would in effect no longer apply to the commercial entities but that these commercial entities nonetheless would have to abide by the various other regulations, including their own constitution in how they are constituted. And that there is - I am just summarizing for my understanding, that there places now a greater burden on the Auditor General to, in effect, have to be more preoccupied with ensuring that they are abiding by their internal rules, and that once they are certified or classified as a commercial entity that the Auditor General will be obliged from time to time either in terms of periodic reports, for instance annual reports or on a three yearly basis, as I understand it, the Auditor General is obliged to review the conduct of these commercial entities and if the Auditor General is satisfied with the conduct of that commercial entity, the Auditor General would have the power to reclassify back into or a specified public body that particular entity.

And quite frankly, it would have been helpful if the Minister gives us maybe a little more detail on the rationale for doing this. I think that the reason for that is that the fiscal rules as they exist are pretty tight and so is it a question that the commercial entities need more latitude to operate within the context of a commercial environment? And if that is so then that should be explicitly stated. Because notwithstanding them being a commercial entity, we must still remember that they are owned by the Government on behalf of the people and therefore their standards of accountability must accord with the standards of accountability of the Government of

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Jamaica. Having said that, I will then want to encourage the Minister that we are calling upon the Auditor General to be doing more and more. In fact, we are asking the Auditor General to do more, to carry out more performance audit in terms of the public entities of whatever type, whether commercial or a specified public body. And if we are calling upon the Auditor General to do all this additional work then care must be taken to make sure that adequate resources are being put in place to allow the Auditor General to be able to discharge her duties and the duties of the department on an efficient and timely basis. So that is the first recommendation that I would make in that regard.

Now I wanted the Minister, Mr. Speaker to clear up a matter concerning the compensation of the emoluments that are approved for a commercial entity, because there are now going outside of the rules which would have existed before for instance under the Public Bodies Management and Accountability Act, Mr. Speaker, for emoluments, all agencies of whatever type were required to get the permission of the Ministry of Finance in relation to the emolument.

Now, as I understand it, in this separation making the commercial entities pretty much independent of all of these rules it appears now that they are therefore being given the latitude and the independence to deal with compensations. And I have a potential concern with that, Mr. Speaker, because we must not forget how the public Bodies Management and Accountability Act was promulgated. The

PBMA Act, Mr. Speaker, was promulgated coming out of what was known as the public sector salary scandal, aka the “Fat Cat Salary Scandal” and it came out of that scandal because many agencies, statutory bodies, government companies, commercial entities appeared to be operating under their own set of rules and they didn’t feel that they should relate back to the rules and regulations of the Ministry of Finance. And so the Public Bodies Management and Accountability Act was passed as an override - to override all of the various laws and rules that governed the public entity no matter the origin and no matter the legal construction of those public entities. And so I am just asking the Minister to direct me to where in either the regulations or the Bill itself we can see a clear expression of how emoluments are treated. Let’s not forget how the PBMA Act came about.

In looking at the regulations - well perhaps I should say look at the Bill first. In looking at the Bill to amend the Public Bodies Management and Accountability Act I take note of the fact that there is a Third Schedule which gives the Minister some considerable influence over the public - the commercial public bodies that will now have to be governed in part by a public body’s human resource committee. But I make the note, Minister, that in the list of items here one to eight, I don’t see any specific mention to the question of how emoluments are treated.

Further, I note on page 4 in the insertion of a subsection (7) in which it speaks to the summary of a corporate plan that is caused to be given to the Minister and subsequently to

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be tabled in the House of Representatives. I take note of that but here again that too does not make any reference to emoluments. Then in the regulations, Mr. Speaker, there are sections on fiscal independence, the standard of fiscal independence, and it speaks to independence of human resource decision making. And my question in that regard, Mr. Speaker, is in subsection (4)(2) under independence of human resource decision making it says, and I read:

“The public body exercised its legal autonomy with regard to its employment decisions such as hiring and termination”.

And the question is, does this mean that this also includes legal autonomy in relation to establishment of the levels of emoluments? That is what I wish for the Minister to specifically address that. Because quite frankly, Mr. Speaker, my own opinion is that notwithstanding the commercial - this independence that is being given to commercial entities, I believe that having regard to the past experiences that we've had, I do not believe that the question of emoluments should be left unattended.

And quite frankly, Minister, quite frankly, my opinion is I think that the Ministry of Finance should continue to have an influence over the final settlement of emoluments. No matter what type of public body, whether it's a specified public body or it is a commercial entity which is a public body, I think that the Ministry of Finance should maintain a presence in dealing with the question of emoluments. I want to make that absolutely clear that that is the position that I'm

proposing to the Honourable Minister of Finance.

And, Mr. Speaker, let me just say in that context, that where there are commercial entities and where the commercial entity might recommend to the Ministry of Finance a higher level of compensation, there is nothing wrong with that contemplation. Mr. Speaker, there's nothing wrong with a higher level of compensation being recommended in accordance with what the commercial entity does and the type of qualifications and staffing that might require in order to operate the entity in a proper way. My only argument is that the Public Bodies Management Accountability Act was promulgated because there was too much free for all in setting salary and emoluments. That's too much free for all.

And I am cautioning, Mr. Speaker, that we do not go to - swing the pendulum away from the PBMA Act so far, that we find that these commercial entities once classified, feel now that they have some kind of a free reign on whatever salary levels they want to establish, it would have defeated the entire purpose of the Public Bodies Management and Accountability Act in the first place.

(Inaudible comments)

Mr. SHAW: So I just want to be assured...

(Inaudible comment by Dr. Phillips)

Mr. SHAW: If you have it somewhere that I've overlooked it, I just want to have the assurance that in this granting of independence status to the commercial entities, we're not allowing them a free reign

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to go back down the route of setting any salaries they can set without adequate consultation with the Ministry of Finance. I'd just like to repeat and reiterate that point.

The final point I'd like to make, Mr. Speaker, is in relation to the regulations that have been tabled in relation to financial distribution. And, Minister, I just want to get a clarification from you in relation to what the regulations on financial distribution. Are these new regulations? I just want to know. Are these new regulations or are they a repeat of the existing regulations that were in place before? And if so we need to be told. And if they're new and are not a repeat of what was there before why are they new? Why are we putting in place new methods of financial distribution from companies? To whom does this one apply? Does it apply to the specified public bodies? The commercial entities or both? Does it apply to both of them?

(Inaudible comment by Dr. Phillips)

Mr. SHAW: Yes, and it's important because I wouldn't - and the country is not going to want to have the view - take the view that financial distribution is being liberalized to the point where the Minister could have some kind of unbridled access to resources of public bodies.

(Inaudible comments)

Mr. SHAW: No man, I'm giving the Minister time to consult.

(Inaudible comments)

Mr. SHAW: You mean I could direct the remainder of my argument to the Acting Prime Minister?

(Inaudible comments)

Mr. SHAW: (Laughs) But unfortunately we might get into the wrong jungle.

(Laughter)

Mr. SHAW: We might get in the wrong jungle, leave it alone.

So Minister, that is how I'll end my intervention by simply saying, just give us an assurance that the new financial distribution - well, what is being tabled here, give us the assurance that it does not, in fact, formalize any kind of ability on the part of the Minister to have a wholesale and unbridled access to the resources of companies, whether those be specified public bodies or commercial bodies or whether this is some kind of a *carte blanche* to get whatever you want from them.

(Inaudible comments)

Mr. SHAW: (Laughs) So those are my observations, Mr. Speaker. Thank you.

Dr. PHILLIPS: Thank you, Mr. Speaker. And let me thank my colleague opposite.

Let me begin first of all with the issue of the rationale for the whole thing, and particularly for the treatment of commercial as a separate entity. Remember that the critical ingredient or a critical ingredient here is that the commercial entities as defined in these bits of legislation can no longer be the beneficiaries of a government guarantee.

And I'm certain the Opposition Spokesman can recall, probably with pain, the number of guarantees that have been called by purportedly, on account of purported commercial operations, but which have ended up depending on the Consolidated Fund and the taxpayers of the country to, so to speak, 'bail them out' of their commercial decisions.

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So that by definition in this legislation, the commercial entity cannot rely on a government guarantee.

On the other side, they're required - they're exempt from other rules that allow them to function as a commercial entity in procurement situations, for example, in their ability to attract staff, for example in the wages that they can pay, they're being required to be commercial.

Now, as far as compensation is concerned, as far as compensation is concerned...

(Inaudible comment by Mr. Shaw)

Dr. PHILLIPS: You're acting as a diversion, although you're easily diverted. ...they're not given free reign. What is provided for is a Human Resource Committee, which consists - well first of all there is their board; then secondly, there is the...

(Inaudible comment by Mr. Shaw)

Dr. PHILLIPS: Yes. ...then there is a Human Resource Committee, which is required to define a guideline.

And Section 22, Section 22 and the Third Schedule sets out the functions of the Public Bodies Human Resources Committee. That Human Resources Committee is required to set guidelines and within which the Boards may act. And it's required to have private sector representation also on the boards. And so...

Mr. SHAW: But there is no reference to the compensation on it.

Dr. PHILLIPS: In the...

Mr. SHAW: In that Human Resource Committee, no reference at all to compensation.

Dr. PHILLIPS: But there is reference in the...

Mr. SHAW: In the regulations.

Dr. PHILLIPS: ...in the - the provision shall have effect in 20(a) (2). The provision shall have effect on the constitution procedure of the Human Resource Committee...

Mr. SHAW: The Human Resource Committee to which you're referring, there is no reference to compensation. Is there?

Dr. PHILLIPS: No, no, I'm looking at it. ...and monitoring of such public bodies with regard to human resource matters, which would include compensation.

If you want a specific reference to compensation you can say including compensation. We can move an amendment.

(Inaudible comments by Mr. Shaw)

Mrs. NEITA-HEADLEY: The Third Schedule.

Dr. PHILLIPS: I know, but I'm looking at the Third Schedule.

Mr. SHAW: But I have the Bill before me here and it is not in there! You have another Bill?

Dr. PHILLIPS: In the sections... Hold on. ...in this section, human resource matters, if you look at the Bill - Clause 17 it says specifically:

"In this section human resource matters include matters concerning hiring, separation, salaries and other terms and conditions of employment."

A MEMBER: Salary is another word for emoluments.

Dr. PHILLIPS: So that's what it is specifically saying here.

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A MEMBER: Yea.

Dr. PHILLIPS: And that is the responsibilities of the Human Resources Committee...

A MEMBER: Yea.

Dr. PHILLIPS: ...right, in it. So they're not at large.

(Inaudible comment by Mr. Shaw)

Dr. PHILLIPS: No, the Ministry has - it is the Ministry that appoints this Board and it is this - this Committee and it is this Committee that sets the guideline. It is admittedly a balance that has to be found. The ultimate balance, the ultimate balance that you have, that if the horse bolts, the Auditor General can ensure that the horse can't go too far, because the Auditor General has the ability to pull back the entity and say it is operating outside of appropriate guidelines. So that provides the check, but at the same time, if we want the entities to operate as commercial entities - and bear in mind that it is not the intention of the Government to have an aggregation - a growing aggregation of commercial entities within its purview, as was the case with the previous administration.

As with ours, we think that there should be minimal involvement of Government directly in organizing commercial productive enterprises. And indeed, the few that remain are, so to speak, on the block for public/private partnerships or for privatization. So that is the situation there.

We take the point about the resources for the Auditor General's Department. I think what we have to recognize is that the new fiscal responsibility rules envisaged an

extensive overhaul of the role and functioning of the Auditor General's Department. Other jurisdictions like in the United States there is the Congressional Budget Office, in the United Kingdom they have a similar parliamentary oversight, budgetary oversight entity. In the Jamaican situation we felt that the clear track record of the Auditor General's Office, a record of non-partisanship, a record of integrity, a record of excellence and high standards, made it the best place to locate this function of providing oversight for the Ministry of Finance effectively and the computations regarding our fiscal accounts, and the accounts of the overall public sector.

The Ministry has already had the discussions with the Auditor General for the provision of additional staff. It will require the upgrade of staffing generally, including the auditing functions of the Auditor General's Department, and we are proceeding in that regard to provide the resources available to do that. And I have no doubt that as it has served well in the auditing function, the past that it will become equal to the task and have the same kind of integrity with its economic assessments and adjustments as is now the case.

So, with those comments, Mr. Speaker, I move that the Bills be taken and the resolutions adopted, which I will move one by one at the appropriate time. You want me to move them one by one now?

The SPEAKER: No, no, but we have need to have them read a second time.

Dr. PHILLIPS: Mr. Speaker, I move second reading of the two Bills and the approval of the - Okay.

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

Motion put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Public Bodies Management and Accountability Act"

read a second time.

Bill entitled:

"AN ACT to Amend the Financial Administration and Audit Act"

read a second time.

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

COMMITTEE STAGE

Dr. PHILLIPS: In relation to the Public Bodies Management -

The CHAIRMAN: Yes, we will do that one first?

Dr. PHILLIPS: Yes. There are some amendments which are minor amendments to be moved. First to renumber Clause 7 to 22. Renumber 7, 8, 9, 10, 11. You have a copy of this?

The CHAIRMAN: Yes, we have.

Dr. PHILLIPS: Yes. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 as 8, 9, 10, *et cetera*, respectively to 23. To insert a new Clause 7. Insert immediately after Clause 6 the following Clause 7 amendment to Section 5B of the principal Act, Section 5B(2) of the principal Act is amended by deleting the word, "principal".

The CHAIRMAN: Okay. Let us start from the beginning.

I put Clause 1.

Motion put to the Committee and agreed

to.

I put Clause 2.

Motion put to the Committee and agreed

to.

I put Clause 3.

Motion put to the Committee and agreed

to.

I put Clause 4.

Motion put to the Committee and agreed

to.

I put Clause 5.

Motion put to the Committee and agreed

to.

I put Clause 6.

Motion put to the Committee and agreed

to.

I put a new Clause 7.

Motion put to the Committee and agreed

to.

Dr. PHILLIPS: As circulated.

The CHAIRMAN: As circulated.

Motion put to the Committee and agreed

to.

Dr. PHILLIPS: Clause 8 as renumbered.

The CHAIRMAN: We renumber from -

Dr. PHILLIPS: Clause 8, propose an amendment to Clause 8 which is to delete the clause, the renumbered Clause 8 that is there now.

The CHAIRMAN: That's the new Clause 8?

Dr. PHILLIPS: And substitute a new Clause 8 which reads, Section 5C of the principal Act is amended, (a), in subsection (1) by inserting immediately after the words,

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"by a public body" the words, "within the specified public sector" and (b), in subsection (2) by deleting the word, "principal".

The CHAIRMAN: So we first delete Clause 8?

Dr. PHILLIPS: The renumbered Clause 8, yes.

The CHAIRMAN: And as renumbered.

Dr. PHILLIPS: Yes.

The CHAIRMAN: And insert new Clause 8.

Dr. PHILLIPS: The new Clause 8.

The CHAIRMAN: As read by the Minister.

Motion put to the Committee and agreed to.

And then we therefore renumber from Clause 8 -

Dr. PHILLIPS: Yes.

The CHAIRMAN: - to Clause 23.

Dr. PHILLIPS: Right.

The CHAIRMAN: I put Clause 9 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 10 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 11 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 12 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 13 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 14 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 15 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 16 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 17 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 18 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 19 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 20 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 21 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 22 as renumbered.

Motion put to the Committee and agreed to.

I put Clause 23 as renumbered.

Dr. PHILLIPS: Clause 23, there is an amendment which is probably really a typo, Chairman, which is that, where it reads Section 6B, (6), there should be (b) - beside the second (6)(b).

The CHAIRMAN: I put the amendment to Clause 23.

Motion put to the Committee and agreed to.

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I put Clause 23 as amended.

Motion put to the Committee and agreed to.

I put the Title and the Enacting Clause.

Motion put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage with three (3) amendments.

Motion put to the Committee and agreed to.

And we move on to:

"AN ACT to Amend the Financial Administration and Audit Act, 2015".

I put Clause 1.

Motion put to the Committee and agreed to.

I put Clause 2.

Motion put to the Committee and agreed to.

I put Clause 3.

Motion put to the Committee and agreed to.

I put Clause 4.

Motion put to the Committee and agreed to.

I put Clause 5.

Motion put to the Committee and agreed to.

I put Clause 6.

We have a typo, after Clause 5 the next one is 7 so we just correct that numbering.

I put Clause 6.

Motion put to the Committee and agreed to.

I put Clause 7.

Motion put to the Committee and agreed to.

I put the Title and the Enacting Clause.

Motion put to the Committee and agreed to.

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

Motion put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill, "AN ACT to Amend the Public Bodies Management and Accountability Act" having passed Committee Stage with three (3) amendments, and I do report the Bill "AN ACT to Amend the Financial Administration and Audit Act" passed without amendment.

Dr. PHILLIPS: Mr. Speaker, I move third reading of the Bills.

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

Motion put to the House and agreed to.

Bill entitled:

"AN ACT to Amend the Public Bodies Management and Accountability Act",
read a third time and passed.

Bill entitled:

"AN ACT to Amend the Financial Administration and Audit Act",
read a third time and passed.

(Applause)

Dr. PHILLIPS: Mr. Speaker, I move that the regulations standing at -

The SPEAKER: 12.

Dr. PHILLIPS: 12. The Financial Administration and Audit Act Financial Management (Amendment) Regulations, 2015 Resolution, be affirmed.

I also do the same, Mr. Speaker, for the Financial Administration and Audit Fiscal Responsibility Framework (Amendment) Regulations, 2015, that it be affirmed and the Public Bodies Management and Accountability Regulations - the Public

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Bodies Regulations, 2015 Resolution, be affirmed.

The SPEAKER: Those in favour of the Financial Management (Amendment) Regulations, 2015 Resolution.

Motion put to the House and agreed to.

I put the Financial Administration and Audit Act, Financial Administration and Audit Fiscal Responsibility Framework (Amendment) Regulation, 2015 Resolution.

Motion put to the House and agreed to.

Public Bodies Management and Accountability Act. I put the Public Bodies Regulations, 2015 Resolution.

Motion put to the House and agreed to.

The Public Bodies Management and Accountability Act - I put the Public Bodies (Regulations) 2015, Resolution.

Put to the House and agreed to.

Mrs. NEITA-HEADLEY: Mr. Speaker, I'll ask for recommittal of the Item, Notices of Motions Given Orally.

THE SPEAKER: The question is for recommittal of Item, Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN

ORALLY

(Recommitted)

Dr. PHILLIPS: Mr. Speaker, on behalf of the Minister of Science, Technology, Energy, and Mining, I beg to give notice that at the next meeting of the House, we will move to introduce and have read a first time, a Bill shortly entitled: "The Electricity Act, 2015".

The SPEAKER: House Leader.

Mrs. NEITA-HEADLEY: Mr. Speaker, we will now have a few contributions on the closing of the Reparations for Slavery, and I think we will commence with the Member from Central St. Catherine.

The SPEAKER: Miss Grange.

(Applause)

Miss GRANGE: Thank you, Mr. Speaker.

Mr. Speaker, I rise to make my contribution once again in this House on Reparations, and hope that finally, this round of debate will be the settlement of the argument as we vote to support this Motion to chart the way forward, and to proceed with more action than talk.

As I said in my previous presentation some years ago, we must be militant in our pursuit, but we must also be aware that we cannot talk revolution and not be revolutionary in the way we do things, or get to where we want to go, and achieve what we strive for. And to do so, we must seek to address the issues raised in this Motion, and the continuing conversations and discussions on reparations and repatriation.

Mr. Speaker, I must, however, first recognize, and pay tribute to the pioneers of the Reparation Movement. First and foremost, the Rasta community, the elders, the leaders who stood their ground against all odds, and kept up the fight over the years; they kept hope alive.

I also want to use this opportunity to recognize the work of former Senator, Barbara Blake Hanna, the first Rasta to serve in

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Parliament, who formed the Jamaica Reparations Movement, and work tirelessly for the cause, and even when she withdrew, she gave me tremendous support and information in getting the National Reparations Committee established.

I also would like to recognize the outstanding work of Ambassador Dudley Thompson - God bless his soul - Professor Barry Chevannes, who also passed away but who was selfless in his efforts to fulfill the mandate of reparation.

There are so many individuals who should be recognized but time does not permit. But, I must applaud my colleague from Central Clarendon, for his determination to carry the fight even if it means one man against the world in this House because there are many times when he speaks of Reparation, when he gets up to make his point, there are chuckles all around him.

I also want to thank Professor Verene Shepherd and the Members of the new National Reparations Committee for continuing the work, even without adequate funding. (Applause)

Mr. Speaker, in an amendment to the Motion moved by the Member from Central Clarendon in 2007, I then proposed the establishment of the National Reparations Commission comprising Parliamentarians, experts and a cross-section of society with a Secretariat, and a staff to facilitate day-to-day operations with the following terms of reference:

- a) to receive submissions or memoranda, hear testimony, evaluate research and

studies, engage in dialogue with relevant interest groups, and undertake wide public consultations with the aim of guiding a national approach to Reparations;

- b) that Government should follow-up the report on the WCAR, that is, the conference on racism recommendations, to indicate what is required to create a blue print or road-map for achieving reparations, taking into account the social, cultural, economic and international factors;
- c) to recommend the diplomatic initiatives, security considerations, educational process, and the programme of public information that will be needed to establish a claim for reparations. And,
- d) to consider and report on any other matters sufficiently relating to the foregoing, and to make such interim reports as it may deem fit, and, a final report within a period of 18 months.

Mr. Speaker, the Commission was also mandated to collaborate with CARICOM in whatever initiatives were being undertaken in the region. This Debate took place in February 2007, and the amended Motion was fully supported by the Members present. At that time, I spoke from this side of the House as a Member of the Opposition.

When we became Government, a significant development in the reparations struggle occurred, when in 2009 for the first time in the history of Jamaica, a sitting Government appointed a National

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Commission on Reparation which is now referred to as the NCR.

Mr. Speaker, I hope that today we will be able to create history again, and make a statement to the society and the international community that despite the complexities of the issue, we are committed to achieving closure.

As far as I am concerned, I think that most, if not all the Members on this side, in the Opposition, agree with me that the basic point that needs to be addressed by us is not necessarily that we are insisting on payment, but primarily the recognition that the enslavement of Africans was a crime against humanity, which has still not been addressed globally.

(Applause)

As Lord Gifford pointed out in his Paper presented to the First Pan-African Congress on Reparations in Abuja Nigeria in April 1993, slavery is a crime against humanity. The Charter of the Nuremburg Tribunal define crimes against humanity as murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, whether or not in violation of the domestic law of the country here perpetrated.

Mr. Speaker, international law recognizes that those who commit crimes against humanity must make reparation. There is no legal barrier to prevent those who still suffer the consequences of crimes against humanity from claiming reparations, even though the crimes were committed against their ancestors. The claim would be brought on

behalf of all Africans in Africa, and in the African Diaspora, who suffered the consequences of the crime through the agency of an appropriate representative body.

The claim would be brought against the Governments of those countries which promoted, and were enriched by the African Slave Trade and the institution of slavery.

The amount of claim would be assessed by experts in each aspect of life, and in each region affected by the institution of slavery. The claim, if not settled by agreement would ultimately be determined by a special international tribunal recognized by all parties.

This, basically, leads me to the three issues raised in this Motion.

- 1) that this Honourable House makes the political decision by a vote, that the Government of Jamaica is entitled, on behalf of the former slaves, and via the basic tenets of labour law and human rights, to receive payment from Great Britain, equivalent to the sum paid to the British slave owners as compensation for the loss of slave labour.

These are not easy issues to raise in Parliament, but we got to face it.

- 2) that the payment be used to clear off all the debt of Jamaica, and to improve the education, infrastructural development, and health sectors; and a portion be set aside for the repatriation of African/Jamaicans to Africa. And,
- 3) that the House enjoin other CARICOM countries to make similar

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political decisions on this matter, and that this Honourable House instructs the Government of Jamaica to take this case of genocide to the International Court of Justice to value the economic cost of chattel slavery to Jamaica, and the further compensation that should flow for the abuse of human rights, and the attendant denial of culture and history: murder, rape and wanton abuse of power in flogging, branding and denial of freedom of movement, freedom to worship, freedom to own land, and the right to education, which were the hallmark of slavery - very powerful, Mr. Speaker.

Now, in reference to the primary issue, which is the call for recognition and entitlement, today I hope that there is consensus on this matter, and I want to truly believe, Mr. Speaker, that we are at one today. (Applause)

The fact is that even if all of us in this House are not confident that this is an objective that can be successfully pursued, or that only payment in cash is the answer, as some of my colleagues feel, at least we would have laid the foundation for pursuit of some form of compensation and atonement, by giving full backing of this Legislator to the premise for the Government to pursue the issue. That is extremely important today.

We have to understand that recognition of what was done to humanity under the Trans Atlantic Slave Trade was the wickedest act ever committed against a race...

Mr. L. BUCHANAN: Audley people *dem dweet* man.

Miss GRANGE: ...a continent or a people. It was a multilateral economic system involved in the capture, trading, and exploitation of free and...

(*Sotto voce* comment by Mr. Henry)

Miss GRANGE: ...independent citizens for profit.

It has taken more than three centuries Mr. Speaker since the abolition of the Slave Trade in the British Empire for us to get this far, where we can talk about it in this House. It might take another century, Mr. Speaker, to complete the process but we must do our part to continue the struggle and intensify the effort. It is important that this generation addresses the issue.

But, Mr. Speaker, we need to understand what we are pursuing. Basically, reparations for slavery is the idea that some form of compensation should be made to the descendants of Africans who were enslaved under the Transatlantic Slave Trade.

Mr. Speaker, this issue has taken an added significance since 1999 when the African World Reparations and Repatriation Truth Commission, called for “the West” to pay Seven Hundred and Seventy-seven Trillion (\$777T) to Africa within five years. Slavery was declared as a crime against humanity by the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001. And acts of reparation were established as appropriate forms of redress in instances where such injustices were evident.

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In 2004 Lloyd's of London was unsuccessfully sued by the descendants of African slaves. While in Jamaica that same year, a coalition of Rastafarians argued that European countries formally involved in the slave trade - especially Britain - should pay Seventy-two point Five Billion pounds sterling (£72.5B) to resettle 500,000 Rastafarians in Africa. This claim was rejected by the British Government, which said it could not be held accountable for wrongs done in past centuries.

In 2011, Mr. Speaker, Antigua and Barbuda called for reparations at the United Nations, stating that:

"Segregation and violence against people of African descent had impaired their capacity for advancement as nations, communities and individuals".

In 2012 the Barbados Government established a 12-member Reparations Task Force to be responsible for sustaining the local, regional and international momentum for reparation.

In 2013, in the first of a series of lectures in Georgetown, Guyana, to commemorate the 250th Anniversary of the 1763 Berbice Slave Revolt, Principal of the Cave Hill Campus of the University of the West Indies, Sir Hilary Beckles, urged CARICOM countries to emulate the position adopted by the Jews, persecuted during the Second World War, who have since organized their own reparations fund.

At the 34th meeting of CARICOM Heads of Government in July, 2013 in Trinidad and Tobago, the Heads agreed to set up a National

Committee on reparation to establish the moral, ethical and legal case for the payment of reparations by the former colonial European countries to the nations and people of the Caribbean Community for native genocide, the Transatlantic slave trade and a racialized system of chattel slavery. Sir Hilary Beckles was elected as Chairperson of the CARICOM Regional Reparations Commission.

To date, National Reparation Committees have been established in eight member States, Antigua and Barbuda, Barbados, Belize, Guyana, Jamaica, St. Lucia, St. Vincent and the Grenadines and Suriname.

However, Mr. Speaker, one of the most important developments since the Durban Conference was the 2007 Bi-Centennial Celebrations of the passing of the *Slave Trade Act, 1807*, or, the *Abolition of the Slave Trade Act, 1807*.

Mr. Speaker, I want to use this opportunity at this time to remind this House of the United Nations Committee which has been working to establish a permanent memorial in honour of the victims of slavery and the Transatlantic Slave Trade.

The Committee has been facing a shortfall in funding to erect the monument in New York, but I understand that they have already passed the three-quarters mark in funding the cost, which is approximately Two Million US Dollars (US\$2M).

The idea, Mr. Speaker, to erect the permanent memorial was first mooted by Jamaica and backed by other Caribbean countries in 2007, and respective governments

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have been pushing for the completion of the project, and construction is now planned for March, 2015.

Mr. Speaker, as Minister, I actively lobbied nations to contribute to the Fund, and I would ask that Jamaica and the present Administration continue to lobby for the support.

We may recall that the *Slave Trade Act* abolished the slave trade in the British Empire, in particular the Transatlantic Slave Trade, and also encouraged British action to press other European nations to abolish their slave trading, although it did not abolish slavery itself. The commemoration of this event gave us an opportunity to reinvigorate discussion on the effects of the slave trade and slavery in Jamaica.

Many times we celebrate these landmarks in our history without leaving a legacy to ensure that the struggle against various forms of injustice is continued.

So today I wish to pay a special tribute to Mr. Lester Mike Henry, the Member of Parliament from Central Clarendon who was also a Member of the Cabinet of the previous Government, for raising the issue of reparation in this House, leading to the appointment of a Joint Select Committee to consider the issues and make appropriate recommendations for action.

When Parliament was prorogued in 2007, that Committee automatically ceased to exist. But, fortunately, I was able to take up the issue for the establishment of a National Commission on Reparation, similar to the Ganja Commission.

In 2009, Mr. Speaker, the Government of which I was a Member of the Cabinet, established the National Commission on Reparations to recommend the form or forms which reparations may take, and to receive testimony from the public and from experts with the aim of guiding a national approach to reparations.

The Commission was initially launched under the leadership of the late Professor Barry Chevannes, who, incidentally also chaired the National Ganja Commission. It was mandated to advise the Government on the case for reparation and to examine some types of compensation for past injustices suffered by the descendants of slaves in Jamaica.

Now, Mr. Speaker, we are all aware of the economic environment in which this Commission was established, and the scarcity of funding which slowed the process. But the Commission was able to perform a considerable amount of work in laying the foundation for where we are today. Unfortunately, Professor Chevannes died, creating a vacuum in the process.

The establishment of a Reparations Commission and the Terms of Reference by which it should operate, covers Jamaican descendants of slaves wherever they reside, whether in Jamaica or in the Diaspora, in order to consider the interest of the large external Jamaican population. Because as we say, there are more Jamaicans living abroad than Jamaicans living a yard.

I am appealing to this Jamaican Diaspora to remain committed to this process, because

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it is not a matter of if we will triumph, it is a matter of when.

(Visitors in the Gallery applaud)

(The Deputy Speaker gavels)

Mr. Speaker...

The Deputy SPEAKER: Just a moment, Miss Grange.

I must ask members in the Gallery, you are not to applaud or beat anything up there; it is against the Standing Orders of the House. And we appreciate your enthusiasm but you must follow the rules of the House. So no clapping, no sound whatsoever.

Thank you very much. Continue, Miss Grange.

Miss GRANGE: Thank you, Mr. Speaker.

You know, it's very hard to contain one's emotion, but I am sure they will, they appreciate your comments.

This is not a partisan matter, and although some people will suggest that it is racist in nature, they should realize that if reparations benefit Jamaica it will not only benefit black Jamaicans but all Jamaicans, irrespective of class, colour, race or heritage. (Applause) It is a Jamaican thing we are talking about, Mr. Speaker, and that has extended across CARICOM, making it even more inclusive.

I know that some of us, Mr. Speaker, might have some reservations about whether the payment should be used to clear up our debt. Probably we could negotiate debt relief as part of reparation.

However, we need to take into consideration the fact that the motion also proposes improvements to educational and

infrastructural systems, to our health sector, and ask that the repatriation of African-Jamaicans who wish to return to Africa, be also included.

I would like to ask everyone in this House, Mr. Speaker, to familiarize themselves with...

Mr. Luther BUCHANAN: Except Chang.

Miss GRANGE: Mr. Speaker, I would like to ask everyone in this House to familiarize themselves with the recommendation coming out of the World Conference on racism in South Africa, because it is in keeping with this motion. And in fact, I am hoping that everyone in this House read the Report that was tabled, because in this Report is listed the actions coming out of the World Conference on racism, that one should take in seeking reparation. It's all here, and some of it is so relevant to us:

- debt relief
- poverty eradication
- building or strengthening democratic institutions
- promotion of foreign direct investment

Sounds familiar, right?

- Market access

It's a long list. So it is not out of our reach. We must take this matter seriously and pursue it with the kind of intensity and the kind of drive and determination that Jamaicans are known to have. It is achievable.

Now, Mr. Speaker, I would like to at this point ask each Member of the House to

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commit himself and herself to vote on this motion and for us to be at one today. It is extremely important and it will be a very historical move.

(Sotto voce comments)

Miss GRANGE: Mr. Speaker, it is obvious, too, that the CARICOM countries...

(Heckling)

...are also willing to make similar political decisions on the issue.

I must also use this opportunity, Mr. Speaker - because I think, you know, they say the Lord moves in a mysterious way his wonders to perform. At this point, Mr. Speaker, I would like to congratulate the Honourable Justice Patrick Robinson, on his election to the International Court of Justice. *(Applause)* For me, his appointment is timely.

So, going back to the resolution, it seeks to have this case of genocide dealt with at the level of the International Court of Justice, in order to value the economic cost of chattel slavery to Jamaica, and the further compensation that should flow for the abuse of human rights and the other atrocities relating to slavery.

In the pursuit of reparations, Mr. Speaker, there are many questions; there are probably more questions than answers. And some of these questions may even cause perceived divisions, but we must be prepared to walk the walk. We talk the talk, we got to walk the walk, we must be prepared to hold each other's hands and to go through the process of seeking Reparations.

Bob Marley hailed the Buffalo Soldier, a black US Cavalry Regiment which fought on

the side of the American establishment against the Indians after the American Civil War ended in 1865. But Marley likened their fight to a fight for survival and recast it as a symbol of black resistance.

What about Jamaicans who shared a different racial heritage? After all, we a culture mosaic, especially in terms of our cultural heritage and our motto now says: **Out of Many One**. So at this time, I think we need essentially to focus on three, three key issues which were identified at the 2001 Conference in Durban:

1. A declaration that the Transatlantic Slave Trade, slavery and colonialism were crimes against humanity. And;
2. Acknowledgement of the economic basis of racism.
3. Reparations for the victims of slavery.

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

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

The Deputy SPEAKER: The question is that the Member's time be extended for five minutes in order for her to sufficiently complete her presentation.

Motion put to the House and agreed to.

Miss GRANGE: Thank you, Mr. Speaker.

So, Mr. Speaker, we are all Africans here, and we are all of the African diaspora, no matter what our shades are. Even my brethren here.

So, Mr. Speaker, I believe that...

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(Sotto voce comments by Members)

Miss GRANGE: Mr. Speaker, I believe that in this House...

(Sotto voce comments by Members)

Miss GRANGE: See, they don't even want me to stop.

In this House there is the will to succeed in this campaign, and I am urging my colleagues today to make us take that next step to achieving success by supporting this motion without reservation.

And as I close, because there are four more speakers, I could go on you know.

A MEMBER: Four.

Miss GRANGE: But, there are four more speakers, and so I have tightened my presentation and I think and hope I have made my point.

I want to close, Mr. Speaker, with a quote from His Imperial Majesty Emperor Haile Selassie. We must... and I start with the quote, and I want everybody to listen, Mr. Speaker, because it is not just about the money, but it is also important that we are owed a debt and we must be paid in cash or kind. Emperor Haile Selassie said:

“We must put to the best use, the rich heritage of our past, for in that way, and in that way alone can we live to the highest standard set by our forefathers. We hope the future generations will realize the magnitude of sacrifices that were required to accomplish all the works so that they may preserve it as gain. Africans have been reborn as freemen, the blood that was shed and the sufferings that were endured are today's Africa's advocates for

freedom and unity. The glories and advantages of freedom cannot be purchased with the entire world's material wealth”.

Wise words from His Imperial Haile Selassie. (Applause)

Today, I ask my colleagues, let's vote unreservedly, let's put everything we have today into showing that we are serious about Reparations and Repatriations not because we just want the money, not because we just need to clear our debt, but because we feel that we owe it to our fore-parents, to our fore-fathers who suffered the greatest indignity in the world.

Thank you, Mr. Speaker.

(Applause)

The Deputy SPEAKER: Dr. Baugh, please sit.

Members we have four speakers left, in addition to a fifth one which is the Member from Central Clarendon to close the debate. The order is, East Central St. Catherine, North Central Clarendon, West Central Clarendon and then the Leader of the Opposition. West Central St. Catherine or Clarendon, Dr. Baugh is St. Catherine, right, Dr. Baugh is St. Catherine sorry and then the Leader of the Opposition and then Mike Henry.

May I ask that Speakers seek to be economic in their presentations, given the time of day?

(Sotto voce comments by Members)

The Deputy SPEAKER: But we want to give everybody a fulsome chance.

Mr. A. BROWN: Thank you, Mr. Speaker.

(Applause)

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Mr. Speaker, it is my intention to be as economic as possible in my intervention where this matter is concerned, and I want to acknowledge the fact that there have been several speakers in this debate who have made extremely erudite contributions to this very important issue, including the Member from Central St. Catherine just now. And therefore, Mr. Speaker, I won't necessarily rehash several of the points that she has raised in her presentation because she has spoken to some of the markers in terms of milestones that have occurred in this movement towards Reparations. But notwithstanding that, it is going to be impossible to escape repeating some of the general themes that have been made and some of the general points that have been made.

I want to start out by observing that this issue of Reparations is a very important and critical issue across the Caribbean and particularly in Jamaica. And I think, Mr. Speaker, that you would be incline to agree that it is a subject that requires further public discourse and consultation because we are going to need the strength of all the persons in this region and this country to support this movement. And I say that because the fact is that there are some persons who remain skeptical about the issue of Reparations and whether or not we are going to be successful in the claim that we are about to mount.

Mr. Speaker, the issue is not a new one, the discussion is not a new one, and in fact, there have been calls and dialogues about Reparations for a very long time. And in some instances it appears that very little progress

has been made, but that does not mean that we relent in our effort to have an important matter such as this addressed, and in fact, to derive our just outcome.

I want to say categorically that the advocacy and the call for Reparations is a just one and that whilst slavery has been deemed one of the greatest crimes against humanity, former colonial rulers have failed to accept that there is a special case to be made for Reparations as had been done for the Jewish community following the holocaust.

And in spite of - in 2001 where slavery was declared morally outrageous and a Crime against Humanity by the World Conference against Racism, Racial Discrimination Xenophobia and related intolerance that was referenced by the Member from Central St. Catherine, there was no decision made in relation to the legal principle of compensation, this was not applied. And I want to say very clearly, Mr. Speaker that it is on this particular issue that we are now joining forces to address the absence of compensation for this grievous crime against humanity.

In fact, Mr. Speaker, the students of history will tell you that the insult was that planters and the plantocracy was compensated for the loss of their slaves, but slaves and their descendants were never compensated.

And despite successive UN resolutions while condemning slavery, they have fallen short in tackling the issue of Reparations. It is noted that the issue of Reparations has not featured in the discussion on matters such as the Jamaican-led initiative to erect a permanent memorial in honour of the victims

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of slavery. And I want to make it clear that whilst that conversation was not engaged, it does not diminish the significance of this memorial that is being established in the UN which was led by Jamaica, because I believe that it is a platform for us to continue to press for the issue of compensation to be addressed frontally by the global community.

Similarly, Mr. Speaker, the UN International Decade for people of African Descent which will be celebrated this year into 2014, does not have any reference to the issue of Reparations and compensation for those who went through the crime of slavery. And it is for all of us who have a vested interest in this issue, to ensure that in this decade this issue of Reparations gets the treatment that it deserves.

Mr. Speaker, I want to add my voice in commending the persons who have been leading this process, because, in fact, it is like a relay and we have heard of the contributions of Professor Barry Chevannes who have passed on and others before him. We have heard of the contributions of the Rastafarian community here in Jamaica that continues to press this matter. We have heard of the contribution of Blake Hanna who was one of the fore-runners. But I want to congratulate the current baton holder, in the person of Professor Verene Shepherd who has been doing a tremendous job in relation to the NRC.

Mr. Speaker, commendations also to Professor Hilary Beckles who is chairing the process at the regional level. And if a case can be made for regional integration, then it is on

this issue that the case can be made where CARICOM is concerned, because without fail CARICOM has been carrying this issue of Reparations, and it therefore means that we have to be careful in this country... (Applause) ...how we speak to the integration movement and the regional integration movement, and the CCJ is also very important in that regard.

Mr. Speaker, the National Commission on Reparations has had several meetings and especially in recent time, and I want to take this opportunity, not politicizing the issues, but they say due must be given where due is given. We give due to the Member from Central Clarendon, who has carried this matter. We give due to the Member from Central St. Catherine who has carried this matter but we must also give due to the Minister of Youth and Culture who is presently carrying this matter and who has ensured that the NRC has had funding from the CHASE fund to carry out its work, it has a budget to work with, Mr. Speaker.

(Applause)

This is extremely important and under her watch the Report of the NRC has been Tabled in this House and it allowed us to come to this point where we can now have a meaningful discussion on this matter of reparation with the facts, with the evidence, with empirical data so that we can strengthen our arguments in what is an important struggle for the people of African descent across the globe. (Applause)

Mr. Speaker, at the regional level the CARICOM heads of government in July 2013, agreed that they would support a proposal by

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the Prime of St. Vincent and the Grenadines, Dr. the Honourable Ralph Gonsalves, to engage the United Kingdom, France and Holland on the issue of reparation for native genocide and slavery. They also agreed to establish the CARICOM Reparations Commission under the chairmanship, as I said earlier, and as was said before me, of Professor Hilary Beckles and convened meetings of that Commission, and those Commissions have been working. They have been meeting and the work continues. In fact, I have heard Professor Beckles making presentation to the United Nations General Assembly in the appropriate forum on this very important matter of reparations for the descendants of slaves. So the fact is that we are now ramping up the representation and the advocacy that need to be made at the international level and also at the regional level for this very important issue.

Mr. Speaker, the heads also agreed of the proposed structure for the regional Commission and will seek to advance the region's position on the injustices suffered as a result of the slave trade. As a result of these initiatives the CARICOM Reparations Commission was constituted and they have achieved the following aims and objectives:

- (1) They have established the moral, ethical and legal case for reparations by Governments of all the colonial powers and the relevant institutions in those countries to the nations and people of the Caribbean Community for the crimes against humanity of native genocide, the transatlantic slave

trade and a radicalized system of chattel slavery.

And I want to make the point, Mr. Speaker, it's not only about the injustices done to people of African descent, but we must also speak about the injustices, the genocide that took place for Tainos and people who were native to this part of the region who have been wiped out as a result of what can be described as a dastard act of savagery against humanity.

Mr. Speaker,

- (2) They have also achieved and they have also come to the position where advice and recommendations on a coordinated approach by CARICOM at the prime ministerial subcommittee on reparations has been, established.

So we also have in this region at the very highest level of leadership a subcommittee of heads of government to treat with matter.

- (3) They have also achieved the reports from the National Reparations Commission.

So not only as Jamaica made a report at the national level so too have the other eight countries that have been spoken of and mentioned by the Member of Central St. Catherine.

- (4) Coordinate and undertake the preparation of a detailed brief and the cost of the damages and current manifestation of such damages on indigenous people and their descendants and on the enslaved Africans and their descendants in the following areas on other relevant issues:

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- economic including land deprivation,
- social;
- cultural;
- psychological;
- spiritual;
- demographic;
- medical; and
- educational.

And it is interesting to note, Mr. Speaker, that we are not begging anything here. This is not about begging. It is not about mendicancy.

Mrs. NEITA-HEADLEY: Yes.

Mr. A. BROWN: This is a just claim that we're laying (Applause) and I think it is important for us to state that categorically, especially for those persons who are ambivalent about the right to bring this claim against those persons who enslave people of African descent. When we speak about the fractured families that we have in this country it doesn't happen in a vacuum. It is as a result of the legacy of slavery. (Applause) When we speak about the issues relating to health issues it is not in a vacuum it is because of the legacy of slavery and it is for that reason, Mr. Speaker, that any call about reparation must not be frowned upon or dismissed as being superfluous or pie in the sky, or that we're begging anything. (Applause) We are entitled to be compensated for the damage that has been done to our fore-parents and to our selves.

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

Mr. A. BROWN: Mr. Speaker, I want to close by speaking to the legal issues, because this is going to be not only a political or

diplomatic challenge that we have. It is going to be a legal challenge as well and we must spare no effort in ensuring that the survivors of slavery are compensated.

(Cross talk)

Mr. Speaker, as part of the consultation that took place in the wider region Leigh Day attorneys who have some experience in this matter spoke, Mr. Speaker, about the claim being brought at the ICJ.

(Inaudible comment by a Member)

Mr. PICKERSGILL: Take it to the Privy Council.

Mr. A. BROWN: And what is interesting, Mr. Speaker, to note...

Mr. PICKERSGILL: Take it to the Privy Council.

Mr. A. BROWN: ...is that in relation to funding the ICJ - there is a United Nations Fund that exist to which applications can be made by States to assist in the resolution of disputes before the International Court of Justice, this is the Secretary General Trust Fund, to assist States in the settlement of disputes through the International Court of Justice, applications may be made to this Fund once the Court has accepted that it is seized with jurisdiction to hear the dispute this fund can assist the cost and expenses associated with litigation. (Applause) So Mr. Speaker, we don't have any excuse. We can't say that the money not there. We just need to establish the issue of jurisdiction, which based on what I am submitting to this Honourable Parliament that that jurisdiction is well established because slavery has been recognized as a crime against humanity. (Applause)

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Mr. Speaker, even if negotiations prove unsuccessful, which I don't believe they will be unsuccessful, litigation would generate a great deal of public pressure upon the countries that have engaged in the sort of slavery practice over the years and based on the public outcry that is likely to rise as a result of this advocacy they are likely to have no choice but to provide compensation to those persons who have suffered.

And you know, it's interesting Mr. Speaker that the issue of reparation has taken so long to come centre stage. I think the reality is that the powers that be recognize that the claim is just and the bill is going to be so significant that they are fearful of the sum that they're going to have to pay out. But we must not be daunted. We must not in any way become complacent in this struggle that we have. And I am confident, Mr. Speaker, that with the unity that will be demonstrated not only in this House but in the entire country, in the entire region and in the world that we will be paid our just due for the slavery that was imposed upon us and for the crime against humanity that slavery was and genocide and that our children after us will be proud of us that we did not let them down in this important struggle.

I thank you, Mr. Speaker. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

The Deputy SPEAKER: Mr. Charles. I'm going by the order I have here.

Mrs. NEITA-HEADLEY: It's okay. Just...

The Deputy SPEAKER: Okay. My apologies. Go ahead, Dr. Baugh.

Mr. PARCHMENT: Pearnel, no badda talk.

Mr. PICKERSGILL: Bwoy, is a colour business this.

(Laughter) (Cross talk)

Mr. CHARLES: I speak for a different generation.

(Cross talk)

Dr. BAUGH: Thank you very, Mr. Speaker.

(Cross talk)

Mr. Speaker, it has been said that brevity is the soul of wit. I am not trying to be witty, but brevity is in order for the rest of this day.

Mr. PICKERSGILL: Hear, hear! Hear, hear!

Mrs. NEITA HEADLEY: Good start.

Dr. BAUGH: I want to take the opportunity to commend all those who have brought us to this stage like the previous speaker and I believe that it deserves reiteration that Barry Chevannes, former Chair of the National Commission on Reparations, must be commended for the work that he has done and the service that he has given to Jamaica; (Applause) Professor Verene Shepherd who is the current Chairman...

Mr. PICKERSGILL: She is here.

Dr. BAUGH: ...she is here, must be also commended; the Rastafarian community for their persistence over the years...

Mr. PICKERSGILL: They are here.

Dr. BAUGH: ...Barbara Blake Hannah, of course, and also the member from Central Clarendon who (Applause) in this forum has been a lone voice for the longest while...

Mr. CHUCK: From '96.

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Dr. BAUGH: ...when people did not think it was appropriate to be identified with this movement he persisted and stood alone for a long time.

(Applause)

Mr. Speaker, I start with a quotation:

“That Justice is blind goddess

Is a thing to which we blacks are wise.

*Her bandage hides two festering sores
that once perhaps were eyes”.*

Mr. PICKERSGILL: Source, source.

Dr. BAUGH: Source – a black poet of the United States of America.

This is the business that we are about. It is not just reparations. It is restorative justice and also it is restitution, because there is a principle of restitution where one person or a country, or company benefits from the loss of another and it is found to be wrong then restitution must be undertaken. And I agree with the Minister of State from the Ministry of Foreign Affairs [and Foreign Trade] that is not just something of the past, because as we spoke today earlier on in the House concerning crime and education the legacy is with us, the manipulation of people, the dismantling of families, the dehumanization of people....

(Inaudible comment by Mr. Pryce)

Dr. BAUGH: ...because one of the fundamental consequences for them to have been able to do this to the world - to people of this world is to declare that a portion of these people were not human, that they did not have a spirit. This is something that has to be repaired. Africa suffered very badly during this time. When the colonist went to Africa

they didn't find a country that was poor and broken. They found people with whom to trade. They traded gold, other precious materials. They traded textiles, especially with the King of the Congo and they went up the Congo River and found many settled communities and they themselves settled thee.

As a matter of fact, whites and blacks formed communities in the Congo as they explored the Western coast of Africa - the time is too limited to talk about the atrocities, but Africa suffered. And even today there are consequences; there are consequences of the division. The land grab that took place in 1870 when they met in Germany to separate Africa among the colonists and Leopold II of Belgium really took hold of the Congo and through intense savagery and cruelty Brussels became rich and the Congo became divided and Rwanda, which neighbours the Congo, was one such country whereby the legacy has been reaped whereby people who you could hardly tell the difference they look the same and I have Tutsis and I have met the Hutus. They had to carry a card to tell the difference, to identify them as belonging to one side and yet in the 1990s there was a civil war result in 800,000 people being killed because one was privileged and the other was not, because one had features more resembling the Europeans and the other did not.

So the legacy is there and the consequences are there. I wouldn't even bother to talk about South Africa and Cecil Rhodes and what happened to Zimbabwe, but this is a sordid history. But it is good that the Commission has recorded it from our

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perspective, the victims, who were taken on the Trans-Atlantic journey. Because even the Africans today don't see it the same way we do; they don't understand what happened - what are the consequences to our people.

Whenever I had the opportunity as Minister of Foreign Affairs to speak to Africans, they don't understand why our language is so dismantled. They don't understand our patois. What they understand is that along the Coast of Africa there were some 100 ports which were places of no return; that when the captives went in there that's your last you saw them. And they went in there; they were detained, shackled sometimes for as much as three years, waiting on the ship to come for them to take them across the Atlantic.

But when they came here now, this was where people's lives were dismantled, people were degraded and the countries that suffered the most to my mind, Haiti and Jamaica. People - the five million slaves that went to Brazil are today a little better-off although Brazil was the last to undertake emancipation in 1888, but the fact is that at least steps have been taken to deal with the issue of poverty.

Affirmative action has been taken...

A MEMBER: And the indigenous people.

Dr. BAUGH: And the indigenous people as well.

...but actually those that went to the continents are better-off. In the United States of America of course, America went through a civil war over slavery but it was only when Martin Luther king took that march to Washington - that Million Man March to Washington - and I

want to use him as an example because they had to fight further for their civil rights. And Martin Luther King gave the kind of leadership that we must now give.

I don't think that we should become angry; I think that we should be very objective and rational and we should pursue our interest in the context of how it was pursued in the last century, by heroes, global heroes such as Mandela - Nelson Mandela, such as Mahatma Gandhi, such as Marcus Mosiah Garvey and Martin Luther King.

A MEMBER: Fidel Castro.

Dr. BAUGH: I wouldn't name Castro as one of them, I hear you, I'd more name Haile Selassie. But the fact is that they conducted their struggles in such a way that guaranteed victory, but victory that was purposeful. In other words, we should not develop rancor, we should not seek revenge, but let us follow the words of Martin Luther King who said:

"We cannot quench our thirst for liberty and freedom by drinking of the cup of bitterness and hatred..."

He said that we should:

"...conduct our struggles on a high plane of decency and dignity".

And that's what I would recommend to all our colleagues, we have the strength of history, we have the strength of the facts, it cannot be denied, let us conduct our struggles in such a way that it will come to the International Court of Justice or any other United Nation forum that's relevant to this, so that we can be assured of victory in this respect.

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The other two points that I want to make, Mr. Speaker, is that based on the presentation from the Member from Central St. Catherine...

(Inaudible comments by a Member)

Dr. BAUGH: Yes, I think that the assessment or evaluation of the harm that was done that need to be repaired is a lot of money and there will always be the question of who it is to be paid to. I believe that if the money is paid to poor communities, poor people then I believe that that can be justified, it's to eradicate poverty.

And I want to use this as an example, although it was not reparation, but in the aftermath of World War II, the George Marshall Plan paid a huge amount of money to Europe, to Japan...

(Inaudible comments by a Member)

Dr. BAUGH: Yes he was the Secretary of State at the time, the Marshall Plan and it was named after him. ...but at least I would say what is equivalent today to \$½ a trillion - US dollars, it came in different allotments between 1947 and 1952, \$15 Billion allotments were paid to Europe and these countries who suffered in the aftermath of World War II.

What that did was to create an industrial revolution, an industrial recovery, a repaid for all the damage that was done. But even in South East Asia and Singapore, those countries were beneficiaries. I think that what that serves to do is to create a period of development, which caused the golden age of capitalism, so that United States created a new market for themselves. The reason I say this is that those who have to pay this money for

reparations can themselves benefit by creating development and growth in these countries where the underdevelopment is a consequence of the slavery that took place in those years.

The last point I want to make concerns what has been talked about a lot, the World Conference on Racism, Xenophobia and Racial Intolerance, which took place in Durban, South Africa. The year was 2009 and the date was August 31st to September the 8th. And the reason why that's important is because on September the 9th 2001, was when 911 happened when New York was attacked, and therefore the results of the Conference in South Africa was extinguished because of what happened for the next several years in relation to the assault on New York.

(Inaudible comments by Miss Hanna)

Dr. BAUGH: I'm sorry, thank you for telling me that, I didn't know that.

But the fact is this, that in that Conference where it has started out for reparations and slavery, it was subsumed under the concerns that some countries were trying to say Zionism was indeed racism, and the United States as a consequence, withdrew from the Conference. Our own Collin Powell withdrew with regret and did not participate.

There was a second Conference in 2009 - I think I gave a wrong date awhile ago, it was 2001 first of all; 2009 was the second Conference, Durban II, which took place in Geneva, and that Conference was boycotted by 10 countries, most of the European countries, most of those who were important to the decision to be taken. And the work became divided, the Conference became

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divided into camps, the African camp and Latin America, the European camp and I believe the Asian camp. And of course, because of that boycotting of it, it did not take hold.

A third Conference was held in New York. That Conference was boycotted by the same 10 countries plus four other important countries. And therefore there is no question that the whole issue of slavery, its consequences on countries like ours, and what ought to be done to repair it, is an issue that is subsumed by other concerns, and with which people are not going to cooperate, and therefore it is left to Jamaica and the Caribbean. And I want to commend Sir Hilary Beckles for his presentation in the British Parliament for which he received a standing ovation.

It does mean, Mr. Speaker that we have to be strong and determined and committed to this cause. I speak in support of the issue of reparations for slavery, but more than that, I would hope that it could take place in the kind of atmosphere where we can accept the current challenges of the world, where the world today is divided. The last century was a century of genocide, so much genocide took place. And I don't know if it is a consequence of the encounter between Europe and Africa and the rest of the world, but the world is in trouble.

This year has started out very, very, badly as well. So I hope that we can take this opportunity to give leadership to the world to plan for the future where you're going to have climate change and so many other issues that

could bring back slavery because of the diminishing resources that the world is going to suffer.

So I believe that Jamaica and the Caribbean should give leadership to the rest of the world, to lead it like Mandela did to South Africa, or Martin Luther King did, or Marcus Mosiah Garvey did...

Miss HANNA: Or Norman Manley.

Dr. BAUGH: ...for us to be able to achieve great success...

Miss HANNA: Norman Manley.

Dr. BAUGH: ...in terms of continued development of the world.

One of the things we hope we can achieve is to look at the United Nations and world governance, because it is basically absent, so that we can influence reform at the United Nation's level, to improve on world governance.

Thank you very much, Mr. Speaker.

(Applause)

The Deputy SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

I want to join in the commendations and acknowledgements that have been given to persons who have carried the reparation cause over these many years to now where it seems that the Government of Jamaica, indeed, Governments in CARICOM will be taking a more direct and positive approach towards the reparation movement.

Mr. Speaker, let me acknowledge the work that has been done by Professor Barry Chevannes and now by Professor Verene Shepherd, but I'd also like to make special

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acknowledgement of the work that has been done by the Rastafari Movement in Jamaica, who boldly took their claim internationally. And we also acknowledge people like Dudley Thompson who has always been an advocate for reparations. In that light, I'd also like to acknowledge our own Member from Central Clarendon, Mr. Mike Henry - Jah Mike - who has worked long and hard and has been someone who has carried the cause for a long time.

Mr. Speaker, much has been said, and I don't need to remake points that have already been well made. I want to focus on one important point which is covered in the Resolution. Slavery and the injustices of slavery cannot and should never be measured in dollars and cents or pounds and shillings. Indeed it cannot be. The reparations debate is not about money, it is about a process acknowledging that a terrible wrong was done to a race, to a people, and that those who did the wrong must come upfront and acknowledge it and by their own conscience, should seek to right that wrong.

The reparations debate, Mr. Speaker, has nothing to do with time. It doesn't matter how many centuries ago this happened, as long as we acknowledge that it is a wrong. The generations that have come and gone and the generation that now exist, has a duty to make the wrong that happened, into a right. They have to correct it.

And I would say, Mr. Speaker, that there is a view, and how can the compensation that is required in the reparations debate be effective? Because it has happened so long

ago, people are dead; you can't hold me responsible for what my ancestors did.

And you know, Mr. Speaker, in the particular debate about the reparations for slavery, what I found to be very curious, the British Government paid £20 Million to the owners of slave; £10 Million went to slave owners directly in its colonies and £10 Million went to absentee slave owners in Britain.

The University of London and other academics conducted a study. They pulled together 46,000 records of compensation and they were able to list Victorian families, British families during the Victorian period, who...

(Inaudible comments by a Member)

Mr. HOLNESS: Some were British, MP.

(Inaudible comments by a Member)

Mr. HOLNESS: Yes, including the Prime Minister and including the father of former Prime Minister some time ago.

(Inaudible comments by a Member)

Mr. HOLNESS: Quite possible.

Mr. Speaker, it is now a matter of record that we can identify persons who - well, whose families and ancestors benefited from slavery and you can now make a connection between the wealth of those families and trace it right back to the compensation of slavery.

(Applause)

So it is not a debate that has to get into the realm of any esoteric details about, "well, how do you know that the profit from the plantation went back to Britain to build mansions?" We don't have to engage in that, there is a starting point. The British government took up 20 million pounds and

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just handed it over to everyone who owned slaves and asked for compensation. You have to juxtapose that, Mr. Speaker. A little bit of history is necessary.

The Abolitionist Movement in Britain was very active and when it came to the point that the British Parliament was now ready having abolished the slave trade now ready to abolish slavery, felt that a little incentive was needed. So the debate at the time was, well, to the planters, don't worry, when we abolish slavery there will still be a period of apprenticeship, there will be still laws to keep slaves in check hence the Vagrancy Act, and we will compensate. So that was the sweetener for the abolition of slavery.

When the Abolition of Slavery Act was passed in that Act as well was something called the Negro Education Grant, and the Negro Education Grant was 30,000 pounds per year starting in 1835, I believe it was, for five years. It never really got up to that, maybe in the first or second year they did get the 30,000 pounds but after that it consistently declined, and then they agreed, British government agreed that they would extend it for a further five years. So in total the only thing that you could say that the slaves got as any form of compensation would be maybe 200,000 pounds through the Negro Education Grant, and even then it didn't go to the slaves it went to the missionaries, it went to the churches because the missionaries took it up and that's how we have the schools that we have today.

I go through that history to make the point that had the British government spent more

resources the schools that we have today, many of them benefited from the Negro Education Grant: The Mico, the Dickenson Trust, many of them benefited. Had more resources been spent we would have had stronger, better institutions that would have built a stronger, better society. So there is an argument for compensation, and it is not a complex argument, it is a very simple argument.

We know who the persons are. The British government obviously valued and placed a cost on slavery by giving this compensation. It is about - some people estimated that it would be somewhere in the region of a billion pounds, don't hold me to that figure, actuarial studies would have to be done to see what the actual net, present value of that 20 million then, now, what it would be, but I don't think it is beyond the scope of the British government or any of the colonizers to seek to give back in a consequential and significant way resources, to whether it is our education system, whether it is to our national security system, whether it is to investment in our economy. I think it is well within the scope of certainly the British government to do this.

So I wholeheartedly support and endorse the resolution brought by the Member from Central Clarendon and I hope that the Parliament will vote as a whole and vote in one voice in support of this Resolution.

May it please you, Mr. Speaker.

(Applause)

Mr. CHARLES: Mr. Speaker.

The Deputy SPEAKER: Mr. Charles.

Mr. CHARLES: Mr. Speaker, I would like to speak for a different sector of the society.

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(Sotto voce comments)

Mr. CHARLES: I have listened to the historians, I have listened to men of legal minds and background, but there are some simple, other matters that we need to look at. Some who don't have the opportunity to speak in the House. Some who slavery then is still affecting. The legacy of that slavery is still affecting us today. Suffering, injustices and hardship as a result of the then.

I heard somebody say, "Why you worrying about this?" It has contaminated us in such a way that if you too black, if you half brown you prefer to say you are half this and half that. All that is the legacy of slavery. And somebody said but, "Look how long they gone, they can't pay for it now." Well guess what. What we contributed in and what our forefathers contributed in labour, somebody got assets. They died. The assets never die with them; somebody inherited the assets. Our forefathers died, the assets of the slave masters pass on to others, therefore the payment still there. The work still has to be looked at.

Some of you might not understand how painful it is when you walk into a place and ask a barber to cut your hair and him laugh.

Mr. PICKERSGILL: Which side?

(Laughter)

Mr. CHARLES: He was quite curious as to which side, but I tell you which side - which side you think he was talking about?

(Inaudible comment by Mr. Pickersgill)

Mr. CHARLES: But the serious thing is, I am glad to see that we can talk about it,

because a few years ago we wouldn't want to talk about it.

When I was a senior, say well, teenager -

Mr. PICKERSGILL: Senior teenager?

(Laughter)

Mr. CHARLES: Yes, 18, 19 -

(Sotto voce comments)

Mr. CHARLES: - 18, 19, no black boy or girl was on the front desk of any banks in Jamaica.

Mr. PICKERSGILL: That's true.

Mr. CHARLES: No black boy like me was on the front desk of any airline or any insurance company in Jamaica. Legacy of slavery, and the brightest black boy like you, Attorney General, was in the back. In the back of the banks, in the back of the airline offices, in the back of the insurance companies.

(Sotto voce comments)

Mr. PICKERSGILL: That's true.

(At approximately 7:20 p.m. the Deputy Speaker indicates that the Member's time for speaking has expired and a motion is moved by the Leader of the House for the suspension of the Standing Orders to sit beyond 7:30 to complete the business of the day.)

Motion put to the House and agreed to.

The Deputy SPEAKER: Mr. Charles.

Mr. CHARLES: So, Mr. Speaker, we are not quarrelling today...

A MEMBER: Thank God.

Mr. CHARLES: ...but you know, sir, I travelled from Kenya to Ethiopia on an occasion and met some Jamaicans who left here years ago for Ethiopia, and they said to

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me, "When you go back please advise the Jamaicans that, don't just come here because they hear of Africa, come with a profession, come well trained and come to work."

You know, as I said about legacy, Mr. Speaker, it has created fear in many of us. We don't want to talk about it, and there are some of us who refuse to say we have any connection with it. With black people who came out of Africa.

A MEMBER: Really?

Mr. CHARLES: Because somewhere along the line they are not as black as some of us and you can't test that.

A MEMBER: What you talking about?
(Heckling)

Mr. CHARLES: I didn't say everybody, you know, because some of the champions of slavery were not black. Some of the champions who bring us freedom were not black. So I am not saying everybody. Get that straight. But, Mr. Speaker, let me go on with few minutes.

I want to quote from three present leaders that inspire me to stand here today, and one of the legacies that I am talking about is human trafficking. Human trafficking, and the President of the United States describe it as "modern slavery", and it is happening so much in Jamaica today.

Mr. Speaker, Pope Francis a few days ago pointed out to us that there are 38 million people in the world today still in slavery. Thirty-five point eight million people enslaved. Global slavery, Mr. Speaker, is still a big problem. Inheritance at the beginning of it. Patrick Robinson stated clearly that it is the

worst thing that has happened to human as far as he is concerned, and we should pursue reparation.

Now, a few years ago we laughed at men like Mike Henry talking about it. Just like when we were boys the Rastaman was used to frighten us.

Mr. PARCHMENT: Yes?

Mr. CHARLES: Yes.

Mr. PARCHMENT: Yes. First me a hear that.

Mr. CHARLES: When I went to Africa I learned to respect...

Mr. PARCHMENT: What year was that?

Mr. CHARLES: ...the history that the Rastaman was teaching us in Jamaica.

Mr. PICKERSGILL: What?

(Heckling)

Mr. CHARLES: Not you, me. Not you, me.

(Heckling)

And I say this, I say this, I say this, we still have inherited a legacy that allow us to look down on them.

(Heckling)

Whether you want to accept it or not we still have a legacy that cause us to look down on them. And I want to say, you are going to get criticism. Look at the columns after tonight. Look at some of the headlines. "Oh, you are wasting time, you could be doing so much better things, you there talking about slavery and black people and this and that." But I am glad that there are those of us who recognize that this is a very important issue.

I listened to the Minister in her presentation and I know that her presentation

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was a reflection of how the Government is thinking, and I just want to say to the rest of us, we in this House should unite and take a stand. We don't need to wait to join nobody and nobody to join us. We in this House must take a stand against slavery, against those who have inherited the wealth that slavery has left for them, and we who have inherited what our forefathers have left, some of us unemployed, uneducated, no home, no school. Inheritance, the legacy is here. Some of us have jumped out of it. You, an attorney-at-law. You have escaped certain things, Minister over there looking at me.

(Inaudible comment by Member)

Mr. CHARLES: Oh, he is not an attorney?

A MEMBER: No, no.

Mr. CHARLES: But the point is, we can do something about it. As the Member from St. Catherine said here, education is one of the means of the getting away from slavery. When you are educated, you are likely to have a profession; when have a profession, you are likely to get a job; when you get a job, you are likely to earn some money to build a home, marry, and create a family. If you have that circle, you have a development process. If you inherit the opposite: unemployed, illiterate, can't find anything, you know where we end up.

So Mr. Speaker, for years, slavery and the atrocities accompanying it, has plagued black people: no proper housing, no education for some, no equal status, forced labour, and little or no pay. Some people had to create minimum wage to rescue some of us. You are

aware of that; you were there when it was created.

Mr. PICKERSGILL: Yes, yes.

Mr. CHARLES: Busta, from years ago when minimum wage was created - I think I gave you the year - to rescue some of us, from ourselves, or from others like us, who are not white, who are not descendants of the slaves, but descendants of slave - not descendants of slave - masters, instead of slaves. So, it is a legacy that is complex, and we have to get it together.

So I congratulate the Member from Central Clarendon because it is a bravery that... very few of us could overcome the sarcasms that's been shown of us. And I think we ought to give a round of applause to Mike Henry for bringing this matter here, and having us in this House talk the way we talk as a united fold in one. We want a clap for Mike Henry. (Applause)

Mr. Speaker, someone who gained from slavery should pay. They should share the assets that they have received: the suffering, and the death, and pain of others. There are some of us who have inherited that; we feel it, and we know it... the loss of rights, the inhumane treatment.

Mr. Speaker, we have been denied all opportunities to self-development, denied freedom of association, denied education, denied the opportunity to own properties, and to recognize their self-worth, were just some of the atrocities that our forefathers underwent. Freedom was never known to them.

Mr. Speaker, there are two fundamental issues in the Resolution. First, black people

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are owed reparation for the years. We are asking, are they owed reparations for the years of slavery and slave labour? I said the answer is yes.

Secondly, will we ever be paid a full sum for the many generations of slavery? Mr. Speaker, I don't think it can be paid for, but symbolically, we can feel that somebody recognized the pain, then and now - then and now. This is what those of us who suffer the pain, the history of slavery that has descended on us we are concerned about.

As we learn of the agony of our forefathers, what they underwent as a result of slavery, the devil is in the details as to how compensation and settlement should be arrived at. If it could be settled, the most frightening detail is the dollar amount that had been discussed by many here. I am not worried about that; I am not worried about that - the details of how the money is paid and to whom it is paid. What I am concerned about is the recognition that this has happened to us, to our forefathers, and the pain has been handed down as legacy to the rest of us.

Mr. Speaker, there are some things that can never be compensated for, and one of them is the destruction of families - the years of the denial of education, and the lethal abolition of social and cultural norms. Our culture has been contaminated so badly that in your heart you know I am right. In your heart there is the feeling of who is browner than who, whiter than who, richer than who. We are not... and I'll say a simple one. Somebody said to me, you have Chinese restaurants cooking Chinese food; you have other

restaurants; you put up a sign at a black restaurant and see what happens.

(Sotto voce comment)

Mr. CHARLES: You have a black restaurant and see if anybody *gwine* go eat. The culture has been contaminated to the point where we ourselves are afraid of it.

(Sotto voce comments)

Mr. CHARLES: You right, I understand the point I am making.

(Sotto voce comments)

Mr. CHARLES: Well, you put up one out *deh* and you put on it, a black restaurant.

(Sotto voce comments)

Mr. CHARLES: Mr. Speaker - the argument, Mr. Speaker, is about justice; whether black people are compensated or not, whether reparation can be paid for or not...

(The Deputy Speaker gavels)

Mr. CHARLES: ...it must be accepted that slavery was wrong. It destroyed, as I said before, Mr. Speaker - it destroyed families, denied black people their space in the world, and in the education in their professions. Slavery has done a major damage, Mr. Speaker to the black race that reparation cannot repay, but in some way, a compromise can be arrived at.

Mr. Speaker, I close by saying... *(Applause)* ...we have come a long way because I don't think that this could be discussed in every and any Parliament of this land. When I listened to the Member from St. Elizabeth, I was inspired by his presentation.

Mr. PARCHMENT: Northeast.

Mr. PICKERSGILL: Very nice of you, very gracious.

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Mr. CHARLES: Yes, and I am not embarrassed to tell you that, because as I said, years ago, we wouldn't want to touch it, couldn't talk about it, don't go there, leave it alone, *weh* you a bring back that, *mek* that pass. It cannot pass. It cannot pass. It is in our blood. The sufferation - my word - the sufferation and segregation, and all those things. It is good to see tonight, a good amount of us have sat here; we have decided that it is a good Resolution for us as a Parliament to pass to start the thing. It is not going to end it, but we can start it. Reparation can close the injured gap, but it will not put us at a total solution path.

Thank you, Mr. Speaker.

The Deputy SPEAKER: Mr. Henry.

Mr. HENRY: Mr. Speaker, can I have permission to speak from a seat other than my own?

The Deputy SPEAKER: Permission granted, Mr. Henry.

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

Mr. Speaker, let me say that I appreciate the presence of everyone here this evening, and those who have stayed long enough to listen to the conclusion of a fight that goes well beyond my own attempt to serve a cause.

Everyone who has spoken has made their thanks to all the persons who have led this fight. And for me to utilize the time limited to me, let me say in my impish Mike Henry way, you note I came here armed with a lot of documents because there was once a Leader on this side of the House, or on both sides, who spoke for almost two days on a matter.

Maybe you would like to see if the Clerk will consult the books if I need to go on, or I get to the end result quickly. But having discharged that, Mr. Speaker, in my own book I wrote and thank all the people who have lead this fight before and we can hardly name them all.

I have listened, however, to a number of us speak, or all those who have spoken, and we seem to all agree on one thing - entitlement - which is part of the Resolution. What we seem here to agree on is the form, the shape, how and when. Some are saying, go a CARICOM route. My suggested route is the route of the Parliament of the country of Jamaica.

I emphasize that, Mr. Speaker, because as I greet you in Jah's name, I remind all that I am driven by many things, but things drive me on this matter, and in the Resolution that Africa is the cradle of humanity, that repatriation and the philosophy of the Rastafarians... how can I swop a continent for an island? Garvey's words of self-confidence drives what I am saying. And he said:

If you have no confidence in yourself, you are thrice defeated in the race of life.

And I emphasize that because I think all of it emanates from many of what we have said.

I could (come currently) to my colleague from Clarendon who spoke of the recognition of black persons in our society. I was never happy when I was going to school to be called a *reddibo*. It made me dislike the brownness of my skin, until I discovered that there is a tribe in Africa - that's why I used the humanity and the beginning of us - to discover that there is a tribe of Ebos who were red.

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A MEMBER: That's right.

Mr. HENRY: In the context of all of that, therefore, Mr. Speaker, I recognize how much of our African ancestry was taken from us, and how much that has debilitated our self confidence overall.

And in my scattered notes that I will seek to address to deal with the issues that I think need to be clarified, I hope my colleagues will forgive me, but I come to the substantive aspect that I hope we will come to in the finality.

Be it Resolved that this Honourable House debate the issue as set out in the prayer and make the political decision by a vote that the Government of Jamaica is entitled, on behalf of the former slaves and via the basic tenets of labour law and human rights, to receive payment from Great Britain, equivalent to the sum paid to the British slave owners...for the loss of ...labour.

I don't want us to ever lose sight of that, because it's that narrow point that I speak to which eliminates all of what we err in obfuscation. Without a political decision you cannot pursue the Taino without a political decision you cannot go to the International Court of Justice, and CARICOM is not a political body.

We have been through three/four debates; we have waited to make the decision on the basis of this Report. This Report - I want to thank Professor Shepherd - the Rastafari Community, you were a part of that Committee - and where we have reached. And, yes, they want to continue more

education. Yes, we want to have more people who understand what we have all been referring to, but the time - as my colleague has said - for talk for me is over. The Twenty Million (\$20M) has been paid; we know who owned the slaves. So, the reasons and excuses used in the past which said that how can the present citizens of Great Britain pay for something done under their law that existed then, is defeated by that purpose. Because we have no need to claim from all the citizens of Great Britain, if so, they must claim for the identified persons already mentioned by some of my colleagues in their presentations.

My book records the feeling and the aspect of the whole history, the Rome Convention, all the issues. It's all addressed, anyway, in this Report which every single Member here received. I would like to go through each page, because the Report supports the Motion, the Report which we sent and which we have waited ten/twelve years for, is now here.

So, Mr. Speaker, as I made the notes, as I referred to and said I may do so in a somewhat scattered approach to clarify the position, I go therefore just to explain definitions, because even the definition of reparation - reparation has been historically entrenched in the history of the world, so the entitlement of reparation is merely a matter of how you address it and from what side.

I have addressed it, for instance, because one of the excuses of Great Britain was, to whom do we pay the reparations? As if to suggest that we are all here not descendants of slaves. But, equally, that is entrenched in their

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thinking that we shouldn't have the ability to spend the money we earned. So, to whom it should be paid? My answer to that question will still exist but it's now what I am saying. You pay it to whichever is the Government of Jamaica, on behalf of the people, and it forms part of the treasury of the country. And that's no different to what you did for the Jews after the Holocaust in Germany. (Applause) In fact, that's why you founded the Israeli State in order to receive the Fund, in order to create the aspect of what that country's history speaks to. So, I think I defeat that argument in that approach.

Because, Mr. Speaker, we must remember that the key essence of this point lies in the fact that chattel slavery is not slavery in its broad sense of history and culture. Chattel slavery only existed in the Caribbean and parts of the United States. It is chattel slavery that made us all animals in the essence of our ancestors and plantocracy because as the chattel you have no right.

(*Sotto voce* comments)

Mr. HENRY: No, I don't have to say, the origins of slavery is written. Muslims from the Barbary States, North Africa, Algiers, the Spanish and Portuguese used African labourers on plantations. But, the reality exists that it's only in the Caribbean that chattel slavery was part of an economic structure and development. So, I don't want us to ever get lost in the aspect of slavery, *per se*, which historically, culturally and socially has had its own developments.

And indeed, the only thing left - and this is so important to Jamaica, the only thing left

to the African who was a chattel, was resistance, it was the only alternative to enslavement. And, even as the British tried to take it away from us by tending to suggest that merely their Parliament and Wilberforce fought for the abolition, I remind us all of the 600 people who are buried in Morant Bay. I remind us that it was the Christmas rebellion that drove the British Parliament to begin to look at the reality of that barbarous thing called slavery, and chattel slavery. (Applause)

So Mr. Speaker, when I even hear us speak to those issues, I question whether we really fully grasp the narrow point in which I pursue this fight for reparations for chattel slavery as a first step. And for the basic tenet that without a political decision, if you even lost that in Civil Court you couldn't go to the International Court of Justice unless you had a political decision.

Now, look at the irony of it all, Mr. Speaker. Slavery was abolished by the British Parliament by an Act in 1833, the very people who gave us this Parliament in which we should send them a message back that we said we are entitled to it by a political vote. It is a political vote that abolished slavery.

Attached to that now, was just like if you have a hurricane, the chattel now is the slave, just like the mango tree or the dogs or the goats. The owners then said to the British Parliament, you have taken away my engine of production, you have taken away the very engine you sold me to produce, and I therefore say you have to pay me for that loss. So, there is no more argument now of the value, because it's the British Government that

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established the Twenty Million. And, all I am saying is, pay the same Twenty Million (£20M) at today's value of the money, nothing more, nothing less.

We must remember how that impacted on us when they said if you didn't own land you couldn't be here. And therefore, when they freed the slaves and opened the gates they said, go find the free village, grow what you need, don't be a vagrant, when you can't own the land. If that's not self evident to our country today tell me what is. Tell me how much land we have locked up that has a value that can't be used. Because we still say, go and find a little square, without establishing the land titling.

If you want one area of reparations to spend it on, spend it on land titling and ownership of land. (Applause) If you want another area to spend it on, then begin to spend it on the redevelopment of communities, utilizing what already exist as infrastructure, and not allowing the people to scatter themselves searching for their piece of land. I think everyone of us in here fights daily as to how - when the Minister of National Security speak about crime and violence - I have tried never to make this motion a divisive political position.

So Mr. Speaker, I again tell everyone, re-read the Report, read it in its depth and its intensity of what the Committee worked on. Read it to be clear.

And I say to the Committee, coming from reparations and in the earnings will be all the funds you need to study, educate forever. But, as long as we wait to make a decision, those

who owe us will not want to pay us. So, I ask no more, I ask no less.

We are arguing about who or what? Jamaica's monetary claim - I read from the Report:

There are those who insist that reparation should be in the form of twenty million of which Jamaica is six point one million. So if we are going to talk terms of financials then Jamaica's claim is significantly higher than six million.

I know it is.

But then the formulas that go ahead vary in value from nine hundred billion to four point three trillion.

I don't want to excite the imagination, but nine hundred billion divided by three million people - and I know it's more than that - gives each individual of this country how much? Somebody can do the mathematics, so that you can tell every citizen what they will be entitled to, just as they are entitled right now to pay part of the debt. Now, is it difficult to socially structure that into debt for equity and investment, into debt for transference of technology? I am not saying pay me everything, I am saying let's work, because you did a wrong, you must deal with that wrong and you must bring me to the table, not let me wait on the crumbs that are falling from the table.

So, the broad issues. I said no delay. Political decision. A political decision taken now opens the door for them to be invited to come and sit with us and discuss the issues, not to treat it like it doesn't exist. So, when I took the position as a Private Member's

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Motion, I did it with a clear position. And I saw my colleague across the way calling for more appreciation of Sam Sharpe rebellion. It was those rebellions that led to the abolition of slavery. Our martyrs died for that issue. I say, their blood scream out for us to ask for justice and compensation.

(Applause)

But Mr. Speaker, in everything I heard, our generation now must right the wrong, the martyrdom of our heroes, Sharpe, Gordon, Bogle, the mental freedom of Garvey. We must today right that wrong by a political decision, and by that act reclaim the right of our ancestry and to claim the value of our labour.

They tried to tell us that Africa was a little village with nobody living. The first future growth of the world lies in Africa. They laughed at the Rastafarians who wanted repatriation. And, I am not dealing with that today in any depth, Mr. Speaker, for I have in my hand the proceedings of the House of Representatives, where in 1961 it was already passed, for repatriation. What we have not done is funded that repatriation. Because indeed, some of the money that came here for those who wanted to be repatriated, we would not be going back to Africa empty handed. We would be not only begging for land.

Africa itself has a case for Seven Hundred and Seventy-seven Trillion against the developed world, who disseminated their labour by scattering them across the globe and denied the development of Africa so that the right of the black ancestry of the world could never be recognized.

I don't think I need to, but I sat here reading this for some days now. I realize that when that was moved by Mr. Coke in this House, it was concertinaed between a two-hour session before a lunch. But, among the speakers were Dr. Lloyd, Mr. Cork, Mr. Coke himself, Mr. McPherson, Mr. Barrant, and others. And, they passed it and we have Jamaicans who are now back in Africa.

Mr. Speaker, the British say they taught us how to speak. Are we not watching the Tivoli Enquiry? Are we not seeing the difference between the language? Are we facing the fact that in our schools we still look at one aspect, just like we once looked at hair, we now look at language, we look at speech, we look at delivery. I, myself, have passed through the British would turn to me and say, you can't be Jamaican, how do you speak such good English? My only answer was to tell them I picked it up on the boat coming over. (Laughter)

Mr. Speaker they wanted us and told us how to worship. They told us how to obey, and in our miss-education they made us lose faith in ourselves. So what would I do with Reparations? I ask the mind of every Member of this House. Should we do it that we issue government Reparations bonds where each citizen has an entitlement of that portion, which then could be chosen by them for land, housing, education and health. The possibilities are numerous.

Some people I see in the papers spoken about, did it come about by a planned approach to governance and economics. If the world is the survival of the fittest then I agree

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with some of that, because the world was built on war and conker and territorial control, and then the division of languages divided us all in our chase for something.

Colonial domination both physical and territorial, and as the world developed out of this state issues we face today. Mr. Speaker, take Great Britain, the country I target in this. Today their enemies are their friends - a united Europe rejects the history and traditions for which we are tied to Britain on. Indeed, our Jamaicans, our persons who fought in the West India Regiment must now wonder where it is that, the eastern Europeans are now the friends taking away the jobs while Britain offered us to build some prisons to accept those that they don't wish.

(Sotto voce comments by a Member)

Mr. HENRY: Fortunately, or unfortunately, Mr. Speaker, I have lived long enough to have known when Cayman was a dependent of this country, when Turks and Caicos was a dependent, we now need a visa to go there.

So, I am saying, Mr. Speaker, if the magnitude of the claim and the audacity of the claim is so great to frighten anyone, I am saying that we have before been at the table where the decisions are made.

So, let me just point out as I go across the globe quickly. China received back Hong Kong from Great Britain, Hong Kong was a colonial territory and it was handed back to China. So what I am saying is, Mr. Speaker, this is not anyone asking for hard currency tomorrow nor are we asking for it as an escape position.

(Sotto voce comments by Members)

Mr. HENRY: I would never want a divided vote; I hope I never have to ask for the word.

So, I have noted - and as I said in my - because time is of the essence to most of us, it certainly to the hungry people on the road tonight. It is certainly in my political career important to discharge my duties to the people of the country. That is why the editorial in 2007 by the *Observer*, **Let the Reparations debate truly begin**. I hope it is manifested in today, they said we applaud the Jamaican Government and the Opposition Jamaica Labour Party for finally beginning in Parliament, what we consider to be that very necessary debate on Reparations for 400 years of the enslavement of Africans.

Mr. Speaker, I close with that part before I go on to other things, hopefully it is a debate that will be extended and sustained well beyond the bounds of Parliament because this is not simply about money, it is about the humanity of an entire race of people.

So Mr. Speaker, I do have to come to the economics. Without the economics and resources, how we are really going to deal with the unemployment? How we are going to deal with the plantation slave from field to no hope? How we are going to deal with crime and violence? How are we going to deal with the poverty that has grown on us? How can we even simply provide food, shelter and clothing? So take the principal average owed, put it into social and economic plan, build around debt for equity, you could build or rebuild your railway, your ports, you need a

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new airport you could do all of that from the plans, your port, your rail, social ownership of land and agriculturally based products, the citizens could be involved with that bond to know what area they want to be related, social ownership of land, regional conversation of occupied land in a secured financial housing and land titling, using up air space for housing with a national registration of your people and their entitlement. And I could go on.

But, Mr. Speaker, I wish I could be in a total hurry for something that I feel long before me, people fought for. And indeed, if we vote right, if indeed we get that issue dealt with, then if we have so much to talk about then we have nothing to spend, I am sure we will all be happy to be here for weeks afterwards over what we have to spend.

So Mr. Speaker, I believe that the one reality that I do face is that you can take a matter so far and not much further. But you see, I am not the only one and there are people in this House, so I have to cite some, I have to cite on behalf of the Government a speech made by P.J. Patterson - the Most Honourable P.J. Patterson and I quote him:

"Justice is yet to be served; the cries for Reparations are becoming louder and the arguments more coherent. This is a global case for Africans in the diaspora and in the homeland to vigorously pursue. We must not be afraid to make our voices be heard in every international assembly and the corridors of power and for our causes just and our cases compelling..."

And he goes on. I have cited that, Mr. Speaker, because I can site what former Prime

Minister Golding said, whom I have spoken to recently on the matter. We heard the Opposition former Prime Minister speak; we have heard the present Prime Minister take the matter to the United Nations, so there is no need for me to say as I said for any divide. I believe the cause is just, I believe the time is right and I believe if ever we needed to claim, like any company open the balance sheet, find out who owes you a debt, claim your debt, but spend it wisely and spend it more importantly in the interest of the person. But in this case, spend it with the reality that unless we reclaim our afrocentricity within the structure of our country, they will continue to be driven by alien thoughts rather than the belief in ourselves and the ability to implement and improve.

I don't think I need to go any further, Mr. Speaker, I think I close on that basis.

(Applause)

Mr. Speaker, I really am more to be guided by the House Leader and the Opposition to be clear whether we are going to vote, that we are politically entitled to it. And that is the main vote that I want, and the avenue or the way that you go, I really leave it to a joint approach.

Mr. PAULWELL: Mr. Speaker, I move that we put the Prayer as written in the Motion to the vote.

The Deputy SPEAKER: The question is that the Prayer be put to the vote.

Motion put to the House and agreed to.
(Applause)

Mr. SHAW: Mr. Speaker, I just want to bring to your attention that earlier in this

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sitting we were told by the Minister of Finance that the Jamaica Survey of Living Conditions was Tabled in this Honourable House, and I am now satisfied, Mr. Speaker, that the Jamaica Survey of Living Conditions has not been Tabled in this House. And I would like to ask you to make the suitable arrangements with the Clerk to the Houses to have the Jamaica Survey of Living Conditions which has been published by the PIOJ to have it Tabled in the Honourable House.

The Deputy SPEAKER: Your request is duly noted, Mr. Shaw and shall be dealt with.

Members, we have come to the end of what has been a very historic occasion in terms of the debate on Reparations.

House Leader.

ADJOURNMENT

Dr. PHILLIPS: Mr. Speaker, it is not intended to do any further business this evening. I therefore, move for the adjournment of the Parliament until next Tuesday, the 3rd of February at 2:00 p.m.

The Deputy SPEAKER: The question is that this Honourable House now adjourns until next Tuesday the 3rd of February 2015.

Motion put to the House and agreed to.

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

The Honourable House of Representative accordingly adjourned its sitting at 8:06 p.m. until February 3, 2015 at 2:00 p.m.

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 SESSION 2014 – 2015

TUESDAY, February 3, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:25 p.m.

PRESENT

THE SPEAKER

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

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

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

DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing with responsibility for Housing

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

MINISTERS OF STATE

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern

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

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

MR. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern

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

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

PRAYERS

Prayers were offered by Mr. Lynvale Bloomfield.

The SPEAKER: (Gavels) You may be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

ANNOUNCEMENTS

- **Ministry Paper No. 18**
Annual Reports and Audited Financial Statements of the Statistical Institute of Jamaica - A Review of Operations for the financial years 2010/2011 2011/2012 and 2012/2013
- **Ministry Paper No. 19**
Annual Report and Audited Financial Statements for the Cocoa Industry Board for the year ended September 30, 2011
- **Ministry Paper No. 20**
Annual Report and Audited Financial Statements for the Coconut Industry Board for the year ended September 30, 2012
- **National Environment and Planning Agency**
Annual Reports and Audited Financial Statements for the financial years 2007/2008 and 2008/2009
- **Consumer Affairs Commission**
Annual Report and Audited Financial Statements for the financial year 2013/2014
- **Companies Office of Jamaica**
Annual Report and Audited Financial Statements for the financial year 2013/2014

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- **National Housing Trust**
Annual Report and Audited Financial Statements for the financial year 2013/2014
- Industrial and Provident Societies (Amendment) Regulations 2015 under The Industrial and Provident Societies Act
- The Casino Gaming (Applications related to licences) Regulations 2015 under The Casino Gaming Act
- The Casino Gaming (Annual Licence Fees for Casino Gaming Licences) and Personal Licences under The Casino Gaming Act
- Report of the Ethics Committee of the House of Representatives Regarding the Motion for Exemption brought on behalf of Mr. Daryl Vaz

REPORTS FROM COMMITTEES

Mrs. NEITA-HEADLEY: Mr. Speaker, I beg to lay on the Table of the House, a copy of the Report of the Ethics Committee of the House of Representatives.

NOTICES OF MOTIONS GIVEN ORALLY

Mrs. NEITA-HEADLEY: Mr. 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 Ethics Committee of the House of Representatives which was laid on the

Table of the House on the third day of February 2015, be approved.

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

The Industrial and Provident Societies Act; the Industrial and Provident Societies (Amendment) Regulations, 2015, Resolution:

Whereas by virtue of Section 64(2) of the Industrial and Provident Societies Act, hereinafter referred to as *the Act*, the Minister responsible for Finance may make Regulations and prescribe forms respecting registry and procedure under the Act, and may make Regulations generally for carrying the Act into effect;

And Whereas on the 28th day of January 2015, the Minister made the Industrial and Provident Societies (Amendment) Regulations, 2015;

And Whereas Section 64(2A) of the Act provides that Regulations made under the Act shall be subject to affirmative resolution;

Now Therefore be it Resolved by this Honourable House as follows:

- a) This Resolution may be cited as the Industrial and Provident Societies (Amendment) Regulations, 2015, Resolution;
- b) The Industrial and Provident Societies (Amendment) Regulations 2015, which were laid on the Table of the House on the third day of February 2015, are hereby affirmed.

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Mrs. NEITA-HEADLEY: Mr. Speaker, I beg to give notice that at the next meeting of the House I will move:

Be it Resolved that the Deposit Insurance (Joint Trust and Nominee Accounts) Regulations, 2014, under the Deposit Insurance Act, which were laid on the Table of the House on the ninth day of December 2014, be referred to the Regulations Committee of the House of Representatives for consideration and report.

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

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mrs. NEITA-HEADLEY: Mr. Speaker, I now move to introduce and have read a first time, a Bill shortly entitled: The Electricity Act 2015.

Bill shortly entitled:

“The Electricity Act, 2015”,
read a first time.

Mrs. NEITA-HEADLEY: Mr. Speaker, I beg to give notice of second reading of this Bill.

PUBLIC BUSINESS

Mrs. NEITA-HEADLEY: Mr. Speaker, under Public Business today, we will take Bills, Regulations and Orders: the Civil Service Establishment Resolution to be

debated in the Ministry of Finance; the Casino Gaming (Annual Licence Fees for Casino Gaming Licenses and Personal Licenses) Regulation, 2014, to be debated and piloted by the Minister of Finance, and the debate is to be concluded on the Bill shortly entitled, “The Constitution (Local Government) Act, 2014; and the Private Member’s Motion - Private Member’s Motion No. 25 for the approval of the Report of the Private Bills Committee on the Bill entitled: “AN ACT to Amend the Baptist Mid-Missions in Jamaica Act so as to change the name of the Act, and for connected matters”.

The Debate is to also commence on Motion No. 30 regarding adopting the Report of the Constituency Boundaries Committee, and also No. 33 for the adoption on the Report of the Regulations Committee on the National Housing Trust.

(HON. EVON PATRICK CULLITON ATKINSON, QC, (PNP), Trelawny, Northern, Attorney General, arrived and took his seat.)

(MR. PEARNEL PATROE CHARLES, CD, (JLP), Clarendon, North Central, arrived and took his seat.)

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

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

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Put to the House and agreed to.

The SPEAKER: House Leader.

Mrs. NEITA-HEADLEY: Mr. Speaker, this is to have the Deposit Insurance (Joint Trust and Nominee Accounts) Regulations, which was laid on the Table of the House on the ninth day of December to be referred to the Regulations Committee of the House of Representatives for its consideration and report.

The SPEAKER: Is that the wish of the House?

Put to the House and agreed to.

The SPEAKER: So be it. Minister Dalley.

Mr. DALLEY: Thank you, Mr. Speaker and Members.

Mr. Speaker, first of all, let me take this opportunity to commend and congratulate my friend from Clarendon, the Member from South East, who is now the Opposition Spokesperson on Labour and the Public Service; and I am looking forward to working with him in that area of his Portfolio that I have responsibility for at the Ministry of Finance and Planning, and while I was Minister of Labour some years ago, I always said that I receive tremendous support from him while he was President General of the Bustamante Industrial Trade Union, and as usual, he is not someone who is known to be uncooperative. I look forward to working with you in your new capacity. I don't think anything will change. (Applause)

Mr. Speaker, in accordance with the Civil Service Establishment Act of 1975, the Civil Service Establishment (General) Order of 2014, which was laid on the Table of the

House, it has been prepared and is presented to indicate changes made to the Civil Service Establishment (General) Order of 2013 when the last amendments were made.

The General Order which was tabled in December has three main areas that we spoke to. Part I, posts within the Civil Service which were established offices, *et cetera, et cetera*; Part II spoke to the salaries attached to those posts which were established, and Part III of the General Order 2014, which was tabled, spoke to the posts in the Public Service that were abolished.

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

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

In Part I it shows changes in the complement of posts in Ministries and Departments in the Civil Service. It reflects changes in posts, for example, reclassification of posts, new posts which were created, retightening of posts, upgrading of posts and the effective dates for these changes.

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

In this Section 150 new posts were created in the Civil Service, 223 posts were upgraded

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in the Civil Service, 259 posts were reclassified, 415 posts were retitled, 3001 posts were abolished from the Civil Service General Establishment and one post was reggraded.

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

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

I give an example, Mr. Speaker, of the posts which were created, new posts.

Of the 155 posts which were created, 16 were created in the Auditor General's Department, two in the Cabinet Office, 20 in the Ministry of Finance and Planning, six in the Ministry of Youth and Culture, one in the Ministry of Tourism and Entertainment, eight in the Ministry of Labour and Social Security, one in the Ministry of Science, Technology, Energy and Mining, five in the Ministry of Industry, Investment and Commerce, eight in the Ministry of Transport, Works and Housing, one in Post and Telegraph Department, Ministry of National Security had three posts created, the Police Department had three posts created, the Ministry of Justice had 38 new posts created, and the Office of the Director of Public Prosecution one new post, 20 new posts were created for Resident Magistrates in the Ministry of Justice, 16 in the Supreme Court, one in the Office of the Chief Resident Magistrate.

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

I just use this to give an example, Mr. Speaker, of those posts which were created. As I said, 223 posts were abolished, 259 were reclassified - no, 223 were upgraded, 259 were reclassified, 405 were retitled and 3001 posts were abolished in the Civil Service.

Appendix to Part II, Mr. Speaker, shows as I said, those posts which were abolished in the Public Service, but very importantly, Mr. Speaker, is the posts which were reclassified and it is the general thrust of the Government to create more efficiency in the system to ensure that posts which have been there on the Establishment not being utilized, not being used, that their system is cleaned up and that we have an efficient Civil Service Establishment.

This said, Mr. Speaker, I move that the Civil Service Establishment (General Order) of 2014, be approved.

The SPEAKER: Mr. Spencer.

Mr. SPENCER: Mr. Speaker, this is not a very controversial Bill and I would just like to ask the Minister one particular question.

Minister, with all these posts being removed from the Civil Service Establishment, where will the country be in terms of wages to GDP next financial year? And I want to draw reference that we passed in this House a law that wages to GDP should be in the region of nine per cent by 2016. The question is, are we on track and where are we?

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

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

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

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

Mr. DALLEY: Thank you.

Mr. Speaker, let me thank the Member for supporting the Resolution in the affirmative and in so doing I answer the question about, where is our projection in terms of wage to GDP. Let me just indicate Mr. Speaker that we legislated in this House that by 2016, as you correctly said Honourable Member, the wage to GDP should reach nine per cent.

As we are now a year ago we were at 11.1 per cent, two years ago we were at 11.1 per cent, 2013 we went down to 11 per cent wage to GDP, 13/14 we will be at 10.7 per cent of wage for GDP and we are working to ensure that we do not breach the law and that we are at nine per cent wage for GDP 15/16 March 31st.

Mr. SPENCER: Thank you, Minister.

Mr. DALLEY: Mr. Speaker, thank you very much. With that said, Mr. Speaker, I ask that the Civil Service Establishment (General Order) 2014, be moved.

Mr. D. SMITH: Mr. Speaker.

The SPEAKER: Before I put the Motion, Mr. Smith.

Mr. D. SMITH: Mr. Speaker, I am of the view that perhaps this question - the Minister can guide me - is relevant under this discussion, and that is an update Minister, on what was very much on the front burner some years ago about the public sector rationalization. Would you update the House and the nation as to exactly where the situation is at this time?

(MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker, entered and took his seat.)

Mr. DALLEY: Mr. Speaker, it's basically...

Dr. PHILLIPS: No man, it's not a question and answer session.

Mr. DALLEY: I will provide the Member at an appropriate time when the questions are properly put.

The SPEAKER: Thank you, Minister Dalley.

Mr. D. SMITH: Mr. Speaker, what is an appropriate time? That might never come up.

Mr. JACKSON: Appropriate when it's question and answer.

The SPEAKER: When the information is at hand.

Mr. JACKSON: When it's question and answer. That's appropriate.

Mr. D. SMITH: I am asking a question.

Mr. JACKSON: And that's the answer.

Mr. D. SMITH: Sniper, keep quiet sniper.

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The SPEAKER: Mr. Smith, I don't think he could give a proper answer to that question...

Mr. D. SMITH: But, Mr. Speaker, in fairness, could the Minister not say the matter is very much on the front burner, it's ongoing and, you know, that would be adequate for most of us who are concerned.

The SPEAKER: He has indicated that at an appropriate time he will deliver that information.

Mr. D. SMITH: So you are answering on his behalf?

The SPEAKER: No, I am repeating what he said.

Mr. DALLEY: Thank you.

The SPEAKER: Those in favour of the motion.

Motion put to the House and agreed to.

Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, we are to debate the Casino Gaming (Applications Relating to Licences) Regulations 2014, and the Casino Gaming (Annual Licence Fees for Casino Gaming Licences and Personal Licences) Regulations 2014.

Mr. Speaker, there has been reason to move one amendment to the Regulations and accordingly, Mr. Speaker, in order to facilitate the Members what we have sought to do is to lay a fresh copy, and I will advert to the one paragraph where the changes have been made, later. So what I seek is the leave of the House to withdraw the existing Regulations and to lay these which have been provided to the Members but I seek to have the formal procedure.

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

Mr. D. SMITH: You could do it next week then.

Dr. PHILLIPS: No, we can do it now. It's there before you.

(Inaudible comment by Mr. Shaw)

Dr. PHILLIPS: No. Hasn't it been laid?

(Inaudible comment by Mr. Shaw)

Dr. PHILLIPS: That's what you have. That is it. This is it.

Mr. SHAW: We need to know which page.

Dr. PHILLIPS: Oh, I will point out to you.

In relation to Regulation 57 Part II. Regulation 57.

Mr. SHAW: You have a page number?

Dr. PHILLIPS: Yes. Page 4 and 5. In what you have before you, what has been added is 7, that runs from page 4 into page 5, and there is an adjustment of a word, "of". On what page? On page 2 of the Annual Licence Fees for Casino, the word, "of" has been added in subparagraph (a) at the top of that page. "In the case of a licence year the product "of." That's the only change consequential.

Therefore, Mr. Speaker, I seek leave to withdraw and to substitute there for these.

The SPEAKER: Granted.

Dr. PHILLIPS: Mr. Speaker, last December two sets of regulations were laid in the House: (Applications relating to

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Licences) Regulations 2015, and the Casino Gaming (Annual Licence Fees for Casino Gaming Licences and Personal Licences) Regulations were laid before this Honourable House.

The purposes of these regulations are as follows: First of all, in relation to the Casino Gaming (Applications Related to Licences) Regulations, the purpose of that set of regulations is to provide the framework within which applications may be made to the Casino Gaming Commission for the granting of casino gaming licences to casino operators and personal licences to prospective employees holding specified offices.

This is necessary, Mr. Speaker, because under the Act a person is prohibited from operating a casino, and employment is restricted within such a casino, except in accordance with a casino gaming licence. So that there are various positions, with regard to the operations of a casino for which a personal licence is required.

With respect to the second set, *‘The Casino Gaming (Annual Licence Fees for Casino Gaming Licences and Personal Licences) Regulations’*, is to provide the amount and the calculation of the annual licence fees to be paid by approved applicants in the first year of licences, and by licensees thereafter, on an annual basis, in relation to all licences issued by the Casino Commission under *‘The Casino Gaming Act’*.

The Casino Gaming Application for Declaration of Approved Integrated Resort Development Regulations 2012 facilitates the making of applications to the Minister of

Finance for the granting of Orders for the declaration of approved integrated resort developments, pursuant to Section 9 of *‘The Casino Gaming Act’*.

The Minister of Finance and Planning, in June 2013, invited investors to apply for Orders to become approved integrated resort developers. In response, five applications were received, two of which were deemed suitable for further evaluation. The evaluation of these applications is now at an advanced stage.

Prior to the granting of an Order, prospective resort developers should be informed of the licensing requirements to better inform their business models and to facilitate arrangements.

The first set of Regulations, Applications Relating to Licences Regulations, laid before this House, are premised primarily on the provisions of various sections of the Act, mainly Sections 13, 14, 30 and 31, which together deal with the requirements for Casino Gaming and Personal Licences. Other relevant provisions of the Act are Sections 23, 25, 26, 31 and 34.

Section 13 prohibits persons from operating a casino, except in accordance with the provisions of the Act, any regulations made thereunder, under Casino Gaming Licence.

Within Section 14 are the provisions requiring approved developers or companies nominated by approved developers, to apply the prescribed form and manner to the Commission for a Casino Gaming Licence, or a temporary Casino Gaming Licence. The section stipulates the information or

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documents that must accompany such applications and allows the Commission, in accordance with Section 17 of the Act, to also require additional documents. The following must accompany the application:

- proof that the proposed casino operator is a company duly incorporated under the laws of Jamaica; and
- the prescribed non-refundable application fee.

The requirements for personal licences are to be found in Sections 30 and 31. Section 31 of the Act restricts casino operators from employing persons who are not holders of personal licences, under Section 31(4), in positions in their casinos that are described as “specified offices”. A contravention of this provision is punishable in the Supreme Court by a fine.

A specified office is defined in Section 2 of the Act, and means:

An office of employment in a casino in which the holder -

- (a) is in a position of management or is authorized to make decisions involving the exercise of his discretion concerning the operation of a casino, and
- (b) has functions relating to the supervision and conduct of certain operational activities of the casino, such as the conduct of gaming, the movement of money or chips in the casino, or the exchange of such between patrons of the casino, the counting of money or chips on the

premises of the casino operation, among other things.

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

The Commission also has the power, under the Act, to notify the casino operator the functions of another office of employment in the casino which also constitute a specified office.

Section 31 mandates persons who wish to be employed in the specified offices in the casino to apply to the Commission in the prescribed manner for a personal licence. The provision stipulates the payment of the prescribed fee, gives the Commission the discretion to conduct investigation in connection with such applicants and applications, and require applicants to furnish such additional information or documentation as it may specify.

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

In light of the provisions of Section 13, 14, 30 and 31, which require certain matters to be prescribed, these regulations are comprised of ten parts, which make provisions as follows.

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Part I sets out the definition of certain key terms used throughout the regulations.

Part II sets out the form and manner in which applications are to be made for the Casino Gaming licences and temporary casino gaming licences.

Regulation 3 stipulates that the required information, documentation and form of cover letter are required as specified in the First, Second and Third Schedules.

Regulation 5 stipulates the application fee to accompany applications for both these types of licences is to be US Fifty Thousand Dollars (US\$50,000.00) or the Jamaican equivalent, and a deposit of a Hundred Thousand Dollars (US\$100,000.00) or the Jamaican equivalent, is also required to be made by the applicant to defray the cost of the investigations to be undertaken by the Commission.

In this Regulation, the Commission is required to account to the applicant by providing statements on the reasonable expenditures incurred during the investigation stage, at the end of which it shall apply the deposit paid to offset such expenditure and return any remaining monies to the applicant.

Importantly, the Commission has the discretion to waive the payment of the application fee and the deposit, in circumstances where an application for a casino gaming licence is made, consequent on the expiration of a temporary casino licence.

And this is what relates to the new section in Regulation 5(7), where the new provision is that Part II of the casino gaming applications, we have included this section to avoid a

licensee being charged twice when transitioning from a temporary casino gaming licence to a full casino gaming licence, and where the licensee/operator remains the same. And as I said, there is a consequential amendment in the other set of regulations.

Part III stipulates the form and manner of the application to be made, pursuant to Section 26 of the Act, to the Minister by an approved developer or his nominee, for an authorization permitting the Commission to consider an application for a temporary casino gaming licence.

Parts IV and V prescribe the procedures, fees and powers of the Commission in relation, respectively, to applications for the variation of a casino gaming licence or a temporary casino gaming licence, and for the continuation of a casino gaming licence or the remainder of a temporary casino gaming licence.

Part VI gives the Commission specific power to waive certain requirements for documentation specified in the Second Schedule and Part II of the Fourth Schedule, and to require as a condition for such waiver, alternative documentation to be provided in the circumstances.

Part VII prescribes the procedure forms, information required, fee and deposit required in relation to applications for personal licences.

Regulation 16 stipulates a deposit of Four Thousand (US\$4,000.00) or the Jamaican equivalent to be paid to the Commission to facilitate the due diligence investigation of the applicant.

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Regulation 17 prescribes a fee to accompany such applications, based on three categories of specified office.

- For Category A the application fee is One Thousand Dollars US, (US\$1,000.00) or the Jamaican equivalent;
- For Category B it's US Seven-fifty (US\$750.00); and
- Category C is US Five Hundred (US\$500.00).

The type of specified officer, as defined in Section 2 of the Act, to which each category relates, is also prescribed in Regulation 17.

Part VIII prescribes the procedure form and powers of the Commission, in relation to applications for the variation or amendment of personal licences.

Part IX prescribes the various disclosure forms required to be filed by business entities and individuals, in respect of their applications under the Act.

Part X prescribes the manner in which monies required to be paid to the Commission under the Regulations are to be paid, as well as the method by which the Jamaican equivalent of fees or deposits prescribed in US currency is to be calculated.

In support of Parts I to IX of the Regulations, nine Schedules are included, setting forth the form, required documentation or information, as prescribed in the prescribed in the respective regulations.

With respect to *The Casino Gaming (Annual Licence Fees for Casino Gaming Licences and Personal Licensing) Regulations, 2015*, Mr. Speaker, the purpose

of these regulations is to inform prospective licensees of the required annual licence fees to be paid upon the Commission's approval of the grant of a casino gaming licence, a temporary casino gaming licence or a personal licence.

Regulation 2 prescribes that where the Commission approves the grant of a casino gaming licence or a temporary casino gaming licence, the applicant shall pay the Commission -

- a) an initial annual licence fee that is to be calculated using the formula prescribed in Regulation 3(1); and
- b) an annual licence fee to be paid on or before the anniversary date of the approval of the grant of licence, while the licence remains in force.

The fee is to be calculated using the formula prescribed in Regulation 3(2).

The initial annual licence fee payable is Two Hundred and Fifty Thousand US Dollars (US\$250,000.00), plus an amount determined by reference to the maximum number of table games approved by the Commission, for deployment in the Commission (sic). The annual licence fee payable thereafter shall be Two Hundred and Fifty Thousand US Dollars (US\$250,000.00), plus an amount determined by reference to the total number of table games approved by the Commission for deployment in the Commission - in the Casino.

Where additional table games are approved for deployment during any licence year, the regulations require that the fee payable for the additional tables will be prorated to reflect the remaining days in the

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licence year, and a formula for calculating the fee payable is prescribed.

In respect of personal licences, Regulation 4 prescribes that the holder of such licences shall pay an annual fee to the Commission within fourteen days of the grant of the licence and for each succeeding year while the licence remains in force.

The annual licence fee is to be paid on or before the anniversary of the grant of the licence. The annual licence fee prescribed for each category of specified office is US Seven Fifty Dollars (US\$750.00) or the Jamaican equivalent for Category A, Three Seventy-five (US\$375.00) for Category B and Two Seventy-five (US\$275.00) for Category C, respectively.

These regulations are presented to the Parliament at this time in order to facilitate a prospective developer of an approved integrated resort to commence the necessary financial and other business arrangements. Additionally, these regulations when passed will signal to the approved developers that the Casino Gaming Commission is ready to receive applications for casino gaming licences.

Mr. Speaker, the work of the Casino Gaming Commission has proceeded without interruption across administrations while there have been changes in the composition of the Casino Gaming Commission the - there have been minimal and it has also been the case that the legal expertise that was utilized in preparing the legal framework and the legislative framework has been unchanged. This is in keeping with what is deemed to be best practices in the gaming community

internationally and I commend them to the House for approval.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

Mr. Speaker, these regulations have been in gestation for quite some time and, of course, are necessary for the proper administration of the casino gaming industry. I would like to just ask the Minister a couple questions: one is on page four of the substantive regulations which refers to a \$100,000 payment in addition to the application fee of \$50,000 (U.S. dollars in both cases) and while in Section 3 - subsection (3) of Section 5 there is reference made to an estimate of the total reimbursable expenditure that is anticipated by the Commission to be incurred in the process of its investigations and enquiries.

And it goes further in number four to say that upon a monthly presentation of returns that the applicant shall replenish the deposit paid under paragraph (2), to which I've already referred. My question is whether there is no ceiling at all on the cost of the enquiries or the investigations? Simply to say there is an estimate doesn't necessarily commit the Commission to sticking within estimate. Suppose in the process of carrying out its investigation they find that they have to go far and beyond in terms of due diligence in which how much money are we talking? And the reason why there probably should be some kind of limit expressly stated is that it could very well turn off potential applicants if they feel that this just could be a runaway train, that's the first question I'll ask the Minister.

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And the second one I ask is I am not - Mr. Speaker, I am not particularly aware of the precedent of setting rates in this Honourable House in U.S. dollars.

Mr. D. SMITH: No.

Mr. SHAW: I find it a little bit curious. We have a national currency called the Jamaican dollar...

Mr. D. SMITH: Yes.

Mr. SHAW: ...and here we have this regulation where all the fees are set in U.S. dollars: US\$50,000 applications, a US\$100,000 and throughout the document U.S. dollars or its equivalent in Jamaican dollars. And I really wonder at the appropriateness of doing this, in our legislative affairs, that we should be setting rates in United States dollars. Is this a formal admission that our currency will be in a perpetual state of devaluation that we have such loss of confidence in our own currency that now we have to turn to be setting rates in U.S. dollars or its Jamaican equivalent. I thought I'd raise it, because it jumped out at me. I'm not particularly familiar with the precedence that might exist for this....

Mr. D. SMITH: You wouldn't. It's a Phillips situation. Brand new.

Mr. SHAW: So I'd ask the Minister to comment on that. And also he did mention, Mr. Speaker, that five applications were received for integrated resort development, casino resort development; two appeared to be serious and are - for which there is further due diligence being carried out. My question is, what is precise status of those two? A little bit more detail on it and if you could remind us

also how many licences that are planned to be available to be granted in the country?

Thank you, Mr. Speaker.

Mr. BARTLETT: Mr. Speaker, Mr. Speaker.

The SPEAKER: Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, the provisions that are before us are welcome in the light, Mr. Speaker, of the protracted efforts to get casino gaming actually commence in Jamaica after such long period of gestation. But, Mr. Speaker, as we look at the regulations that have been put before us, particularly dealing with the two categories of licences to be granted one, of course, would be what in regular parlance would call the permanent licence and then, of course, there is the matter of the temporary licence. And it is there that I'd like to concentrate a little bit so that we are very careful, Mr. Speaker, as to what the provisions of the regulations are in relation to the granting of temporary licences and what type of fee we, perhaps, should exact as a form of protection against - and I don't want to use the words 'frivolous enterprises' that may encroach on us. I don't want to use that term. But I am fully aware in the business that there are many cavalier and interesting individuals who abound in the gaming industry and who are very smart in terms of the financial arrangements that they make and who also are very skilled in covering their tracks to ensure that unsuspecting countries such as ours, for example, might be lured into the veneer of affordability and the veneer of full capital to enable the completion of the development when in truth and in fact what

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they want to do is to use the licences which they get, the temporary licences as a means of going to the market to generate capital.

So, Mr. Speaker, when the regulations speak to a fee of US\$500,000 for continuation say, for example, of a temporary licence I would like the Minister to give some thought to looking at that number that figure of US\$500,000, because I would want to first of all secure that anyone who gets a temporary licence should show more than ordinary ability to deliver on the requirement of whether it's one thousand rooms or \$1 Billion of capital outlay over a specific period of time and I believe that - if the Minister will help me with this, whether it's twelve years from the commencement to the conclusion that they should expend up to total of US\$1 Billion.

So there is nothing in the world, Mr. Speaker that would prevent an individual or company from coming to you and say all right, fine here are the term sheets, here are the arrangements from a capital finance house somewhere and we are going to be able to do within twelve years but we don't have the money right now. All we have, perhaps, is a million dollars and we will movement. This is nothing in the provision, Mr. Speaker which requires such a person to give us a specific amount of capital undertaking or commitment that has been made by some reputable capital or finance house.

(DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, entered and took his seat.)

(HON. DAMION ORANDY CRAWFORD, (PNP), St. Andrew, East Rural, Minister of State in the Ministry of Tourism and Entertainment, entered and took her seat.)

I think that's very important and there should be some provision in the regulations that would protect us from such a company or individual.

My suggestion if we have granted, because the continuation suggests that you granted it, and a specific period of time for performance has expired and that specific period of time needs to be written in the regulations as well, Mr. Speaker, whether it is a year, eighteen months or two years. That is to say within two years after you have been given a temporary licence, you must show 50 per cent completion or 75 per cent or 40 per cent completion of the integrated development project that you are undertaking. Thereafter, yes, you can be considered for a continuation. But in order to be considered you must now pay US\$1 Million not US\$500,000 and I am proposing that we change from the US\$500,000 that is here to require to put a US\$1 Million because that's really showing true intention and they must back up that with serious capital so that in the event that it falls through after the third year, Mr. Speaker, the country would have still gotten \$1.5 Million.

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

And we all know the business and absolute

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and utmost care has to be taken, Mr. Speaker, that the country is not taken for a ride in this particular area. So we agree temporary licences, because it does help the process of ensuring investors come in and we've been waiting a long time to get investors and we know the problems out there. So we are not in any case, Mr. Speaker, saying that temporary licences are not to be granted. We support that, but we want to ask, Mr. Speaker, is that the Minister ensures that the protection is there for the country and that we do not put ourselves in a position where temporary licences are granted those who are the beneficiaries of it use it as a means of generating capital which then they use for other purposes and leave us high and dry after two or so years of operation. And we end up with unfinished buildings and a market that is looking at Jamaica to say my God it's not worthy to go there. We have had experience we do not want to go back there.

Thank you, Mr. Speaker.

(Applause)

Dr. PHILLIPS: Mr. Speaker, some issues have been raised, I thank colleagues opposite. Let me deal first with the questions raised by the Opposition Spokesman on Finance, regarding the estimates for investigations.

The procedure as it is now is that there is an application license; there is a license fee \$50,000. There's \$100,000 that is provided for...

Mr. SHAW: US?

Dr. PHILLIPS: Yes, US.

...but this generally will require, depending on the positions and it varies, will require

international investigations as well, of some of the persons and some of the staff members.

So what is being done is to say - just like a lawyer may do, or a reputable lawyer may do - is that you say here is the retainer, this is what is required, as we go through we will deduct what has been spent from the amount that has been deposited. And each month in order to ensure that you, the Commission, don't spend more than the \$100,000, you give them a monthly accounting of what has been spent, and an estimate of what may be taken to conclude the investigations. And at the end of it, whatever remains unspent is returned to the applicant. That's the structure of the legislation.

Now it would be very difficult, I believe, for one to say at the outset, our investigations of this person may not - will not go beyond X. It may be that this is a person that has had their professional career in Singapore, Australia and Macau, which would be a different cost than if it was Atlantic City or Las Vegas Nevada. So it's a - this mechanism is perhaps the fairest, and certainly in my understanding, is in keeping with the standards of the industry overall.

The second question asked is, why US dollars? There are international benchmarks; it is intended primarily to address a US Dollar paying clientele; the operators and the benchmark is like the price of oil, internationally is designated in US Dollars wherever you mine or sell oil. Likewise for casino services the international benchmark is US Dollars. And in order to allow the easy conversion, it is being so defined, an order to

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ensure, I would daresay, protect the revenues of the Casino Gaming Commission and Jamaica, so we use this international benchmark.

It is not usual, but given the fluctuations, and which is why we set the price of oil in dollars, currencies fluctuate every day. In order to maintain some internationally recognized benchmark, you use a fee designated in an internationally recognized currency; in this instance, the US Dollar. Maybe in...

Mr. SHAW: Mr. Speaker, I just - in relation to the estimate - the first point - if what you have said is correct, why would then in Subsection 4 would you require the - after the statement with detailed accounting of all reimbursable expenditure that is done on a monthly basis, why would the applicant be required to replenish deposit? Why? He already pays down the \$100,000.

Dr. PHILLIPS: Yes, because what you have is that it may be that the \$100,000 is not enough.

(Inaudible comments by Mr. Shaw)

Dr. PHILLIPS: I know. But they will get the accounting and it can be the subject of a dialogue between the Commission and themselves. But it may not be enough and in some instances it may be more than enough in other instances depending on the specific circumstances of each.

The simple fact is, Mr. Speaker, which is a point I intend to make further when I address the point raised by the Member from East Central St. James that regulations cannot be so designed to take account of every conceivable permutation that may arise. We have to be

willing to charge the appropriate authority, in this instance, the Casino Gaming Commission, with the authority, to take the relevant decisions. We have to trust someone.

I put it in a kind of, you know, maybe popular parlance, it makes no sense for this Parliament to buy a dog and to bark as well. What you have is the Casino Gaming Commission, charged with the responsibilities - the Regulations provide general guidance and the framework, and we need to trust the integrity and the competence of the Commission, which will be appointed by administrations from time to time drawn from both sides of the House.

Now in relation to the status of applications, I can say that the - we're at the point where the final stages of the due diligence exercise in the fit and proper determinations and other things of principals and the companies that have been - whose applications have been accepted is being concluded, and I expect that we will make a formal announcement before the end of March regarding the licenses.

Mr. BARTLETT: The license is temporary?

Mr. SHAW: It's temporary or the actual number?

Dr. PHILLIPS: I can't tell you because it's not yet the end of March. But surprising to say - suffice it to say, again, if you look at the regulations in relation to temporary, it requires detailed provisions to be stated by the Commission, as to the terms and conditions under which that license is awarded. If it is deemed that the due diligence regarding the

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resources *et cetera*, and as you said, there are many charlatans and criminals in the world, that's why you have the Commission. That's why the Commission is charged to secure all the investigative resources, locally and internationally to...

Mr. BARTLETT: It is not the preferred license.

Dr. PHILLIPS: It is not the preferred, it is not the preferred course, but it is recognized, and indeed the recognition came about not during this Administration, but in the previous one as you have said, that there may be circumstances which could warrant such a grant.

Now when you grant it, two things arise, you have the prior agreement as to the terms and conditions under which it is offered, and which if not fulfilled can lead to its withdrawal of that authorization. And then the requirement for the annual renewal, which means that each stage - now the only question that could arise at that point is that you would be exercising a vote of no confidence in the Commission to exercise their judgement on behalf of the country. I don't think it is necessary. In any event, all the reports from the Commission will come annually to this House, and if the sense of the House or a public opinion is that we have been had, I don't think we need to doubt our own capacities so much as a country, that if we arrive at that point then we have recourse in law and in what we're doing.

Let me say, Mr. Speaker, a...

Mr. BARTLETT: Mr. Speaker, might I just ask the Minister just to allow for - because

we're on the same page basically you know, we want to make sure this thing works, because it has tremendous implication for growth of not only industry - tourism industry in particular, but certainly to provide jobs for countless number of young people particularly in the areas of the North Coast where these big developments ought to reside.

So what we just wanted to be clear, Mr. Speaker, is that the provision in the regulation itself, not now the discretion of the Commission, but that the regulation itself prescribes how this matter of the temporary license will be continued. Because we want to make sure that in all its forms, right, not only that the destination is protected, because as you know, every failure that we have in development is negative to the destination. So we want to make sure that in all of this the...

(Inaudible comments)

Mr. BARTLETT: If the Minister and the Attorney General...

Dr. PHILLIPS: I can hear you.

Mr. BARTLETT: Yes, it's just that I appreciate - I like the attention of both of you because he has to deal with the legal applications as well.

Dr. PHILLIPS: Remember I have yielded yuh nuh.

Dr. BARTLETT: But, Mr. Speaker, the Minister should just make note of the fact that...

Dr. PHILLIPS: You have a temporary license here.

Mr. BARTLETT: Yes, but \$500 Million - US\$500,000 is stated as the amount - the fee for continuation. My suggestion, Mr. Speaker,

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is that the Minister gives consideration to doubling that as a precaution to protect the destination from...

Dr. PHILLIPS: I heard you the first time; I heard you the very first time, but I am not persuaded. If we have confidence in the Commission to grant the permanent license and to exercise its judgement in that regard, I dare say we can trust it and then also in relation to the temporary, to exercise their judgement. We assume that they're proceeding in the best interest of the country.

What I would say in closing, and it's not appropriate at this point to do it, but given the extent of - first of all that we anticipate since the law now prescribes - the law which was passed in the previous Parliament, a limit of three, that three will not be awarded at the first go-round, because as we've said only two were deemed to have been compliant, which would imply...

Mr. BARTLETT: Let's hope none of the three is temporary.

Dr. PHILLIPS: No, there's no - no, that's not how it works, that's not how it works you have to go back to Facebook; that's not how any of this works.

Mr. BARTLETT: Since you know better than that...

(Inaudible)

Dr. PHILLIPS: You know, you want us to flee when no one is pursuing.

(Laughter)

Mr. BARTLETT: You will recall that.

Dr. PHILLIPS: The simple matter is that we're going to have to revisit the process of applications at some point soon. But I think

when that happens, it is worth us considering whether there is merit in continuing that limit on three, because there are many expressions of interest. I'm not suggesting that we change the requirement in relation to the number of rooms on the commitment, but on the number. I think we've passed that now, but in time, Mr. Speaker, we will bring those considerations.

With that, Mr. Speaker, I move that the resolutions be adopted - the regulations be affirmed.

The SPEAKER: The Casino Gaming (Applications Relating to Licences) Regulations, 2015

Put to the House and agreed to.

The Casino Gaming (Annual Licence fees for Casino Gaming Licences and Personal Licences) Regulations, 2015

Put to the House and agreed to.

Mrs. NEITA-HEADLEY: We go ahead and take the Report of the Boundaries Committee at this time.

The SPEAKER: Minister Bunting.

Mr. BUNTING: Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the House Leader, I want to take the Resolution standing at 11 on the Report of the Standing Committee of the House of Representatives appointed to consider the delimitations of constituencies.

Mr. Speaker, Members of this House are reminded that on the 24th of January, 2012 the House appointed a Committee comprising yourself and five other Members to keep under review, (a) the number of constituencies into which Jamaica is to be divided, and (b)

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the boundaries of the constituencies. Members are further reminded that by virtue of a Resolution approved by this Honourable House on the 21st of May, 2012 and subsequently on the 26th of March, 2013 and the 25th of March 2014, the composition of the Committee was named to continue and enforce and the Committee empowered to proceed with matters that were before it from the stage reached at prorogation.

Mr. Speaker, the Report tells that your Committee held two meetings in pursuance of the matter, the first on the 27th of June and the second on the 22nd of September. And in accordance with Section 67(7) of the Constitution the Standing Committee informed the Minister responsible for the conduct of Elections by notice dated July 4, 2014 that it intended to consider making a report under Subsection (5) of Section 67 of the Constitution of Jamaica in relation to the number of constituencies into which Jamaica should be divided and the boundaries thereof for purpose of election of Members. And a copy of the notice that was published in *Jamaica Gazette* is appended to the Report.

And the Report, Mr. Speaker, concluded with the findings and recommendations with respect to constituency boundaries. And it states that the Committee reviewed the last published list of constituencies dated May 14, 2014 that embodies the number of electors within each constituency. According to that May 2014 list, Mr. Speaker, the average number of electors per constituency is 27,597.51; the upper limit being 41,396.26 and the lower limit being 18,398.34.

The Committee noted that there were two constituencies at the time of their meetings on that list St. Andrew North Eastern with 18,299 electors and Trelawny Southern with 18,370 electors that fell below the lower limit. And the Committee concluded, Mr. Speaker, by recommending that the matter be referred to the Electoral Commission of Jamaica for them to address the issue of the realignment of two affected constituencies to ensure that they satisfy the prescribed limit.

Mr. Speaker, the Report of the Standing Committee is not controversial and the only thing I would expand on is the fact that the mandate given by the House to the Electoral Commission is usually a bit broader than just to look at constituencies which may have breached either the upper or lower limit as at the date of that meeting or the date the list was in effect when the meeting was held. Because, of course, this is a moving target during the period of boundaries review the lists are constantly changing and the numbers are constantly changing. So those that are referred to in the Report are just at appointed time.

Furthermore, Mr. Speaker, through the use of the Geographic Information Systems Technology that the electoral system is now - office is now in possession of - it has turned up a number of anomalies in constituency boundaries. For example, where constituency boundaries crossed parish boundaries and, you know, Mr. Speaker, constituency boundaries are not permitted to cross parish boundaries. How will constituency boundaries overlap each other? Adjustments can only be made to constituency boundaries during a period of

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general review. And so it is very important that these anomalies be addressed during the period.

So, Mr. Speaker, the Director of Elections wrote the House Leader, Minister with responsibility for Electoral Matters and asked that this be brought to the attention of the Parliament so that in looking at the instructions that Parliament would give to the Electoral Commission that they be asked not solely to look at the constituencies, the two constituencies mentioned in the Report of the Standing Committee which were both in breach at the lower limit at the time but also to look at any anomalies in constituency boundaries.

And Mr. Speaker, I would tell you there are a number of small anomalies that have been already identified in constituencies. For example, there may be one that you might be interested in. In Manchester South there is apparently a portion of a western boundary of polling division, PD Number 54, which overshoots the parish boundaries into St. Elizabeth, that's St. Elizabeth South East along a segment of the Gutters to Bounds Road where sometimes the markers, the historical markers for constituency boundaries with the passage of time may have been moved. The Member for South East St. Elizabeth tells me that it has to do with bauxite mining which realigned some of the road and may have caused differences. And there are similar anomalies relatively small between St. Elizabeth North East and St. Elizabeth South East between Westmoreland Central, two PDs at Petersfield Division that

slightly overshoots the Hanover parish boundary along Porters Mountain right into Hanover Eastern and so forth.

So Mr. Speaker, in terms of our consideration of the Report of the Standing Committee and further instructions of the House into the Electoral Commission of Jamaica, I will ask that the instructions include not merely looking at the constituencies that are in breach which is an obligation under our Constitution, but that also this period of boundary reviews, which is the only period during which these anomalies can be corrected, that they be - that ECJ be directed to also make recommendations as to the correction of these anomalies and I will take my seat.

Mr. VAZ: You think anybody want to hear about that.

The SPEAKER: Mr. Chuck.

Mr. CHUCK: Mr. Speaker...

(Cross talk)

Mr. CHUCK: The Report of the Boundary Committee, chaired by yourself and of which I am a Member, in pursuant of the mandate...

(Cross talk)

(The Speaker gavels)

Mr. CHUCK: ...and as required by Section 67 of the Constitution the Report is before Parliament. And the main issue, Mr. Speaker, is in terms of the realignment of the boundaries of the constituencies that have been breached the average. So, Mr. Speaker, as the Member from Central Manchester has indicated at the time of our Report there were two constituencies: South Trelawny and North

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East St. Andrew, of which I am the Member of Parliament, in my case at that time we had breached by less than 100 and in South Trelawny's case, the breach in fact, Mr. Speaker, was 27. But my understanding, Mr. Speaker, is that after the November South Trelawny is no longer in breach so is only North East St. Andrew that is in breach of the constitutional requirement.

Mr. Speaker, this is a matter of great concern and all Members of Parliament should be aware that the Constitution requires that in this case the Electoral Commission should review all constituencies at least every four years but a maximum of six years. We have done so over the past 10 years or so, Mr. Speaker, but we have a situation now where in fact there are some constituencies that have 41,000 and the case in my constituency 18,000, and the question, Mr. Speaker, is why there is this major gap between the different constituencies and in fact is this really a reality?

And Mr. Speaker, I have gone about to check in North East St. Andrew why is it we have only 18,000 on the Voter's List. And the truth, Mr. Speaker, if people in North East St. Andrew enumerated in North East St. Andrew we would probably have close to 30,000. But you have persons even in this House, Mr. Speaker, even in this House who in fact are members of Parliament but they and their family enumerated in other constituencies. I mean, you know I don't want to call names, but they exist.

As a good example, Mr. Speaker, the Prime Minister lives very close to me and I

know she is not on the Voter's List. She lives in my constituency and she is not on my Voter's List. And there are many others as I have said, Mr. Speaker, I don't want to call names, on both sides. Not only that, Mr. Speaker, you have a situation when you look at the 18,000 in North East St. Andrew you can find maybe 40% of them. Many of them have either migrated, dead or transferred to other constituencies. And, Mr. Speaker, when you go around and look, Mr. Speaker, on the very road I live maybe we should have perhaps about 30 registered voters, I don't think we have 10, on my road, including my family.

So Mr. Speaker - we have, Mr. Speaker, with due respect to the Electoral Commission, a very flawed list. And although, Mr. Speaker, this Electoral Commission should be congratulated, and they should be admired for the work they are doing because no one, Mr. Speaker, could even allege that in the electoral process, there is any corruption, taint... of any malpractice.

(Applause)

So we have a situation Mr. Speaker that the Electoral Commission has a very good working operation, but regrettably, Mr. Speaker, it is my view that they have been given baskets to carry water; because Mr. Speaker, the last full-scale enumeration was 16 years ago as the Member from North East Manchester keeps pointing out.

Mr. SHAW: Seventeen now - seventeen years.

Mr. CHUCK: And although, Mr. Speaker, we have continuous enumeration,

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there are serious problems. When, Mr. Speaker, persons reach the age of 18 years, whose responsibility it is to bring them on to the Voters' List?

Mr. PARCHMENT: The Member of Parliament.

Mr. CHUCK: Now, how on earth can it be the politicians' responsibility to bring them on to the Voter's List?

(Sotto voce comments)

Mr. CHUCK: And the effect, Mr. Speaker, is that politicians - both sides, both parties - recognize that the Electoral Commission is not doing it.

And therefore, the really dynamic, the aggressive, the concerned Members of Parliament and caretakers, recognize that they have to bring these persons on to the Voter's List.

So you know, Mr. Speaker, it is well known that Members of Parliament, caretakers, they go around and check who has reached 18, who is on the Voters' List, and with due respect, Mr. Speaker, it is something that this Member of Parliament is not doing. And that is why there is no doubt, Mr. Speaker we are not up to the average, because, Mr. Speaker, I think that this should be the work of the Electoral Commission. It cannot be, Mr. Speaker, that it is the role of the politicians to get people on to the Voters' List.

(Sotto voce comments)

Mr. CHUCK: And, Mr. Speaker, I hear howls of support that it must be the work of the politicians. And if it is the work of the politicians, Mr. Speaker, this is where the system is going to be corrupted.

A MEMBER: How?

(Sotto voce comments)

Mr. CHUCK: Why do I say so, Mr. Speaker? With due respect to my colleagues...

(Sotto voce comments)

Mr. CHUCK: With due respect to my colleagues on both sides, if you want to enhance - if you want to increase the number of registered voters on your List, you can always get people to come and enumerate in your constituency.

Mr. PARCHMENT: How... how?

Mr. CHUCK: It is very simple, Mr. Speaker, because, Mr. Speaker, if you have borderline constituencies, it is how the system is corrupted, and we need to stop it. Because if there are borderline constituencies, Mr. Speaker, both sides recognize that they need couple hundred more votes. And what is the result, Mr. Speaker? You get people from those constituencies that don't need the votes, to come and register and enumerate in that constituency that is borderline. I am saying, Mr. Speaker, we in this Parliament must recognize that this system can be corrupted. And this is where it is not, and cannot be the work of the politicians that must do it. It has to be the Electoral Commission.

Now, Mr. Speaker, you might say that I have sour grapes, but I don't need the couple hundred votes; I don't need the couple hundred votes. And what is happening, I can tell you, when I go around and I ask people, why are you not enumerated, I don't see you on the Voter's List - Oh, Mr. Chuck, you don't need the votes; oh, Mr. Chuck, this other constituency needs it.

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(Sotto voce comments)

Mr. CHUCK: Both sides, Mr. Speaker... both sides. Not only that the Labourites are needed in that constituency but that PNP are needed in that constituency. And I am saying, it is wrong.

Mr. CRAWFORD: Why you point on Desmond?

Mr. CHUCK: If we are going to have an honest, straightforward system, Mr. Speaker, let it be that persons who are resident in the constituency, vote in the constituency.

(Sotto voce comments by Mr. McKenzie)

Mr. CHUCK: And I am not saying, Mr. Speaker, that if the MP lives in my constituency, he or she has to vote in my constituency, because they might have dual registration - dual residency. I have no problem with that. So, if you live in North East St. Andrew and you are MP in another constituency, and you have a secondary residency there, I have no problem.

A MEMBER: Where are the scrutineers?

Mr. CHUCK: Ah...ah... Mr. Speaker, the scrutineers are used, regrettably, Member from Western St. Mary, sometimes in a very corrupt way too.

Government MEMBERS: How... how... how?

Mr. CHUCK: Because it's - well, Mr. Speaker, what is well known - what is well known, Mr. Speaker...

(Sotto voce comments)

(The Speaker gavels)

Mr. CHUCK: If you want to enumerate, Mr. Speaker, additional voters at this residence - and be it Labour or PNP - when

the scrutineers are going out to check and verify at that residence, it is the very scrutineers who tell the people, *make sure you are there.*

(Sotto voce comments)

Mr. CHUCK: Well, Mr. Speaker, I can tell you, all you need to do is to go on the Voter's List and see the addresses that people have been enumerated and you will find Mr. Speaker, thirty - fifty people at one residence that not more than four/five people can live in.

(Sotto voce comments)

Mr. CHUCK: All you need to do, Mr. Speaker, go - even if it is big yard, you have all 200 people living in one yard, it's just not possible. And, Mr. Speaker...

(Sotto voce comments by Mr. McKenzie)

(The Speaker gavels)

Mr. CHUCK: How I have seen this, Mr. Speaker...

(Cross talk)

(The Speaker gavels)

Mr. CHUCK: Mr. Speaker, with due respect to everyone... I know I am stepping on toes; I know I am stepping on toes...

(Cross talk)

Mr. CHUCK: ...but we must cut it out. If we want to be honest with ourselves, we must cut it out, because, Mr. Speaker, you just have to see what happens before an election; the massive amount of enumerations, the massive amount of transfers to various constituencies. It is corrupting the political process. And you give credit to the Electoral Commission, but at the end of the day, Mr. Speaker, unless you have a system on which the Electoral Commission can work properly, you are not

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going to have a fair, free, and an honest election system.

Mr. Speaker, the Member from North East Manchester...

(Cross talk)

Mr. CHUCK: Mr. Speaker...

(The Speaker gavels)

Mr. CHUCK: Mr. Speaker, the Member from North East Manchester has asked for a full enumeration. It is something that has to be supported. But, may I say, Mr. Speaker, in *lieu* of a full enumeration - I do support the full enumeration, but I have on the Order Paper - Number 12 on the Order Paper, the need for a national registration system.

(Applause by Opposition Members)

Mr. Speaker, this need for a national registration system has been on the cards for many decades, and indeed, in 2003, we had the National Registration Act - 2003. I have been asking the Leader of the House, let us debate this Motion No. 12 because the National Registration System could resolve the problem.

Mr. BUCHANAN: You have been asking since '09.

Mr. CHUCK: No... if you look at the date, you have some sense you will see the date on it. It is February 2014.

Mr. BUCHANAN: (Inaudible)...have some sense, unlike Desmond.

Mr. CHUCK: Now, Mr. Speaker, what...what - I don't want to debate this, but I think, Mr. Speaker, we need to rationalize the system. And if we don't have the full enumeration, the National Registration System which indeed...

Mr. SHAW: No, no, don't give them no authority.

Mr. CHUCK: No, no, I have to, because, this... this, Mr. Speaker - Mr. Speaker, this wouldn't cost that much, because, Mr. Speaker, if we had a national registration system, every single Jamaican must have an ID card. It is necessary. (Applause) We have a situation now, Mr. Speaker that one of the reasons why people enumerate and get a voters' ID, because it is seen as the National ID Card, but it isn't.

Mr. Speaker, the system across the country has been corrupted. You have many drivers, Mr. Speaker, who have dozens of driver's licences, and they use one, and after it gets enough tickets from the police, they change another licence. And that is why the police can't really find all these drivers with the different tickets, because they use different driver's licence.

Mr. Speaker, the TRN where each Jamaican must have a TRN, has also been corrupted. We have people with more than one TRNs. And, Mr. Speaker, we must give credit to the Electoral Commission that to this day no person has been able to vote twice.

Mr. SHAW: How you know that?

(*Sotto voce* comments)

Mr. CHUCK: Because I know. I don't know, but no one has proven - no one has proven. And what I mean, Mr. Speaker, the Fingerprint System, Mr. Speaker, has been able, to the best of my knowledge, to avoid duplication. And, Mr. Speaker, if the Electoral Commission has been so successful in bringing about a good system, why are we not

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relying on them to do what it was anticipated that they should do to start and effect the National Registration Act.

It seems to me, Mr. Speaker that we have been delaying this for too long. I am asking and I know the mover of the Motion, the Member from Central Manchester, is aware of how passionate I am that every Jamaican should have a national identification card, so that everybody can be identified.

Mr. Speaker, there are many persons across the country, including in my constituency, young men in particular, who don't want to enumerate. And the reason they don't want to enumerate, they don't want anybody to identify them. It is a fact of life. I say, with your national identification system every single person over the age of 16 - over the age of 12 - whatever age we choose, they must have a national ID card so that they can be identified, and they can - right across they can use it for any commercial purpose.

(Sotto voce comment by Mr. Warmington)

Mr. CHUCK: Mr. Speaker, may I say that as I support the adoption of this Report, we have to recognize, Mr. Speaker, that the Electoral Commission has done a good job, but we need to give the Electoral Commission a proper basis on which they can function, and if it means a full enumeration, fine, but at end of the day, we must also have a national registration system, so that every Jamaican has a national ID from which, if possible, if necessary, we can have the Voters' List at any time.

I thank you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Warmington.

Mr. WARMINGTON: It is interesting that the Electoral Commission... (Inaudible) ...every four years... (Inaudible) ...that the boundary revision is due. They remind us every four years, you know. But the fact is that the Representation of the Peoples Act calls for a general enumeration every six years. But I don't see they send that to us to re-enumerate the people of Jamaica, which is definitely needed, because the numbers we have in the constituencies are fictitious. They are not genuine.

So we need to have the enumeration done whereby we can have a genuine voters list to know the correct number - the correct persons who are there, because those who have migrated, those who are dead are not removed from the List. There are many of them on the List in each constituency.

So we need to follow the law, follow the rules as laid out in Representation of the People Act and have the numeration done every six years as required. Just as how they are required to notify us every four years of the constituencies that they want us to look at, those that breach the limit up or down, they should do the very same thing as is required by law to advise the Minister as it says, every six years that that numeration can start.

The report, Mr. Speaker, made reference to two constituencies and as the Member mentioned here in that we met in July and in September. June 27 to be exact, and September 27 and did this report, but since September the new numeration and new voters list that came out in November,

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Southern Trelawny no longer breaches the lower limit. So, in sending this report to the Electoral Commission we need to remove South Trelawny from the two constituencies that breach the limit because it's no longer required. Because this was done before that constituency increased. So we need to amend this report, Mr. Speaker, to remove South Trelawny that was mentioned in this.

The other issue, Mr. Speaker, is that the Director of Elections wanted a blank check to do boundary changes or what have you, you decided then that the two areas or the two constituencies that they reported to us of having breached the upper or lower limit which said, deal with those two constituencies. Since then, however, he has sent some recommendation here. You have gotten a copy, Mr. Speaker, I have gotten a copy, the Leader of the House has a copy and the other member from the Electoral Commission has a copy. But what I would want Mr. Speaker is to read in the record the other recommendations that came from them. North East St. Andrew and Southern Trelawny came in the report that caused us to have met. Since then they sent back to us this other sheet here, but we can't say to adjust the bounds, we need to have in the record the constituencies and the boundaries that reference are made to by this document from the Director of Elections that came with his letter from October 14, that was addressed to the House Leader, and, Mr. Speaker, for the record they ask for adjustment to two polling divisions in St. Mary Western, and those are polling division No. 9 where it said a portion of

southern boundary of this polling division along the Windsor Castle Springfield Road, overshoot the parish boundary into St. Catherine and it's specific to St. Catherine North Eastern. You said again that PD 10, a portion of the southern boundary of this polling division overshoots the parish boundary into St. Catherine, North East St. Catherine again along a segment of the Springfield Road.

The other constituency mentioned is Trelawny Southern where they said two constituents, two divisions. They are asking for adjustment. They said Lorrimers polling division No. 1, a portion of the eastern boundary of this polling division fall short of the parish boundary with St. Ann and another section overshoot the same parish boundary into St. Ann South Western. Polling division 7, the western boundary of this polling division appears to fall short of the parish boundary with St. Ann and falls under parochial road 138. So those are the two polling divisions in that constituency.

They mentioned Westmoreland Eastern where there are three polling divisions that they are asking for adjustment in Leamington. It is said, a portion of southern boundary of this polling division, that's polling division 27, overshoot the St. Elizabeth parish boundary along the Berkshire Road continues into Pigsaw, St. Elizabeth North Western.

Mr. BUNTING: That's an exhaustive list so...

(Inaudible comment)

Mr. WARMINGTON: Oh keep quiet.
(Heckling)

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We need to read in the record what they sent here.

Mr. L. BUCHANAN: You think that is what the -

Mr. BUNTING: Look at the note.

Mr. WARMINGTON: Ah?

Mr. BUNTING: Look at the note at the bottom of what you are reading.

Mr. WARMINGTON: You said polling division 28 -

(Heckling)

Mr. BUNTING: Mr. Speaker, because if we look closely in the fine print along what he is reading at the bottom, the note says the information contained in this document does not represent all the electoral boundaries anomalies that exist. It was mainly giving a representative sample of some of the things, but they will not be discovered until the period of boundary review is complete. So why would we restrict it to a sample that they gave for illustrative purposes when the thing is not complete?

(Applause) (Heckling)

Mr. WARMINGTON: Mr. Speaker, the gentlemen, what he is saying is rubbish. The Director of Election says, in addition, however, through the use of GIS technology the Electoral Commission is aware of these anomalies. So he identified these based on the GIS -

Mr. BUNTING: What's the date? You added a word.

Mr. WARMINGTON: So the issue is -

Mr. BUNTING: You have added a word.

Mr. WARMINGTON: - it can't say that they -

Mr. BUNTING: Again, there is no "these". There is no "these"

Mr. WARMINGTON: He identified the breaches, as he said, and he talks about anomalies. The committee's duty is not to deal with anomalies. The issue is, you are showing up the incompetence of that department because they ought to have seen that they were going over parish boundaries and what have you, so it is not the duty of Parliament or the Standing Committee to deal with anomalies. So if you going to talk we would have to shoot this down right now.

The Constitution says, 67, our function, it shall be the function of the Standing Committee to keep under constant review the number of constituencies in which Jamaica is to be divided, and the boundary of these. It says the number, it didn't say anything about anomalies, so please don't go down that road. If you want us to take this let us follow the rule. All right? So if you want us to deal with it then we can, because the Constitution of Jamaica 67 says nothing about anomalies, it gives the Standing Committee of Parliament the duty or the authority to define the number of constituencies into which Jamaica is divided. That's what it says here.

Mr. BUNTING: And the boundaries of such constituencies.

Mr. WARMINGTON: All right, so please look at 67.

Mr. BUNTING: You have left out (b), and the boundaries of such constituencies.

Mr. WARMINGTON: So all right? So don't bother come with that right now.

(Heckling)

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So let me just finish what I am saying.

So, Mr. Speaker, if the Director of Election, the first I am saying about the two constituencies, we dealt with those. He subsequently sent another list. So are you saying, are you telling me now Mr. Member, Mr. Commissioner that the Electoral Commission and the Director is so incompetent that it takes them all this time, four years to find these and they found these and sent it to me and you are telling me that they don't know at this stage if there are any others? Is that what you are saying to me? Are you showing up the incompetence? Are you showing up the incompetence of the department that you are a part of?

Mr. BUNTING: I will answer you when I...

Mr. WARMINGTON: Are you that incompetent? Are they that incompetent?

Mrs. NEITA-HEADLEY: He will answer you.

Mr. WARMINGTON: They had four years, Mr. Speaker, to deal with.

(Heckling)

The SPEAKER: Take it easy.

Mr. WARMINGTON: But could you ask the Member just to -

The SPEAKER: (Inaudible comment) ...responding -

Mr. WARMINGTON: But I did not interfere when he got up to speak. So he needs to allow me to make my presentation Approximate L.

Mr. L. BUCHANAN: But your interpretation is incompetent.

Mr. WARMINGTON: All you have in your brain is sand so I don't expect better from you.

(Laughter)

Your brain is shallow and full of sand.

A MEMBER: Warmie, why you don't stop the quarrelling and just go on.

(Heckling)

Mr. WARMINGTON: So, Mr. Speaker, as I am saying here, they said three divisions in Westmoreland Eastern, polling division 27, 28, 50.

A MEMBER: You want get rid of Hutchie, gwaan. Put the PNP in power.

Mr. WARMINGTON: Westmorland Central, two, Petersfield 26 and 27; St. Elizabeth North Eastern, one, Balaclava polling division 9; St. Elizabeth South Eastern, Junction one, that's polling division 98; Manchester Southern, Alligator Pond PD 54, 55, 63, 75 and 78; Manchester Central, Belfield polling division 109, that's one; Manchester North Western, Mile Gully two divisions, polling division 83 and polling division 90; Manchester North Eastern, 2, Christiana 64 and PD 65 and Walleston 2, 93 and 96.

Mr. SHAW: Put them back at Clarendon.

Mr. WARMINGTON: They say these fall in Clarendon. Clarendon South Western they say one, Toll Gate PD 1; St. Catherine North Western they say PD 1 and 2 Lluidas Vale; St. Catherine North Eastern they have three, Guys Hill PD 2, PD 3 and PD 4; St. Andrew West Rural one, PD 107; St. Andrew South Eastern Vineyard Town, two, 81 and

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82. Those are three. These are what they said they want us to give them authority to adjust. I have no problem, Mr. Speaker, in us giving the approval for the adjustment of these. They say these are the problems they have along with the other two, but at the same time Mr. big shot have so much talk. What I would like...

The SPEAKER: Careful, careful.

(Heckling)

Mr. L. BUCHANAN: You are abusive, you. You are very abusive, you.

Mr. SHAW: Sandy, keep quite.

Mr. WARMINGTON: Can you spell the word? Spell it for me.

Mr. SHAW: Sandy, keep quiet.

Mr. WARMINGTON: Spell it for me.

(Heckling)

Why they don't spell it? Spell it.

(Heckling)

What I would like, Mr. Speaker, is for the Commissioner to take back to his Commission the fact that we are observing the part of boundaries adjustment review for four years, just to look at the other section of the ROPA that ask for enumeration every six years, to have that done.

Mr. Speaker, I have no problem supporting the request from the Electoral Commission with these PD and also in full support of the report of Parliament from the Committee with the amendment to the report removing Southern Trelawny from that report.

The SPEAKER: Thank you. Mr. Shaw.

Mr. SHAW: Mr. Speaker, as you are aware this is an issue that I have raised on several occasions both at the level of the

House and at committee meetings of the House. I believe that the matter is of such grave importance that it begs repetition, begs repetition and it also requires a proper response from the Government. It requires, Mr. Speaker, a proper response from the Government.

I would like to start my brief intervention by reminding ourselves that the Electoral Commission of Jamaica recently tabled a report. It gave to parliamentarians Mr. Speaker, a report called the history of the Electoral Commission of Jamaica. The history. See the book here. Nice glossy book and all Members were supposed to have received a copy of this book. And I would like to draw your attention, Mr. Speaker, because it is very possible that yourself as the Speaker of the House might have to get involved in this issue.

(DR. THE HON. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western, Minister of Tourism and Entertainment, entered and took his seat.)

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

On page 32 of the graphic from the Electoral Commission of Jamaica, it points out that a set of decisions, seven decisions that were taken, seven decisions that were taken by the ECJ in 1997.

Mr. BUNTING: The EAC.

Mr. SHAW: Sorry?

Mr. BUNTING: The EAC.

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Mr. SHAW: The EAC, right. The EAC, right. Seven primary decisions were taken and the first one was that there would be a full enumeration exercise in order to create a clean database. That's for the start now of the continuous registration system. And indeed that full enumeration exercise was done. It was carried out in 1997. Nineteen ninety-seven, Mr. Speaker. That was the first point.

And, indeed, that full enumeration exercise was done, it was carried out in 1997, 1997, Mr. Speaker. That was the first point.

The second point, reading from the book:
Thereafter, full enumeration exercises alone should be undertaken and completed at intervals of no more than six years.

(*Sotto voce* comments and applause from Mr. Chuck)

Mr. SHAW: Now, Mr. Speaker, it is obvious that they arrived at the six-year timeline because the six years is also mentioned in relation to...

Mr. CHUCK: In the conclusions.

Mr. SHAW: ...boundaries, right. Four to six years, so six years is in there too.

(*Sotto voce* comment from Mr. Warmington)

Mr. SHAW: Yes, and no later than six years. So that six year is constant between the boundaries review and their own recommendation that there should be a new enumeration exercise every six years.

Now, Mr. Speaker, we have not had a new enumeration exercise since the last one was carried out in 1997...

Mr. CHUCK: Seventeen years!

Mr. SHAW: ...seventeen years ago!

(*Sotto voce* remark from Mr. Bunting)

Mr. SHAW: You can speak when I am finished.

(Laughter)

Mr. JACKSON: No, he shall speak now!

Mr. SHAW: Mr. Speaker, an attempt at reverification - and I call it an attempt - that was carried out in 2004 and supposedly lasted until 2006 - but, that reverification exercise, Mr. Speaker, was done without any clear and specific direction as to who could remain on the List and who should be removed from the List.

There were many opinions as to the system that should be used, and it was therefore a very faulty system, the attempt at reverification in 2004. There has been no subsequent attempts at reverification - as flawed as that system was - since 2006, which puts us eleven years since the attempt at a flawed reverification system.

Mr. Speaker, either way you look at it, we are now here today - it is laughable that we should be here today to be agreeing with the recommendation of the Electoral Commission, that we should adjust two constituencies, based on a list that is seventeen years old. It should not even be considered. We should not be making any such decision in this House until we are assured that a clean Voters' List has been put in place.

So, Mr. Speaker, I go further, that in the list of the seven items to which I referred, number 7 said:

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...there be legislation to enable the EAC to access the records of births, deaths and migration.

Now, there have been some people talking about people who migrate, that their names should remain on the List. That was one of the arbitrary things that was discussed at the time of reverification.

Mr. Speaker, the return of the People Act is very clear that when you have a full enumeration exercise, wherever you are, that is, you are found to be residing permanently, you are put on the Voters' List in that constituency. If you move from Portland to St. Thomas or to Manchester, the next enumeration cycle your name is recorded where your primary place of residence is. That is the ROPA Legislation; that has not been changed.

What has been changed, however, Mr. Speaker - and this is something that the Parliament must address - at the time when we implemented the continuous registration system we removed the statutory requirement for an enumeration to be carried out every four years. It was taken out of the ROPA Legislation, and instead, we put in there, into that law, that subsequent enumerations would be carried out at the discretion of the Minister on the advice of the ECJ. What kind of foolishness is that?

(Sotto voce comments)

Mr. SHAW: Listen, the point is that the Electoral Commission of Jamaica, when it was the EAC, as well, said, have the enumeration every six years. So, if the Minister honoured that, and if the ECJ itself reminded the

Minister that although it might not be in the law as six years, but it is in the spirit and practice, it's six years. And therefore, exercise your discretion now, Minister, to have the enumeration.

What the Member has told us from North East St. Andrew, Mr. Speaker, is that - let's repeat what he has said, he said he can't find 40 per cent of the people who are on the List, he can't find them.

Mr. CHUCK: They moved out!

(Sotto voce comments)

Mr. SHAW: And he estimates Mr. Speaker that there are about 6,000 people living in the constituency that are not on the Voters' List.

(Sotto voce comments)

Mr. SHAW: Mr. Speaker, I have done a canvas...

(Cross talk)

Mr. Speaker, I have done a canvas of my constituency, and over 3,000 names are on that List that are either dead, migrated - certifiably so - or removed to other constituencies.

(Sotto voce comment from Mr. Fagan)

Mr. SHAW: Mr. Speaker - this is not a joke. Keep quiet! This is about the democracy of our country. And I know why you guys don't want this thing, because you are used to - you want the corrupt List to remain in place. That's what you want. *(Heckling)*

Mr. Luther BUCHANAN: You know, you should be in prison for that bridge you built in Christiana. And you are talking rubbish. You should be looking through bars now.

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Mr. SHAW: That is what you want, Sandy Head or no Sandy Head. That is what you want.

(Heckling)

Mr. Speaker, on a recent radio interview...

(Heckling)

Mr. Speaker, on a recent radio interview - gentlemen! Gentlemen! This is serious business.

(The Speaker gavels)

On a recent radio interview, the General Secretary of the People's National Party has publicly admitted that in his view there are at least 200,000 names on the Voters' List that should not be on there.

Mr. CHUCK: Who is that General Secretary?

Mr. SHAW: The following day the former General Secretary...

Mr. CHUCK: Oh! Who is that?

Mr. SHAW: ...of the People's National Party and a member of the Electoral Commission of Jamaica, agreed with the General Secretary of the PNP, but his figure was higher, he said at least 300,000 names are on the List that should not be on the List. My figure is even higher. I am suggesting that at least 400,000 names are on the List that should not be on the List, Mr. Speaker, 400,000 names.

(*Sotto voce* comments)

Mr. SHAW: When we used to have enumeration every four years, every four years the List came out consistently at between 1.2 and 1.3 million people. Now, because of seventeen years of no enumeration, the List is almost 1.8 million people right now. No full

enumeration. We are not talking about continuous enumeration; no full house-to-house enquiry that was recommended by the EAC in 1997.

Mr. Speaker, I believe that we have heard cross-border - issues of cross-border enumeration, another dangerous issue that threatens our democracy because of a corruption of the Voters' List. Cross-border enumeration is corruption.

Mr. Speaker, this Honourable House has been told from time to time, oh, but enumeration going take too long. The last time I got info - I am told that an enumeration, Mr. Speaker, does not have to take more than six months. And the ROPA Legislation, in relation to a full house-to-house enquiry, speaks to a limit of one year. So that's a high of one year, but it actually can be done over a six-month period to have a brand new enquiry.

We have heard remarks by Government Members that it's going to require Five Billion Dollars (\$5B) for a brand new enumeration exercise. I was even told that by the Electoral Commission of Jamaica. I met with them, and, I had to tell the Electoral Commission of Jamaica that, with all due respect, the Budget is not your business. Your mandate, as an Electoral Commission, is to ensure free and fair elections on a clean Voters' List. (Applause) And if it is that you should therefore recommend an enumeration, it is the Government, the Cabinet and Parliament that must discuss and debate and deal with the issue of the Budget. (Applause) That is not the issue for the Electoral Commission of Jamaica.

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Mr. Speaker, in the list - I can't find it now, but in the list of that - in the book, where it speaks to the purpose of the EAC at the time, the purpose of the EAC, the number one item that was mentioned in the list, Mr. Speaker, is that they are to establish and preserve our democratic way of life. And, part of the process of that is to ensure that at all times there is a clean Voters' List - the Electoral Commission, that's their mandate.

So Mr. Speaker, seventeen years later we don't have a clean Voters' List and that is a serious, serious issue. And, against that background, how dare us come to talk about we are going to adjust boundaries and we don't know the true state of affairs of who is living where, how many people are living where in this country, without a timely updated enumeration exercise which was called for by the EAC themselves.

My position is very clear. The Government needs to receive the Report of the Electoral Commission in short order, because I have formally put it on the Agenda and I am grateful that all of the members, including the Member who sits here, who is the mover of this motion, was at the hearing when I appeared before the Commission. And, I fully expect that the Commission should give due consideration to the points that I have made.

And I am saying to the Government, the Government of Jamaica has a responsibility to preserve and protect our democratic system and the electoral system that we, together, have put together over the years. (Applause)

And it cannot be Mr. Speaker that we are trying to suggest that the process of

continuous registration has become a perfect replacement for the occasional need for a brand new enumeration, it cannot be. And that is implied in certain quarters; it was never the spirit or the intent. And so that six years must have been identified in part because the Constitution speaks to the review of constituency boundaries over that same six-year period.

Mr. Speaker, I rest my case that the Government - as far as I am concerned, no Parish Council Election should be held on this corrupt List, no further General Election should be held on this corrupt List. The List must be cleaned up and we must have a brand new enumeration exercise.

(Applause)

The SPEAKER: Mr. Samuda.

Mr. SAMUDA: Mr. Speaker, I rise to make a very brief contribution to this debate. I speak from the background of having served for eleven years on both the EAC and ECJ. I became a member of the EAC at a time of great turmoil. I participated in the process in 1976 for the first time and in 1980 up to 4 o'clock when my opponent, Carlyle Dunkley, and I came to the agreement that we would go our separate ways and try to identify indoor agents so that the stations could be opened, we had worked all through the night and brought down the Chairman of the EAC and the entire team to the Pembroke Hall School and our stations in some instances did not open until nearly 9.00 o'clock. The fact of the matter - I outlined that to give you an idea of the firsthand knowledge that I have of the electoral system of Jamaica.

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Even before that, Mr. Speaker, when there was bi-election that arose because the late Member of Parliament, Dr. Ken McNeill, retired it was the Jamaica Labour Party that insisted that we would contest no further elections in Jamaica until there was fundamental electoral reform.

Mr. L. BUCHANAN: Mine Andrew vex wid yuh, yuh know.

Mr. SAMUDA: And so I had to sit out that election along with Robert Marsh, Bobby Marsh, in St. Ann although at that time it was likely that we would have done extremely well. But the determination not to proceed with a system that, indeed, had been proven to be corrupt at that time we would not participate in the electoral process. The leaders of both parties eventually came to a formula, a formula which gave birth to the EAC. From there the process continued until we had the eventual Commission to which I was appointed as one of the first members of the Commission.

Mr. Speaker, that journey has been a very tedious one, but it is a journey that has lead us to the point where it is undisputed, it is irrefutable that the electoral system of Jamaica is one of the finest in the world (Applause) and one that has received praise and acclamation from countries throughout the world and one where it's members is called upon to give expert testimony and advice to other countries who are having difficulties with their electoral system.

Mr. Speaker, it is undeniable that in any process that there will be times when you have to do revisions of what you have been

engaged and how that process is being conducted. But at no stage should we ever pass the threshold or allow it to reach a stage where it is even inferred that our electoral system is suspect and possibly corrupt. I fear that may open the door for those who are our detractors to make reference that would not redound to the benefit of the development that we have fought so hard to achieve over these many years.

I make this statement because I feel that having served for so many years, the record must record the progress that has been made. In saying that, I believe perhaps it is, indeed, the time when we should undertake a completely new enumeration...

Mr. CHUCK: Hear, hear!

Mr. SAMUDA: ...for the simple reason, Mr. Speaker, that it is unlikely that we would be able to justify changes to our political boundaries on the list that has clearly been demonstrated to contain electors that are not part of that community in that constituency they have moved to other parts of Jamaica, and, indeed many have gone aboard. So in order to justify the averages that are developed, the numbers of electors that are qualified in each constituency it is necessary, I believe, perhaps, for us now to do a complete enumeration and I commend that to the house and through the Leader who has brought this matter here today. But, Mr. Speaker, let us not be unmindful of the fact that if you clean it today in one year's time on the average that history has taught us in one year's time approximately 20 per cent of the persons would have removed whether within the

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constituency but certainly within the country.

Mr. CHUCK: We're nomadic.

Mr. SAMUDA: There is no fixed list is possible with in reasonably short timeframe it is in a constant state of flux. Constant. So we must be careful as we approach it to ensure that the mechanism necessary to upgrade the list from time to time where people have removed to another consistency but for one reason or another have just not corrected the situation. I use myself as an example. I lived in the constituency of North West St. Andrew where I was enumerated. I vote in Havendale. I just haven't corrected it, but I no longer live in North West St. Andrew. I now live in the constituency of the Acting House Leader the constituency of North Central St. Catherine where I am supposed to be voting, but when the election is called I will more than likely continue to vote in North West St. Andrew, because I can't falsely - I can't falsify my address to say I live in North Central St. Andrew and vote for - I've never voted for myself.

Mrs. NEITA-HEADLEY: Neither can you rush over there to vote.

Mr. SAMUDA: But the challenge is, of course, if I went over...

(Inaudible comment by Mr. Jackson)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. SAMUDA: So it is something that can take revision. It is something that should undergo a review, but in all that we do let us be mindful of what this Report is asking us to do. All that has been said here today there is not one scintilla of documentation that could give authority to anything we have said other

than the one request that they have made of us and that is the decision that must be made. The recommendation that refers to the two constituencies in question, that's all that they have asked us to do. We can go no further but either accept or deny. All that we have said - I mean my colleague and friend has enunciated a number of other recommendations made, but they are not before us. Thank God he has brought them up because I don't know what kind of secret from October and we don't know what these adjustments are likely to be. They should be on the Table of the House. They should have been tabled with this document.

Mr. SHAW: Yes, yes!

Mr. BUNTING: No, no!

Mr. SAMUDA: I don't care no, no. This is not complete because this is just an interim. That too as the recommended is interim, but if you are....

(Inaudible comment by Mr. Bunting)

Mr. SAMUDA: ...if you're going to discuss the matter of making any interim changes it should be before the House of Parliament and should be as a separate document read out by a Member.

Mr. WARMINGTON: He's correct.

Mr. SAMUDA: So it is incorrectly handled in the first place.

(Inaudible comment by a Member)

Mr. SAMUDA: So what we - oh, well, I don't know that, but he has gotten it. Thank God we are now privy to it and that is important that we as Members of Parliament that are being asked to make recommendation on an important matter are at least privy to the

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documentation that exist and prior to his intervention we were not.

Mr. WARMINGTON: ...by the Standing Committee.

Mr. SAMUDA: So, therefore, what I am saying is that the whole system and the method by which we make decisions pertaining to the most sensitive issues as politicians the composition and designation of the constituency. There is not a Member here whose ears don't prick up when you say constituency boundary. Everybody has a vested interest, but the system is one that needs more careful examination at this time and I do not share the view - I know this may not be popular - I do not share the view that the onus for determining whether or not a person has removed resides entirely with the political representative.

Mr. CHUCK: It cannot be.

Mr. SAMUDA: I do not share that view.

Mr. CHUCK: It cannot be.

Mr. SAMUDA: So, therefore, Mr. Speaker, with these few comments I just recommend as we approach this matter let us at any time be unmindful of the gigantic strides and sacrifices that have been to bring us here where we are today.

(Applause)

Mr. BUNTING: Thank you, Mr. Speaker.

Let me just remind the House that a period of constituency review is correctly in effect. It runs - this is set constitutionally and it will - it runs from April 2014 to March 2016. At the end of this, the Electoral Commission [of Jamaica] is required to submit a report to

Parliament for its consideration. What we are authorizing today or what I hope we'll be authorizing here today is for them to commence the work. This is not a conclusion.

Mr. SAMUDA: That's not what they have asked.

Mr. BUNTING: This is what the...

Mr. SAMUDA: ...recommendation.

Mr. BUNTING: No, no we're talking of the recommendation of the report.

Mr. WARMINGTON: That's what is before us, that's what is before us.

Mr. BUNTING: No, no you didn't listen to what I said in the opening. I said notwithstanding the fact that the Committee in its Report recommended - recommended, because it's the House that's going to decide. It's not the Committee that decides. Recommended that the matter be referred to the ECJ to address the issue of the realignment of the boundaries to correct the breach of the two constituencies that as is customary and as you well know, because both of us were integrally involved in the last one, which ran 2008 to 2010, we did not only look at the constituency that was in breach and the matter of the two - the three, rather, additional constituencies in the parishes of St. Catherine and St. James, but we also corrected anomalies right across the system in practically every parish. Those anomalies, as you will recall...

Mr. SAMUDA: You're phrasing it wrong.

Mr. BUNTING:the Member from North ... were discovered during the period of boundaries review.

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(Inaudible comment by Mr. Warmington)

Mr. BUNTING: So at the beginning of the period we can't say, as the Member from South West St. Catherine is suggesting, that we specify today the specific anomalies to be corrected. That would not make no sense, because these anomalies....

Mr. WARMINGTON: Are you a member of the Committee. Are you a member? Why didn't you make a contribution....

Mrs. NEITA-HEADLEY: Hello.

(Inaudible comment by Mr. Warmington)

Mr. BUNTING: Look yah nuh, mine a call the Member from West St. Thomas fi come deal wid yuh case.

MEMBERS: Call him man, call him.

(*Sotto voce* remarks/Laughter)

(The Speaker gavels)

Mr. BUNTING: We're really authorizing the ECJ to enter upon the reference in the favourite words of Danny Buchanan, the late great Donald Buchanan...

Mr. JACKSON: Good words.

Mr. BUNTING: ...and you understand, Member from North Central St. Andrew, that it is an involved exercise, we had many presentations to us by the JIS Department of the Electoral Office, pointing out PDs that had been marooned in some cases, PDs that overlapped parish boundaries or constituency boundaries *et cetera*, that is a process which we're entering upon. All that I suggested is that when we - this House - gives the instructions to the ECJ, it gives it in the same format that we've done previously, like in the 2008 to 2010, not just to limit them to

look at the specific breaches of upper or lower limit as the case may be, but to look at correcting anomalies to do with constituency boundaries.

Mr. SAMUDA: Minister, I'm asking you to yield just one second.

Mr. Speaker, the point I'm making is, this is a Parliament and we're not supposed to be conducting our affairs by innuendo or by interpretation; the English language can be very clear and precise. And in this particular matter where an official document is before us, it says:

We recommend that the matter be referred to the Electoral Commission of Jamaica - ECJ - for them to address the issue of the realignment of the two, not the realignment or to open the process or to commence the process or to look at the anomalies, but the issue of the realignment of the two affected constituencies, to ensure that they satisfy the prescribed limits.

So if they want what the Member quite correctly - because the history is replete with the sort of general permission for them to commence, it must be specific; it must be specific as to what they're requesting. It cannot be, cannot be, that they have asked us for something specific and we're to vote on something that is general.

Mr. BUNTING: I don't think this House, Mr. Speaker, is limited by the recommendations of the Committee. The House can always, if they see a shortfall, I think the House is certainly at liberty to correct that deficiency.

Mr. SAMUDA: To change the Report?

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Mr. BUNTING: Not to change the Report, the Report will be adopted as it is, what we're talking about is in terms of the instructions that the House sends to the ECJ, that we send it in the normal format just as we did in the previous period of boundaries review.

Mr. WARMINGTON: I didn't ask for that though.

(Inaudible comment by a Member)

Mr. BUNTING: No, you don't need a new meeting, the House can correct that, this is a Committee of this House.

So it certainly would make no sense to fix part of the problem and don't fix the problem.

(Inaudible comments)

Mr. BUNTING: So we can deal with that.

(Inaudible comment by Mrs. Neita-Headley)

Mr. WARMINGTON: But that's not what he's saying. You are correct, but that's not what he is saying.

(Cross talks)

Mr. BUNTING: But, Mr. Speaker, a lot of time was spent - and you know, the Clerk can advise us as to whether we can adjust the instructions; we can take advice on that. But in the meantime a lot of this debate was involved with the issue of residence reverification *versus* house to house enquiry. Or put it this way, a number of Members, the Member from North East Manchester, the Member from North East St. Andrew were advocating a house to house enquiry to commence a house to house enquiry as soon as possible.

And, Mr. Speaker, the Members know, in fact the Member from North East Manchester knows very well that this is an issue that the

ECJ is looking at and examining right now. And I don't think that there's any question of the need for reviewing the system. The question was one of two approaches; one a house to house enquiry, the other a residence reverification. The main difference in the two systems is a house to house enquiry start with a blank slate, you have nothing and you start from scratch and you go house to house to collect the demographic data, you collect the fingerprints, the photograph *et cetera*, which is a complete re-enumeration.

The residence reverification starts with the existing list as a base document and then there's a house to house enquiry to verify if what is on the existing list is correct. Now at that point you can remove persons who have migrated either internally or externally; if you discover the electors that have not been removed by the continuous process you can take them off, but it is a much less costly exercise because you do not have to recapture all the data.

Mr. D. SMITH: It's untidy.

Mr. SHAW: That's not what they've recommended.

Mr. BUNTING: No, hold on, hold on, hold on.

(Inaudible comment by Mr. Shaw)

Mr. BUNTING: Hold, on, hold on, hold on. I don't think the Electoral Commission has made a report on one or the other. In fact they have been - they invited the Member from North East Manchester, who came, made a presentation and I believe you would agree with me, they were fruitful discussions around the issue, I think they were productive...

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Mr. JACKSON: You only mention the contention part.

Mr. SHAW: No, man.

Mr. BUNTING: ...and his recommendations are being considered. So this is something that is actively under consideration, and which I anticipate the Electoral Commission will make a decision and forward that Report to the House in due course. And so I just want to say that they are two separate exercises.

I know you feel passionately about this issue, but constitutionally, something I know you feel passionately - equally passionately about, of us observing the rules of the constitutions, we have to do a boundaries review exercise during this period...

A MEMBER: Yes.

(Inaudible comment by Mr. Shaw)

Mr. BUNTING: ...so I don't think we can wait on this decision, no I don't, because...

(Inaudible comment by Mr. Shaw)

Mr. BUNTING: But we have one year left. The period started in March - in April 2014.

Mr. SHAW: Enumeration is this year. And stop tiptoeing about it.

Mr. BUNTING: In April 2014, but as I said it's two different - what we want to do, a number of lists - additional lists will come out before the end of this review period. One will come out in May and one will come out in November. The numbers could change again, somebody...

(Inaudible comments)

Mr. BUNTING: South Trelawny might fall into breach again or North East St.

Andrew might come up above the limit and no longer be in breach.

(Inaudible comments)

Mr. BUNTING: So it is a bit of a moving target.

But, Mr. Speaker, I would say that given that we're almost half-way through this period of boundaries review, that it is important that we start the Electoral Commission up on the process; we authorize them, which is essentially what we're talking about here today.

So in debating the Report of the Standing Committee, I believe we can adopt the recommendation to look at the two constituencies that are in breach, but also go beyond that and give the normal instructions that we gave to the Electoral Commission for the 2008 to 2010 boundaries review period, to not only look on constituencies in breach, but to do a general boundaries review, taking account of any anomalies which they may already have discovered or will discover during the course of the boundaries review period.

With that suggestion, Mr. Speaker, I will be advised as to how to proceed.

The SPEAKER: I think we should move for the Report to be adopted, to deal specifically with those two constituencies, then the Boundaries Committee will meet shortly after to give new instructions. And that is my recommendation.

MEMBERS: Aye.

Mr. BUNTING: Well then, Mr. Speaker, if that is your recommendation then I would move that the Report of the Standing

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Committee of the House of Representatives appointed to consider the limitation of constituencies to be adopted.

Put to the House and agreed to.

Mr. SHAW: No! No! No!

The SPEAKER: (Gavels) Adopted.

(Cross talk)

Mrs. NEITA-HEADLEY: Mr. Speaker, the item relating to the Constitution Amendment Local Government Act, 2014 will not be taken this week as the Minister isn't here, so we will have the contribution...

(Inaudible comment by Mr. Shaw)

Mrs. NEITA-HEADLEY: Isn't here.

...so we'll take the contribution from the Opposition Spokesperson next week and conclude the debate on same next sitting.

We will now take the Deputy Speaker, who will take the Report on the Private Bills Committee on the 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". And he will also take the Report of the Regulations Committee on the National Housing Trust, Hellshire Housing Development Order.

The SPEAKER: Mr. Smith.

Mr. L. SMITH: Thank you, Mr. Speaker.

By your leave, Mr. Speaker, I would want to deal with the two...

(Inaudible comments)

(The Speaker gavels)

Mr. L. SMITH: ...I would want to deal with the two matters in the order of the Report on the Regulations Committee and then do the other on the Baptist Mission.

The SPEAKER: You may proceed.

Mr. L. SMITH: Thank you, Mr. Speaker.

Members will recall, Mr. Speaker, that on the 13th of January 2015, the Report was laid in this Honourable House. According to Standing Orders 73 (1) of the House of Representatives, it states that:

"The Regulations Committee shall have the duty of considering all such regulations as defined in the Interpretation Act that are laid before the House and are subject to negative resolution. The Committee is required to bring to the attention of the House inter alia any regulation or draft which involves the expenditure of public funds, or imposes or fixes fees for licenses or for services. Your Committee examined the National Housing Trust, Housing Benefits, Special Selection, Hellshire Housing Development Phase 4 Order 2014, under the National Housing Trust Act, and wishes to bring to the attention of this Honourable House, its decision in accordance with Standing Orders 73 (1). Your Committee recommends that the regulation be approved".

And so, Mr. Speaker, by your leave I ask this Honourable House to approve the Report.

Put to the House and agreed to.

Mr. L. SMITH: Thank you.

Mr. Speaker, we have before us today the Report of the Joint Select Committee on Private Bills on its deliberations on the Bill shortly entitled, "AN ACT to Amend the Baptist Mid-Missions in Jamaica (Incorporated) Act so as to the change of name of the Act and for connected matters".

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Mr. Speaker, I will be very brief. This matter has been before the House for quite awhile from about 2012 and we have now reached a stage, Mr. Speaker, where your Committee wishes to recommend that this Report be approved and the resolution therefore passed.

Just a quick background for Members. Your Committee learnt that the Baptist Mid-Missions established the Fairview Baptist Bible College at the present location in the early 1960s and used it as a means of training pastors for the Baptist Churches in Jamaica, particularly the Western Region. We were told that the process was the culmination and aim of the Baptist Mid-Missions around the world to have local leadership take over the ministries. So in essence, Mr. Speaker, what is being asked here is for the local body to be fully in charge of itself and not be answerable or anyway, unless so desired, with its overseas affiliates. The recommendations are contained in Appendix 2 of the Report. Against that background, Mr. Speaker, I close the debate.

Mr. SHAW: How you mean you close the debate.

Mr. L. SMITH: Sorry. Mr. Speaker, I was trying to be expeditious but that - the matter is almost a *fait accompli*, Mr. Speaker, and so having stated the reason thereof and having given the recommendations, I take my seat. And as I have indicated, Mr. Speaker, I ask that the Report be accepted and approved.

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

COMMITTEE STAGE

Mr. L. SMITH: Mr. Chairman, there are two amendments in the recital going down to Clause 1 where we have deleted the year 2011 and substitute therefor the year 2015. Have you seen that?

The CHAIRMAN: Yes.

Mr. L. SMITH: The other amendment is Clause 8 and delete and substitute therefor the following, “nothing in this Act shall prejudice or affect the rights of Her Majesty Queen Her Heirs and Successors, the Government of Jamaica or of any body politic or corporate or any other person except such as are mentioned in this Act and those claiming under them.

The CHAIRMAN: Those are the two amendments?

Mr. L. SMITH: Yes, Mr. Chairman.

The CHAIRMAN: I put the amendment to Clause 1.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 1 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 2.

Put to the Committee and agreed to.

We have a new Clause 2, so we are going to delete Clause 2 and substitute...

Mr. L. SMITH: Mr. Chairman, yes Clause 2 is to be deleted and substitute therefor the following amendment to - the principal Act is amended, the title and the principal Act and by deleting the title and by wherever they appear the words, “Baptist Mid-Missions in Jamaica” and substitute instead, “Fairview Baptist Ministries”.

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The CHAIRMAN: I put the new Clause 2.

Put to the Committee and agreed to.

The CHAIRMAN: Amendment to Clause 3. Delete Clause 3.

Mr. L. SMITH: Delete the clause and substitute the following: the preamble to the principal Act is amended by, (a) deleting from the first recital of the words, “whereas the persons hereafter named and other persons inhabitation of” and substituting, “whereas persons in” and (b) deleting the second recital the word, “society” and substitute, “Fairview Baptist Ministries”.

The CHAIRMAN: Those in favour of the new Clause 3?

Put to the Committee and agreed to.

The CHAIRMAN: Clause 4?

Mr. L. SMITH: Delete the definition of church and substitute church means the persons for the time being associated in Jamaica under the Fairview Baptist Ministries in Jamaica.

The CHAIRMAN: Delete Clauses 3 and 4.

I put the new Clause 3.

Put to the Committee and agreed to.

Mr. SHAW: Why this thing have so many amendments. Do the thing properly and don't waste people time to fix up the thing properly.

The CHAIRMAN: I put the amendment to Clause 4.

Put to the Committee and agreed to.

The CHAIRMAN: I put the amendment to Clause 4.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 5.

Mr. L. SMITH: Clause 5, Mr. Chairman, delete the Clause and substitute in Section 3 of the principal Act the words that should be used are: (a) “or lodging the office of the titles” and (b) “or lodging” after the words, “until the recording”.

Mr. SHAW: You don't know? It wasn't ready at all?

The CHAIRMAN: We delete the original Clause 5 and substitute the new Clause 5.

Put to the Committee and agreed to.

Mr. L. SMITH: In Clause 6 we are going to delete the clause as it stands and substitute...

Mr. WARMINGTON: Why don't you delete the entire Bill?

Mr. L. SMITH: The Bill was around for a very long time. There was need to retrofit it.

Mr. SHAW: This is slackness!

Mr. L. SMITH: Mr. Chairman, we shall continue. I am down to Clause 6. Delete Clause 6 and substitute therefor the following 6, Section 5 of the principal Act is amended (a) in subsection (2) by deleting the word ‘island of Jamaica’ and substituting ‘island’; (b) inserting ‘next’ after subsection (2) the following as subsection (3) “all property, assets and liability that immediately prior to this Act coming into operating which where invested and owned by the Baptist Mid-Missions shall immediately upon this Act coming into operation be vested in and owned by the Fairview Baptist Ministries”.

The CHAIRMAN: I put the new Clause 6.

Put to the Committee and agreed to.

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Mr. L. SMITH: Clause 7, Mr. Chairman, we are going to delete and substitute Section 6 of the principal Act is amended by (a) we are deleting the fullstop at the end of the paragraph (d) and substituting a semicolon; (b) we insert 'next' after paragraph (d) as amended the following (e), the following as paragraph (e) to make such rules and bylaws as the corporation thinks fit in order to carry out the purposes of the Act.

The CHAIRMAN: I put the new Clause 7.

Put to the Committee and agreed to.

Mr. L. SMITH: We had already dealt with Clause 8, Mr. Chairman, we think.

Mr. SHAW: No. We didn't vote on Clause 8 yet. What is this?

The CHAIRMAN: You are deleting Clause 8 and substituting...

Mr. L. SMITH: Yes, Mr. Chairman, Clause 8 deleted and the following is what will now be: "nothing in this Act shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors, the Government of Jamaica or of anybody politic or corporate or of any other person except such as are mentioned in this Act and those claiming by, from, through or under them".

The CHAIRMAN: I put the new Clause 8.

Put to the Committee and agreed to.

The CHAIRMAN: I put the preamble.

Put to the Committee and agreed to.

The CHAIRMAN: I put the Title and Enacting Clause.

Put to the Committee and agreed to.

The question is that I do report the Bill as having passed Committee Stage with eight (8) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: The question is that I do report the Bill as having passed Committee Stage with eight (8) amendments.

Mr. L B SMITH: Mr. Speaker, I 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 Baptist Mid-Missions in Jamaica (Incorporated) Act, so as to change the name of the Act and for connected matters",

read a third time and passed.

(Applause)

Mrs. NEITA-HEADLEY: Mr. Speaker, I now ask for the suspension of Standing Orders to recommit the Item, Announcements...

The SPEAKER: The question is for the suspension of the Standing...

Mrs. NEITA-HEADLEY: Announcements, Reports from Committees, and Notice of Motions Given Orally.

The SPEAKER: The question is for a suspension of the Standing Orders to recommit Items: Announcements, Report from Committees, and Notices of Motions Given Orally.

Put to the House and agreed to.

ANNOUNCEMENTS

(Recommittal)

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Also laid on the Table of the House today are the following:

- Report of the Sessional Select Committee on Internal and External Affairs on its examination of the state of jails and prisons in Jamaica.
- Report of the Sessional Select Committee on Internal and External Affairs on its examination of the matters before it during the period, September 2013 to February 2015.

Mr. SHAW: Can I be informed as to when the Honourable House will have tabled in here, a copy of the Jamaica Survey of Living Conditions for 2012? This House was misled last week by the Minister of Finance who advised that the Survey was tabled. It has subsequently been determined that it was not tabled, and I would like to know when it is going to be tabled.

The SPEAKER: Well, you couldn't get that answer now with the Minister absent, so...

Mr. SHAW: But I asked for it from last week.

The SPEAKER: Yes, but you are asking now.

Mr. SHAW: I asked your acting - your Deputy, the Governor himself last week... (Laughter)

Mr. DALLEY: Mr. Speaker... may I just assure you, Mr. Speaker, and the Member that the Survey will be tabled very soon.

(*Sotto voce* comments)

Mr. SHAW: Very soon.

Mr. DALLEY: Hello, we not like you, you know; we don't hide data, you know.

(*Sotto voce* comments by Mr. Shaw)

Mr. DALLEY: We don't hide data, and we don't get instructions... (Inaudible) If it good we table; if it bad we table.

REPORTS FROM COMMITTEES

(**Recommitted**)

The SPEAKER: Mr. Smith.

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

The SPEAKER: Hold on, Mr. Smith...

Mr. DALLEY: At the next meeting of the House, you are going to resign?

(Laughter/*Sotto voce* comments)

Mr. D. SMITH: Mr. Speaker, I beg to lay on the Table of the House, a copy of the following Reports:

- c) the Report of the Sessional Select Committee on Internal and External Affairs of the House of Representatives on its examination of the state of jails and prisons in Jamaica; and,
- d) the Report of Sessional Select Committee on Internal and External Affairs on its examination of the matters before it during the period September 2013 to February 2015.

NOTICES OF MOTIONS GIVEN

ORALLY

(**Recommitted**)

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

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Be it Resolved that the Report of Sessional Select Committee on Internal and External Affairs of the House of Representatives on its examination of the state of jails and prisons in Jamaica, which was laid on the Table of the House on the third day of February, 2015, be approved; and,

Be it Resolved that the Report of the Sessional Select Committee on Internal and External Affairs of the House of Representatives on its examination of the matters before it during the period September 2013 to February 2015, which was laid on the Table of the House on the 3rd day of February, 2015, be approved.

ADJOURNMENT

Mrs. NEITA-HEADLEY: Mr. Speaker, it is not intended to do any further business today. I therefore ask for the adjournment of the House until next Tuesday February 10, 2015 at 2:00 p.m.

The SPEAKER: The question is that the House do adjourn to next Tuesday, February 10, 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: (Gavels) The House stands adjourned.

The House accordingly adjourned at 5:36 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2014 – 2015

TUESDAY, February 10, 2015

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:26 p.m.

PRESENT**THE SPEAKER**

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

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

MINISTERS OF STATE

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

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

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

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

OTHER MEMBERS

MR. EDMUND CURTIS BARTLETT, CD, (JLP), St. James, West Central

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

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

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

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

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

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

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

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

MR. AUDLEY FITZ ALBERT SHAW, (JLP),
 Manchester, North Eastern

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

MR. RUDYARD CONRAD SPENCER, (JLP),
 Clarendon, South Eastern

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

MR. DWAYNE FRANCOIS ST. MICHAEL VAZ,
 (PNP), Westmoreland, Central

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

PRAYERS

Prayers were offered by Mr. Mikael
 Phillips

The SPEAKER: (Gavels) You may be
 seated.

This Honourable House now resumes its
 sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Before we get down to
 today's business, let us welcome some
 students we have here from UTECH, Masters
 in Health Administration; from Titchfield
 High School... (Applause) ...and from
 Brown's Town Community College.
 (Applause)

STATEMENTS BY MINISTERS

The SPEAKER: House Leader.

Mr. PAULWELL: Mr. Speaker, we have
 two Statements; the Minister of Finance will
 lead off, followed by the Minister of
 Education.

(MR. RICHARD ANTONIO PARCHMENT,
 (PNP), St. Elizabeth, South Eastern,
 entered and took his seat.)

The SPEAKER: Minister Phillips.

Dr. PHILLIPS: Mr. Speaker, recently
 there has been a lot of discussion in the media
 about the supposed intention of the
 Government to increase property taxes. So as
 not to cause any misunderstanding or any
 delay in payments, let me be absolutely clear,
 there will be no increase in property tax rates
 in the next fiscal year. (Applause)

Property tax notices will be sent to
 individual landowners in the next few weeks,

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informing them of the charges for the next fiscal year. Taxpayers are being urged to make payments early; particularly as property taxes is an important revenue source for Local Government operations, such as: garbage collections, street lighting, road repairs, *et cetera*.

Mr. Speaker, recent analysis of the performance of property taxes has indicated the following:

- Compliance rate measures: Actual tax collected relative - which relates to actual tax collected, relative to total tax payable, the compliance rate is projected at 40 per cent as compared to the previous year of 45 per cent.
- Collection rate measures: The actual tax collected relative to the target, the assumption being that not all taxes due will be collected.

For the fiscal year 13/14, the collection rate was 80 per cent; the projected collection rate for the current fiscal year, 14/15 is 75 per cent.

It is important to note that the highest rates of collections were to be found in the highest valued properties, and the lowest valued properties had the lowest rates of collections.

(DR. THE HON. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, Minister without Portfolio in the Ministry of Transport, Works and Housing, entered and took his seat.)

(MR. WILLIAM JAMES CHARLES HUTCHINSON, CD, (JLP), St. Elizabeth, North Western, entered and took his seat.)
(DR. ANDREW O'BRIEN WHEATLEY, St. Catherine, South Central, entered and took his seat.)

The parish collections rates varied between Portmore, which had the best collection rate.... (Applause) ...at 98.4 per cent, and St. Elizabeth, which had the lowest collection rate at 64 per cent.

(*Sotto voce* comments)

Dr. PHILLIPS: The highest rate of noncompliance which was highlighted in the - the high rate of noncompliance, Mr. Speaker, which was highlighted in this very brief analysis, needs to be addressed. In this regard, a Bill entitled: The Property Tax Act (Amendments), will be coming to Parliament in the next parliamentary year to give the fiscal authorities the power to introduce specific compliance measures that we would expect should result in an increase in the property tax compliance rate. But in the circumstances, as I said, it is not the case that there will be any increase in the rates, in the next fiscal year. (Applause)

Dr. DAVIES: I didn't hear what you said.

Dr. PHILLIPS: We will not be increasing the rates of property taxes in the fiscal year coming. (Applause)

(*Sotto voce* comments)

Mr. SHAW: Mr. Speaker.

The SPEAKER: Yes, Mr. Shaw.

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Mr. SHAW: Could I just ask the Minister if there is any - when was the last re-evaluation of properties done, and when is the next one due to be done?

Dr. PHILLIPS: There was a re-evaluation exercise which was done approximately - which was started approximately two years ago, and was completed this past fiscal year. In the circumstances, given what was done last year, there is no plan to introduce the new values in this current fiscal year.

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

Mr. SHAW: Minister, would you also just indicate - I notice that you've made reference to the compliance rate and the collection rate, and you seem to be consistently targeting a collection rate that is assuming a low ambition level in terms of your compliance rates...

(*Sotto voce* comment by Dr. Davies)

Mr. SHAW: I am not speaking to you, keep quiet.

So I am just wondering, you are at 45 per cent, but you are going in the wrong direction; have you sought to analyze why this is so?

Dr. PHILLIPS: Well yes, we have...

(*Sotto voce* comment by Dr. Davies/Laughter)

Dr. PHILLIPS: We have, and a lot of it has to do with the procedures to enforce compliance; a lot of it has to do with public education; a lot of it has to do with the effort

to identify the specific pockets of noncompliance, and to direct the attention there. And much work is going on in that regard between the Ministry of Finance and the Ministry of Local Government. As I said, it is on the issue of compliance that we have decided to focus our energies in the next fiscal year.

**THE REGISTERED APPRENTICESHIP
PROGRAMME (RAP)**

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, I am pleased to share with Members of this Honourable House and the wider public, another opportunity for personal advancement through education and training, and to introduce Ministry Paper No. 21 of 15, which I expect will be laid on the Table of the House later on. The Registered Apprenticeship Programme, RAP, for short, is being implemented by the Ministry of Education through the HEART/Trust NTA.

Mrs. NEITA-HEADLEY: Hear, hear!

Rev. THWAITES: The programme provides an excellent mechanism for students to acquire both academic qualifications and work experience, thereby preparing them for careers, and providing solutions for high youth unemployment... (Applause) ...especially among males.

Mr. Speaker, how often do you look at the advertisements for employment and for careers, in the Press or on websites, and you see wording indicating that such qualifications are necessary, and so much experience. And

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many of our young people are qualified - and older ones as well - are certified in a particular skill, but they do not have the experience in order to attract and apply themselves to the job opportunities, both here and abroad. Apprenticeship is part of the answer.

Please note that the Apprenticeship Programme is a pathway that can take persons to the pinnacle of any chosen career. Examples of persons who have excelled through an apprenticeship programme include the Most Honourable Errald Miller, former Telecommunications Senior Executive and Professor Gosset Oliver of the University of Technology, the current Chairman of the Registered Apprenticeship Board.

A minimum of 500 apprentices ranging from unskilled persons to those with degrees are projected to be engaged in the apprenticeship programme for the current fiscal year. This number of apprentices will be increased to over two thousand by the end of the 2015/2016 fiscal year.

Support for the registered apprenticeship programme has been assured from private sector and government agencies. Mr. Speaker, I would like to say how gratifying it is of the number of private sector companies, manufacturers, service delivers and agencies of the State who have expressed willingness to take on apprentices. (Applause)

You don't have to be in any big business to do so; the person with a skill who is in a small business environment can be as appropriate for - as a host to an apprentice as the manager and plant operator in a large corporation. And we have already secured

placements in areas including: education, agriculture, construction, business, information technology, animation, motor vehicle mechanics, tourism, healthcare and the impending logistics hub. Mr. Speaker, at this point I would like to associate the rebirth of the apprenticeship programme, with the Honourable Minister of Industry investment and Commerce. (Applause)

By the end of this month, we are not talking about something in the future; by the end of this month, 168 apprentices will be placed in high schools island-wide and trained as laboratory technicians under the supervision of HEART instructors with the responsibility for maintaining the laboratory equipment in those schools. You know, Mr. Speaker, there has been a gap in our high school system that many of our computer labs and our science labs have not had the required maintenance because there is no place on the establishment for such a maintenance person, and the apprentices properly supervised and trained, can at modest cost, provide both an opportunity for them and a safeguard for the equipment and its efficiency in the schools. (Applause)

Also by the end of this month February 2015, one hundred students in the Career Advancement Programme (CAP) will enroll in the school-based modality where they will attend school for 70 to 80 per cent of the time, while being placed in a firm aligned to their respective programme of study and skills competence for the remaining 30 to 20 per cent of the time.

(Applause)

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Mr. Speaker, I am pleased to report that the trainees perusing the Digital Animation Programme at HEART Garmex Institute are now being evaluated with a view of being placed as apprentices at GSW Animation Limited. (Applause)

Mr. Speaker, registration for the piloting of the Apprenticeship Programme under the unattached youth programme is currently taking place in the communities of Western St. Andrew and North East Manchester. (Applause)

Youngsters will be placed at the entry level of the apprenticeship programme which will last between six months and a year depending on the programme, which has a pathway for progression to the intermediate, advanced and higher skill levels. In the initial phase 100 candidates per community will be apprenticed in labour market alliance skills, and at the end of training scheduled to commence by the end of February 2015 this month, it is anticipated that the candidates will be placed in jobs. The projections I want to say is very realistic based on the positive response being received from potential employers. (Applause)

And Mr. Speaker, at a later stage in the next...

(Sotto voce comments by Members)

(The Speaker gavels)

Rev. THWAITES: Mr. Speaker, at a later stage, early in the new Parliamentary year it is intended to present to Parliament the roll-out of the unattached youth programme in the other constituencies and communities of Jamaica, the rescue of the unattached youth

and the placement of them in places where they can increase their skills and be provided with employment prospects is of the greatest importance. (Applause)

Seventy-four (74) apprentices approved by the Board are currently being paid by their employers at an average annual - I am sorry an average weekly stipend of \$10,000. The fifty-one (51) apprentices being processed under the school-based modality will be paid at an average weekly rate of \$5,500 by the Apprenticeship Board. (Applause) And in addition to the subvention received from the HEART Trust, the Apprenticeship Board is pursuing partnerships with other government agencies and private providers with a view to offering support for the increase numbers of apprentices. And, Mr. Speaker, Members of this Honourable House, representatives of the people are invited to direct potential apprentices and receptive employers for guidance to the Apprenticeship Board at 7 Ripon Road Kingston 5, and the contact numbers are 968-4432-3.

Mr. Speaker, I crave your indulgence to address one other matter beyond that of apprenticeship. It is to do with mock examinations for Grade 4 literacy and numeracy.

The Ministry of Education has made the decision to reschedule the sitting of the Grade 4 Literacy and Numeracy Tests for 2015. The new dates are as follows: the Grade 4 Literacy Test will be administered on Tuesday June 30, 2015 and the Grade 4 Numeracy Test on Wednesday July 1, 2015. The level of readiness for the examination as well as the

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mastery of concepts and skills to be assessed may impact the performance of students as a result of the number of contact days which were lost last September and October due to the outbreak of the Chikungunya virus.

In the light of this, the Ministry of Education has taken the division to provide support for the administration of a preliminary exam, commonly known as a mock exam for both Literacy and Numeracy. The examination papers are currently being prepared and will be distributed to schools to facilitate the administration of those mock examinations on February 23 and February 24, 2015.

Mr. Speaker, I take the liberty of addressing the House on this because this is an unusual feature in the educational calendar and Members should be aware of it and also the public.

Very importantly, students' performance in the mock examinations of February 23 and 24 will be analyzed and there will be - to March, to April, to May to June, there will be a three or four-month period during which a special team of final year trainee teachers, along with Mathematics and literacy coaches will be deployed to the 152 large primary schools island-wide to focus on developing the areas in which students are weak. This is a targeted effort to ensure that Jamaica achieves the millennium development goals of mastery of literacy skills by 85 per cent of the Grade 4 age cohort by 2015 as measured. The country is now 7.6 percentage point below the target and no effort must be spared, but for us to achieve that level this year.

(Applause)

The special intervention towards the teaching of numeracy skills is expected to also give a fillip to students' achievement in the area of numeracy for which the target has been moved to mastery by 85 per cent of the Grade 4 age cohort to 2018.

May it please you, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Holness.

Mr. HOLNESS: Thank you, Mr. Speaker, let me first start with the Minister's last statement.

Minister, I am happy to hear of the provisions being made to ensure that our students do attain the millennium goal. I was myself, very concerned by the reports I received from schools that were affected by the outbreak of Chikungunya. Minister do you have any idea as to the effects it has had on not just the students but the teachers as well; is it that you have just lost time, contact time or is it that teachers have just not been at school?

Rev THWAITES: Mr. Speaker, I am pleased to report, heartened to report that there was only one closure of a school during the height of the Chik-V disability and that was only for three days. To indicate to the Leader of the Opposition that, I think the main disability is the loss of contact time. There has been no report of a spike in the absent rate of teachers except during that period which we are trying to make up for.

Mr. HOLNESS: Minister, as it relates to your first statement and the announcement of the RAP programme, I noticed that you have changed one of the letters in what it was formally designated to be. The National

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Apprenticeship Programme, but it is a programme that I welcome because you know that I have been a very consistent advocate for a programme of apprenticeship nationally.

Minister, I will say that this is a start and I think it should be accepted as that, a start. An apprenticeship programme, Minister, would have far more in terms of a structure for training of the apprentice for the certification and assessment of the apprentice and we would want to hear a little bit more detail, Mr. Minister, about the funding for such a programme.

Now I note that you have said that the HEART/NTA which has resources dedicated for this kind of venture will give some support, but I would also want to know, Minister, whether or not you will be placing on the budget dedicated support for the expansion of the programme. I note you have said that you would be starting with 500 and then you will be expanding during the year to 2,000. Is there a plan for an allocation on the budget for this?

Rev THWAITES: Mr. Speaker, the Leader of the Opposition is like Simon Peter in the Bible.

Dr. DAVIES: It is King James version.

Rev. THWAITES: He - once he sees the good thing he wants an expansion of it. Remember Peter who resisted first that the Lord should wash his feet and then when he understood that that was the good thing to enter Heaven, he wanted him to wash his whole body. (Laughter)

Dr. DAVIES: The question now is, who is Peter?

(*Sotto voce* comments by a Member)

Rev. THWAITES: Mr. Speaker, if he is David, who is Bathsheba?

The sentiments are shared. This is just a start and apprenticeship has been in abeyance for so many years for all kinds of, in my view, inadequate reasons that we must start slowly, but there is absolutely no need to doubt its urgent expansion.

As the Ministry Paper indicates, the HEART Trust has given an initial grant of \$30 Million to the programme, but with a clear promise that as soon as it expands, the additional resources will be made available. This is not an entirely Government paid-for programme, Mr. Speaker, because those who gain the benefit of the apprentice service are expected not demanded, but expected and so far have been willing to pledge to pay a stipend to the apprentices for their services, and so they should. However, there will be instances where there has to be a stipend provided from the funds of the HEART Trust/NTA and those resources will be available not in a specific budget line that will come out in the Yellow Book, but rather in the budget of the HEART Trust/NTA which will also be presented to this House.

As far as the certification and structure are concerned, there is a competent Board in place made up of representatives of industry, the major elements of industry and commerce in the land and the certification will be done by the HEART Trust/NTA and by such other agencies as are appropriate to the competencies, which are to be tested. The acronym RAP seems far more attractive than

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NAP and so that explains the change. (chuckles) Much obliged.

Mr. HOLNESS: Minister, there already existed a form of apprenticeship programme with the HEART Trust/NTA where employers could decide to instead of paying the full amount of the HEART contribution they could employ persons and that would be considered almost an apprenticeship. How does this new programme affect that programme? Because that programme is well established and I gather it does consume quite a bit of the resources of HEART Trust/NTA.

Rev. THWAITES: Mr. Speaker, the Member is correct except in that it really doesn't consume enough of the resources of HEART Trust. It has been one of the quiet attributes of the HEART Trust activity over many years and this is one that needs to be extended and it is entirely consistent with regard to the RAP - the apprenticeship programme and subject to the need to collect revenue for the purposes of the HEART Trust and when there is concurrence by the Minister of Finance, it is a good idea if more and more employers can be encouraged to take on jobless individuals with appropriate skills in an apprenticeship-like or an apprentice programme in order that - and so mitigate the actual cash transfer for the 3 per cent HEART contribution. It has been working, but not sufficiently high profile or extensively at all.

I believe I'm at liberty to quote the experience at Grace Kennedy where Mr. Orane was able to tell me that when he takes on 'apprentices' some seven or eight of them usually find employment in the company. This

is an excellent example of what can be both in large and small businesses. I believe, as in so many areas of Jamaican life, Mr. Speaker, we can do better with the resources that we have and if we really apply ourselves to the task of absorbing through training and employment of our unattached youth we will have a much more productive society, a stronger economy and certainly a more peaceful environment.

Mr. HOLNESS: Minister, I - Mr. Speaker, if you will allow me to continue. Minister, I asked the question because the programme that you have announced seems to be geared towards employment generation, employment creation and if you're going to ask the private sector to take on additional employees, other than what would be their economic need what is the incentive? So I was wondering whether or not you're going to be expanding this programme even to businesses that don't fall under the HEART regulation because of the size of their payroll that they too can get tax benefits by participating in this programme. I guess the Minister of Finance may also want to address that.

Rev. THWAITES: I thank the Member for that suggestion. It had not occurred to me that there is a cohort of businesses that don't fall into the normal HEART matrix and certainly given the objective that we have that suggestion is most useful.

Thank you.

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

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ANNOUNCEMENTS

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

- **Ministry Paper No. 21**
Registered Apprenticeship Programme
- RAP
- **Clarendon Alumina Production Limited**
Annual Reports and Audited Financial Statements for the financial years 2012/2013 and 2013/2014
- **Sports Development Foundation**
Annual Reports and Audited Financial Statements for the calendar years 2008, 2009, 2010, 2011 and 2012
- **Spectrum Management Authority**
Annual Report and Audited Financial Statements for the financial year 2013/2014
- The Capital Development Fund (Withdrawal) (No. 1) Order, 2015 under the Bauxite (Production Levy) Act

**BILLS BROUGHT FROM THE
SENATE**

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

“To the Honourable House of Representatives:

I have the Honour to advise the Honourable House of Representatives that on the 5th day of February, 2015, a Bill entitled, “AN ACT to Amend the Urban

Renewal (Tax Relief) Act”, was passed in the Senate without amendment.

I also have the honour to advise the Honourable House of Representatives that on the 5th day of February, 2015 a Bill entitled, “AN ACT to Amend the Public Bodies Management and Accountability Act” and Bill entitled, “AN ACT to amend the Financial Administration and Audit Act” were passed in the Senate with one (1) amendment respectively, and the amendments are circulated.

I have the honour to further advise the Honourable House of Representatives that on the 6th day of February, 2015 a Bill entitled, “AN ACT to Amend the Dangerous Drugs Act so as to provide for, among other things, the modification of penalties for the possession of ganja in specified small quantities and the smoking of ganja in specified circumstances, and for a scheme of licences, permits and other authorizations for medical, therapeutic or scientific purposes” was passed in the Senate with five (5) amendments.

Signed: Floyd E. Morris

President of the Senate.”

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

Dr. PHILIPS: Mr. Speaker, I now move that the Senate amendments to the Bills entitled, “AN ACT to Amend the Public Bodies Management and Accountability Act”

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and a Bill entitled, “AN ACT to Amend the Financial Administration and Audit Act” be considered and approved.

Mr. Speaker, these are essentially minor; one might say typographical adjustments. There is an amendment in Clause 1(3) which is to delete Section 22 and insert the words, *Sections 2, 5 and 21*. This is to make the point that these three amendments take effect on the day of publication of the *Gazette* as opposed to the other amendments, which are to take effect on April 1st, 2017. The amendment was brought by Senator Golding in the Senate to correct an error on page 2 of the Bill that was passed here.

In relation to the Financial Administration and Audit (Amendment) Bill, the amendment is to delete [sub] section (b) of Clause 48E(3) and now remove the bullet (a) from Section 43E(3) so that it reads as a continuous sentence. This was a recommendation of Senator Nigel Clarke. And so, Mr. Speaker, given the minor character (sic) I’m moving that we approve the amendments from the Senate.

The SPEAKER: Those in favour.

Put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, on behalf of the Minister for National Security, I wish to signify his willingness to take charge of the Dangerous Drugs (Amendment) Act, 2015.

Bill shortly entitled:

“The Dangerous Drugs (Amendment) Act, 2015”,

read a first time.

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

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Dr. Baugh.

Dr. BAUGH: Mr. Speaker, on January 2013 I put a Motion on the Table of the House...

(Cross talk)

...2013 - in January 2013, concerning hospital fees and proposals on how the issue of more revenue for the health services, how it can be dealt with. It’s a debate of the utmost importance and has even become greater in terms of its urgency, but every year it keeps falling off the Table of the House. I seek your help, Mr. Speaker, in bringing this Motion forward, asking the Minister to add some degree of expediency to bring it forward so that we can address an issue of the greatest importance to us here in this House and to the nation in general. That is the Motion standing in my name at - I’m just looking for it...

The SPEAKER: Number one.

Dr. BAUGH: ...at number one, Mr. Speaker, number one resolution on the Order paper.

The SPEAKER: Okay.

Dr. BAUGH: I’d appreciate your help in making certain that this come to the House for debate...

The SPEAKER: Thank you, Dr. Baugh. House Leader.

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Mr. PAULWELL: Mr. Speaker, later on today I will be moving the usual carry forward Motion to enable us to take those matters that will proceed with us into the New Year. I should remind the Parliament or advise the Parliament that unlike previous years when we try to complete the budget exercises before we do other business - in fact, this year even before the Standing Finance Committee meets, we will be holding Parliament and I will ensure that at one of those sittings, we will seek the agreement with the Minister of Health to take that Private Members' Motion.

The SPEAKER: Thank you.

Mr. D. SMITH: Mr. Speaker...

The SPEAKER: Mr. Smith.

Mr. D. SMITH: ...I'm just trying to get some clarification on the Statement by the House Leader. Are you sticking to the point that you brought to my attention, House Leader, regarding to the House prorogue and then we meet before the new Parliament year, is that what you're indicating?

Mr. PAULWELL: The new Parliament year will commence on the 19th of February. The budget debates won't commence until the 12th of March. There is work to be done in that period, and that's the period that I am referring to.

(Inaudible comment by Mr. D. Smith)

Mr. PAULWELL: Yes. No, at the Parliament, at the Parliament. Yes, the debates start on the 12th of March.

Dr. PHILLIPS: Mr. Speaker, if I might just add. The - no, 12th of March. What is the case - new parliamentary year, Parliament prorogues the 16th - 17th, the Ceremonial

Opening is the 19th. Standing Finance Committee does not meet until the 3rd of March, because it is required that the Auditor General, in the new fiscal rule arrangements, has an opportunity to pronounce on the Fiscal Policy Paper, and in the interim rather than allow you to just get up to things and keep meetings and vote and thing elsewhere, we thought it would be useful to have you in the Parliament deliberating about national affairs....

A MEMBER: What are those other things you're talking about?

Mr. WARMINGTON: Mr. Speaker...

The SPEAKER: Yes, Mr. Warmington.

Mr. WARMINGTON: ...the Minister mentioned the Auditor General as part of this process. In the Finance Committee - last Finance Committee, I asked him specifically who audits the Auditor General? He said that the Ministry of Finance audits the Auditor General. And I said then that we have never seen a Report tabled in this House of the audit of the Auditor General, while we have seen audit of other departments. He said then that we would have had a copy of the audit of the Auditor General within the year. I wish to remind the Minister, I am not seeing one laid as yet, because he said it's normally laid. I am telling him it has never laid, it has never been laid from I am coming here, so he gave the assurance that it has been laid.

So, Mr. Speaker, I would appreciate it if the Minister could have tabled and laid in the House a copy of the audit of the Auditor General's Department as he promised to do then.

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Dr. PHILLIPS: Mr. Speaker, I am not certain whether - without disputing the account of the Member...

(*Sotto voce* remarks by Mr. Derrick Smith)

Dr. PHILLIPS: What I would say is that we certainly - the House is due a report on the performance of the Auditor General's Department and I shall endeavour to ensure that it is laid here.

Mr. WARMINGTON: Thank you very much.

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

(MR. LLOYD BARNES SMITH, (PNP), St. James, Central, Deputy Speaker, entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

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

Be it Resolved that the Capital Development Fund (Withdrawal) (No. 1) Order, 2015 under the Bauxite (Production) Levy Act, which was laid on the Table of the House on the 10th day of February, 2015 be approved.

The SPEAKER: I take it there are no answers today.

PUBLIC BUSINESS

Mr. PAULWELL: Mr. Speaker, we will resume and close today the matter at item 5, which was opened by the Minister of Local Government some three weeks ago. The item is the Act to Amend the Constitution of Jamaica to make provision for the inclusion of the democratic system of local government for Jamaica, and the Opposition Spokesperson on Local Government will participate at this stage followed by the Minister of State in the Ministry of Local Government, after which we hope to close, in that order, Mr. Speaker.

The SPEAKER: Mr. McKenzie.

(Applause)

Mr. McKENZIE: Mr. Speaker, as we all know and as the Minister of Local Government has highlighted the process of....

(*Sotto voce* remarks by Mr. Pickersgill)

Mr. McKENZIE:local government reform. The Minister, Mr. Speaker, should understand that this portion of the work is time-consuming and is riddled with controversy. As a former Mayor of the city, I am well aware of the numerous problems as well as the efforts of successive administrations to deal with the problems of local government. Therefore I am happy to see the progress and that the question of local government has reached a stage where a Draft Constitutional Bill on the issue has been tabled. I understand the Minister is feeling very proud. However, Mr. Speaker, the Opposition has some concerns about the manner in which the Minister and the

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Administration is dealing with this issue.

Personally I think that the parliamentary process that the Minister is following is putting the cart before the horse, Mr. Speaker. I cannot understand why the House is presently debating a constitutional amendment to the Local Government Act prior to the tabling of the other related pieces of legislation. Where is the National Building Act which already, Mr. Speaker, has been tabled by this side and all the aspects of its regulations related to the erection, maintenance and demolition of all buildings in the country? A Joint Select Committee was named by the Parliament to work on the legislation.

In fact, Mr. Speaker, the *Gleaner* of October 5, 2014 headlined “New Push for Building Act” where the current Mayor of Kingston, Senator Angella Brown-Burke, called for, and I quote:

“The long promised Building Bill to be tabled in Parliament this legislative year as a companion measure to the Disabled Bill which has been debated after that some time ago”.

She is asking where is the Bill as it relates to the Building Act. And I am in total agreement with Mayor Brown-Burke because I believe it is important, Mr. Speaker, for at least these Bills to be tabled because it will have some effect on the Government’s activity as it relates to local government prior to the passage of the constitutional amendments.

We do not have a clue as to what is going on. We do not know what is going to be kept in the redraft of the National Building Act, yet

we are here today approving a Bill which will give these activities constitutional protection.

Mr. Speaker, I want to ask the Minister what about the strategic laws addressing the matter of governance, finance and human resources which were a part of the submission that was made to the Office of the Prime Minister as a part of the process to repeal 14 of the approximately 82 Acts relating to local government and merge them into three Acts, Mr. Speaker, the new Local Government Act, the new Local Government Financing Act and the Act in Unifying the Services Act. Mr. Minister, where are these Bills?

I think the process would seem much tidier if the Minister had at least sought to bring the Strategic Bill as well as the Constitutional Bill to Parliament at the same time. (Cross talk)

Mr. McKENZIE: Everald, let him listen, man, him is at school.

The Minister wants us to support the passage of this Constitutional Bill today in the House without informing us about the other Bills which I just mentioned, Mr. Speaker.

Mr. PICKERSGILL: You don’t like the word constitutional.

Mr. McKENZIE: They should have at least have an idea of what is the intention as far as these Bills are concerned before being required to give them constitutional protection. What happens if we find eventually that some of these Bills would in the normal process would have been unconstitutional.

You see, Mr. Speaker, this is more evident of the lack of transparency in this

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Administration's performance and there is going to come a time when the Opposition will say, enough is enough as it relates to the question of these Bills to support the constitutional amendment which you seek to require. I think the Minister needs to explain to us why he has chosen to take this route. For example, he could have tabled the Bills addressing the matter of governance, finance and human resources in the reform called local government environment but instead he comes to us with a Bill to give the institution being reformed constitutional powers without first - Minister, we are not opposed to the question of placing local government in the Constitution, we are not opposed to it. The manner in which you go about it is questionable.

I guess, Mr. Speaker that the Minister in closing this Debate will say much more, which I hope you will do. But you know, in your opening of the Debate you spoke of aspects of local government system and you questioned the commitment of the Jamaica Labour Party as it relates to the affairs of local government. And you know Mr. Speaker, I wonder if the Minister is really serious when he questions the commitment of the Jamaica Labour Party as it relates to local government, because the period of 2007 to 2011, the Labour Party did far-reaching reform to the Local Government System. A Committee was established in the Department of Local Government, Mr. Speaker, a National Steering Committee to look at the 14 local authorities to drive various aspects of the government reform process. The department has been

coordinating the activities of those entities in accordance with the recommendations contained in the prototype that was developed for an ideal local government authority.

We advanced the legal framework of the local reform process through the following activities: one, the National Building Act which was tabled on September 27, 2011 to regulate all aspects of buildings, as I mentioned earlier on.

Two, the strategic reform laws addressing matters of governance, finance and human resources, to the Office of the Prime Minister as a part of the process to repeal, as I said earlier on, 14 of the 82 Acts relating to Local Government to merge them into one. The new Local Government Act, the Financing Act, and the Unifying Service Act, submit proposal in respect of the following areas to the Ministry of Justice. A draft chapter for the entrenchment of local government in the Constitution, (b), the development of a municipal court system and Minister, we cannot have an effective Local Government system without an effective municipal court. And I see the Attorney General looking at me and you need to weigh in on this discussion because Mr. Speaker, our court system is overcrowded, under severe pressure. Once you establish a municipal court, Minister, the local authorities will benefit significantly from the establishment of a municipal court, because when fines are levied in our present court system, Mr. Speaker, the parish councils benefit - don't receive any benefit because all of this money goes back to the Consolidated Fund, and in many cases, Mr. Speaker, defines

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levy in pursuit of maintaining the integrity of the parish councils is sufficient enough to subsidize many aspects of the operations of the parish council. Minister -

Mr. Anthony HYLTON: (Inaudible comment) - Court of Appeal here in Jamaica.

Mr. McKENZIE: Minister, I will say to you that the importance of a municipal court, any progressive municipality throughout the world, Mr. Speaker, has a municipal court, and the benefit of a municipal court, Mr. Speaker will help, as I said before, to preserve the integrity of Local Government, and I urge the Minister, and I urge the Minister not just to talk about it but to ensure that steps are taken, that you take the steps that are necessary to get this done, Mr. Speaker. You will be doing a great deal, Minister, for Local Government. You perhaps will be considered as one of the best Ministers of Local Government in the short time that you have left, if you are able to get it done.

(Heckling)

Mr. Speaker, the other aspects of the Labour Party's contribution was to create an environment for training for our councillors where aspects of governance was open, where members of the Opposition in the Council had the opportunity of chairing committees, of being a part not only of opposing but being a part of the management structure in the councils, and all of these, Mr. Speaker, was a part of the effort by the Jamaica Labour Party to give effective and proper management to the process of Local Government. We went as far, Mr. Speaker, as to ensure that a number of parish councils received their monthly

subvention directly from the Ministry of Finance. At least three such parish councils were placed on that system and the other parish councils were on stream to be included in that process. I am hoping, Minister, that there will be continuity in this aspect of the programme because what it does, it gives strength and recognition to the local authorities.

Mr. Speaker, what I have just outlined, some of the areas that I have just outlined, doesn't sound like an administration when we were there that lacked respect for Local Government. These are some of the achievements of the Jamaica Labour Party in only four years. What has this Government done since January 2012 although they promised to reform?

And you know Minister, I want to remind you of a radio interview that we both had during the Local Government Election, when you made a commitment to the country that as a gift to the people of Jamaica on the 50th Anniversary of Jamaica's Independence, that you would table the necessary Bills in this Parliament and you would offer the country a gift of placing Local Government in the Constitution of Jamaica.

We have celebrated 51; we celebrate 52 and we touching down into 53 and is just now. And you know why it's coming just now? You all know that Local Government elections are due this year, and you bring all the mayors and councillors from across Jamaica, and you pack them up in the Gallery and you full them head with Anancy story about your hope for Local Government, but what you fail to tell

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them, what you fail to tell them, that the process is just a smoke screen because what you are asking us to approve here, Minister, can't make sense.

I am urging you, I begging you today, to postpone the conclusion of the debate. Forget about the election promises that you made, bring the three Bills to the Parliament, let us debate the Bills first and after we debate the Bills Mr. Minister then we can talk about entrenching Local Government in the Constitution, but we can't entrench something in the Constitution that we don't know what we entrenching, Minister. Yes, is Local Government, what about Local Government you are putting in the Bill? What is it you are putting in?

Mr. Speaker, I want the Minister not to merely seek to amend the Constitution to include or recognize a system of Local Government in the same way recognition is given to the Privy Council as the final Appellate Court. This would mean that the existence of Local Government is now protected from acts of discretion of the political executive which are not prescribed in the Statute, but the Bill however does not detail how the institution of Local Government will work and the powers and the authority of the institution, the appointment of its officers. The Bill does not separate Local Government from Central Government. It appears that the PNP is rushing with this Bill, as I said before, to say that they are the ones reforming Local Government. The Bill does not address the fundamental issue of Local Government reform.

Mr. Speaker, in closing, I would ask the Minister not to turn the reform process into a political football match. It is a process that has been going on for too long. It is a process that deserves utmost respect. Local Government should not be talked about, Minister, you should make every attempt and you have a golden opportunity. And I urge you, as I take my seat, I want to make the point quite clear to this Honourable House that we support the Bill but we do not agree that the Bill should come now before those three important Bills that are required, and I urge the Minister and his colleague to give some consideration to my request.

Thank you. (Applause)

The SPEAKER: Mr. Fagan.

Mr. FAGAN: Mr. Speaker, permission to speak from a seat other than my own?

The SPEAKER: You may proceed.

Mr. FAGAN: Mr. Speaker, I rise to support the Constitutional (Amendment) Bill. This Bill, Mr. Speaker, above all else represents a tangible movement in the direction of full facilitation and protection of Local Government in Jamaica. The Minister of Local Government and Community Development has clearly stated the case for constitutional protection of Local Government. Well, Mr. Speaker, I am speaking not only as the Minister of State in the Ministry of Local Government and Community Development but also as a product of Local Government for over 40 years who has had the direct experience of the hopes and aspirations and frustrations of people in their communities.

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For me, Mr. Speaker, the Bill has a deeply personal meaning. For me the Bill, more than anything else, is the facilitator of what we ultimately want from Local Government, the full placement of the people at the heart of the process influencing and managing their own affairs.

Local Government was introduced in Jamaica around 1662 to 1663, just seven to eight years after the British capture of Jamaica in 1665. The early form of Local Government was called the Vestry System, patterned after the form of Local Government that existed in England at the time. This name came about because a body called the Vestry governed local authorities. The vestry of each parish was drawn from a lay magistrates and clergy of particular parishes. These vestries supported the Clergy, maintained the churches, offered relief to poor, maintained the few roads which existed at the time, and maintained public order. Local Government in Jamaica has had a long history involving changes. Names and areas have been altered many times, functions have increased, the electorate was once comprised of settlers from Europe but now includes all adult Jamaicans.

Local Government in Jamaica, as in other countries, is a human institution which changes as society changes. It is sensitive to the variation of social economic and political life of people and has grown or diminished under their influence. It is a vital living force with a life in Jamaica for well over 300 years.

Mr. Speaker, we have at different levels advocated, debated and studied Local Government Reform for over 70 years. Now

for the first time we are placing it in the Constitution in part to drive the process of national development through community action.

What does this mean, Mr. Speaker? It means that people will determine not just the elected representatives who will make decisions in their name, but will also shape the agenda and processes that will benefit them where they live, work and raise their families. It is the recognition that after all the policies are tabled and agreement signed, it is people who make things happen and success requires the broadening of the participatory process.

You can be reminded, Mr. Speaker, of what happened in Portmore where the people advocated and out of that they have their own municipality, so it is the people who made that decision.

Mr. Speaker, that is the reason why in 1995, the then Administration - and I want to speak to the commitment of this Administration - in 1995 the then Administration established the National Advisory Council to provide an impartial forum for all sectors of the society to be facilitated to participate in local government reform process and to spearhead a structured national dialogue on issues of local governance on the process of local government reform.

Mr. Speaker, the consultative process undertaken by the NAC reflected an overwhelming and consistent view, that the institution of local government needed constitutional protection in order to prevent arbitrary dissolution.

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This would be complimentary to the ideal of creating a system of participatory local governance consistent of legislative and administrative arms and other mechanisms, to facilitate the participation of civil society and local stakeholders in the governance process. It would promote the goal of local self management, by allowing local government institutions to be more assertive in managing their own affairs within the context of constitutional protection.

This was the vision that inspired the development of our thoughts, as expressed in the Manifesto of this Administration in 2011. Economic and social success at the national level is impossible without the same occurring at the parish, municipal and community levels.

Mr. Speaker, Jamaica has a proud record of ensuring the fundamental expression of democracy; the process of elections at the national and local levels. We can quantify the number of elections held or the number of electors who voted or the margins of victory in the electoral contest.

Increasingly however, our citizens are demanding that the quality of democracy must be enriched. Our citizens have made it clear that this qualitative change must express itself in the ability to participate in, and influence political decisions and actions throughout the periods between elections and not just when they're being held.

This is also why the placement of the Bill in the Constitution is critical. We're seeking to establish our citizens' ultimate aspiration within our country's ultimate law. AN ACT to Amend the Constitution of Jamaica to make

provisions for the inclusion of democratic system of local government for Jamaica in the Constitution and for connected matters is necessary to ensure that local government is protected against arbitrary actions by central government...

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. FAGAN: ...and that it is not treated...

Mr. McKENZIE: Stop misleading the House.

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. McKENZIE: Stop misleading the House.

Mr. FAGAN: ...as a creature of central government.

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. McKENZIE: Stop misleading the House.

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. FAGAN: Mr. Speaker, I'm going to remind you, I'm going to remind you, Mr. Speaker, I draw on the examples...

Mr. McKENZIE: Stop misleading the House.

Mr. FAGAN: ...I draw on the examples of dissolution of the St. Catherine Parish Council in 1954, Portland Parish Council in 1963, the KSAC in 1964 - I don't think that is misleading - and again in 1984. The representatives and functions of councillors were reduced from 278 to 185, 14 less than the 199 divisions established in 1947.

Mrs. NEITA-HEADLEY: Yes.

Mr. McKENZIE: (Inaudible) It is Seaga.

Mr. FAGAN: We can recall, Mr. Speaker, we can recall, Mr. Speaker, that on the 16th of April 1985, the then Minister, 1985

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- and you can jog your memory who was the Minister at the time - the Minister of Local Government brought a motion to the House - this House of Parliament - to amend the Parish Councils Act in order to reduce the powers and authorities of Local Government, apportioning its major functions to centrally directed agencies and institutions.

Mr. Speaker, I don't think that is misleading.

(Inaudible comment by Mr. McKenzie)

Mr. FAGAN: What I want to say, Mr. Speaker, even with central government having oversight of some discretionary powers regarding local government, such powers must be exercised within the constitutional guidelines that protect the powers of local authorities. And that's why we're here, Mr. Speaker, we're here to present this Bill.

This Bill, Mr. Speaker, must also be seen as the critical framework within which the three strategic laws - and the Opposition Spokesperson spoke about those strategic laws that should come; they will be before the House in short order to be debated. (Applause) I'm referring, Mr. Speaker, to the Local Government Bill - the Local Governance Bill - the Local Government Finance and Financial Bill - Management Bill and the Local Government Unified Services and Employment Bill. Those Bills will be before us.

(Cross talk)

Mr. FAGAN: When these Bills are brought before this Honourable House and passed, they will facilitate the modernization of the Local Government system in Jamaica and enable Local Authorities to more

effectively respond to the citizenry. They will create the context for legitimate expectations of citizens for higher levels of service delivery.

Additionally, Mr. Speaker, they will treat with the legitimate interest of the people who work in the Local Government system and the framework within which they will operate.

I don't believe, Mr. Speaker, that there is any other administration that would've been more committed to Local Government reform than this Administration, led by our Prime Minister, who was once the local Government Minister herself.

(Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. FAGAN: Mr. Speaker...

(Inaudible comment by Mr. McKenzie)

Mr. FAGAN: ...Mr. Speaker, my Minister will close the debate and I'm sure he will have a few more words to say. But Mr. Speaker, I want to endorse the constitutional amendment - Local Government Bill and commend it to the House for approval.

(Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

The SPEAKER: Minister Arscott.

Mr. ARSCOTT: Mr. Speaker, when I introduced the debate of this Bill on January 20th 2015, I was conscious of this major step that is being taken by this Administration, in moving Local Government reform to a point never before experienced in this country.

(Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. ARSCOTT: I heard the speaker from Western Kingston...

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Mr. McKENZIE: Be respectful, I'm older than you.

Mr. ARSCOTT: ...and you were asking where are the Building Bills? Where are the strategic laws? When you left office I'd ask you, where did you put them?

Mrs. NEITA-HEADLEY: Yes! Where you leave them? Where you leave them?

Mr. ARSCOTT: Mr. Speaker, I was told that...

Mr. SHAW: Yuh tink a up a Sligoville yuh deh?

Mr. ARSCOTT: ...all the strategic laws were submitted to Cabinet and that they were approved by Cabinet. But when I requested from the Cabinet's Office, they were nowhere to be found.

Mr. SHAW: Yuh tink yuh up a Sligoville Stadium?

Mrs. NEITA-HEADLEY: Yes, that's right.

Mr. McKENZIE: Soh where are yours? Where are yours?

Mr. ARSCOTT: So let me tell you now...

Mr. McKENZIE: Where are yours?

Mr. ARSCOTT: ...let me tell you something...

Mr. McKENZIE: Yuh promise to give me them.

Mr. ARSCOTT: I will tell you, okay, I will tell you.

Mr. McKENZIE: Show mi dem!

Mr. ARSCOTT: The Building Bill is a substantial document.

Mr. McKENZIE: Foolishness!

Mr. ARSCOTT: The last time we review the Building Bill of Jamaica was 1907.

Mrs. NEITA-HEADLEY: 1907?

Mr. McKENZIE: How yuh mean di Building Bill?

Mr. ARSCOTT: The Building Bill, the Code is what gives effect to the Bill.

You must understand these things! You must know!

Mrs. NEITA-HEADLEY: Learn man!
(Cross talk)

Mr. SHAW: Calm down and speak properly so I can hear.

Mr. McKENZIE: Bring some water fi him drink.

(The Speaker gavels)

Mr. ARSCOTT: So, Mr. Speaker, the Building Bill is very important to Jamaica. It is a substantial document that requires substantial review.

There was, I must admit, some draft preparation in terms of the Building Bill, we had to do further consultation with the stakeholders, significant consultations and we're now in - those Bills are now at the Chief Parliamentary Counsel on stage - at (Inaudible) three stages now, we expect them shortly to be here. (Applause)

Mrs. NEITA-HEADLEY: Hear! Hear!

Mr. McKENZIE: Which Chief Parliamentary Counsel? Every time yuh duh dat!

The SPEAKER: Mr. McKenzie, Mr. McKenzie, when you were speaking you were not disturbed.

Mr. ARSCOTT: Likewise, Mr. Speaker, the three strategic laws - I'll speak about those in a moment - this Bill, Mr. Speaker, after we finish today - remember it was laid three

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months ago - after today it's going to have to be laid for a further three months. In the meantime we continue to work on the three strategic laws as well as the Building Bill. So there's no point to delay this one, while we wait until the others are ready, so we are moving forward.

Mr. Speaker, the tabling of this Bill represents the keeping of a commitment made to the people of Jamaica by this Administration, albeit two years after we promised that it would be ready. But that's the nature; we had to take second place to those legislations required by the IMF.

Mr. McKENZIE: Foolishness! If election was next year it would come before.

Mr. ARSCOTT: Well those are the facts.

A MEMBER: Election tomorrow night or tonight.

Mr. ARSCOTT: Mr. Speaker, it supports the earlier recommendation, including those of the Constitutional Commission of Jamaica and a bipartisan approach through the Joint Select Committee of Parliament on Constitutional Electoral Reform was done.

So Mr. Speaker, I don't know if the Member did not consult with his colleagues that this was a bipartisan piece of legislation. It also represents the position taken by the National Advisory Council on Local Government Reform at the Joint Select Committee on Local Government Reform.

Mrs. NEITA-HEADLEY: We're a consultative Government.

Mr. ARSCOTT: In fact, Mr. Speaker, when we come to it and look at the Memorandum of Objects and Reasons,

recommendation made in August 1993, Report of the Constitutional Committee of Jamaica, and May 1995 final Report of the Joint Select Committee of the Houses of Parliament on Constitutional and Electoral Reform, emphasized the need for certain public offices and institutions to be included in the Constitution of Jamaica.

Consequently, a decision has been made to amend the Constitution of Jamaica in order to insert provisions relating to the system of local government.

Mr. Speaker, for the past 22 years, quite a number of Ministers have worked on legislation for Local Government Reform, and our Prime Minister was one of the important persons, but just a few, to remind Members of this House, a long list of Members have worked on Local Government Reform and we cannot put it off; we have to conclude it at some point: Desmond Leakey, John Junor, Arnold Bertram, Dean Peart. There are two Ministers of State from your side: Shahine Robinson and Robert Montague.

So quite a number of persons have worked on it and I think the time is now for bringing these long pieces of interventions to a final conclusion.

Mr. Speaker, the advent of entrenching Local Government in the Constitution means that we are providing stakeholders of Local Government an assurance of the role that we envisage Local Government to play in national development.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. ARSCOTT: It also allows us to insist that citizens receive the highest forms of

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expression of Local Government, in terms of effectiveness, transparency, and accountability. Mr. Speaker, we will continue to work towards this goal.

A MEMBER: Hear, hear!

Mr. ARSCOTT: The amendment of Chapter 5 of the Constitution has reinforced our commitment to, among other things:

- 1) a democratic system of Local Government in Jamaica;
- 2) providing local authorities with the ability to provide local services for the benefit of its citizens in their communities;
- 3) the ability to carry out these functions conferred upon them by law.

It is in fact in respect of the latter, that I wish to reinforce the fact that this Government has taken the necessary steps to overhaul the Legislative Framework to a degree never done before in Jamaica.

At the upcoming tabling of the three strategic Laws - these are the Governance, Human Resource Management, and Financing and Financial Management in this House, will demonstrate the extent to which we have begun to modernize the legal framework for local government in Jamaica.

Mr. Speaker, the Member spoke about the need for a Municipal Court, and we recognize the importance of a Municipal Court. Some Councils have been innovative, in terms of having an arrangement with the Court, to sit on a day to facilitate the Municipal Court.

We are exploring the possibility of further refining an approach to the Municipal Court because we realize many, many minor

offences are tied up in the Courts therefore, there is some merit and we are discussing it. There is the question of financial constraints, but in discussion with the Minister and the Attorney General we are working on a solution to dealing with the question of a Municipal Court.

Mr. Speaker, we believe that the tabling of this Bill, and the allied work being done in Legal Reform, has laid the groundwork for constitutional protection of Local Government:

- clear responsibilities assigned to local authorities;
- empowerment of citizens and local authorities to collaborate on local economic development opportunities;
- improved efficiencies in development planning and building functions;
- revenue enhancement, and mobilization of local revenues through institutional strengthening initiatives;

Mr. Speaker, I close this Debate with full confidence that this Honourable House will approve the passage of this Bill with full recognition of its landmark steps that it has taken to modernize our local government system. (Applause)

Mrs. NEITA-HEADLEY: Finally, finally.

A MEMBER: Hear! Hear!

Mr. ARSCOTT: I therefore, Mr. Speaker, close the Debate on the Bill, and ask that the Bill be read a second time.

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

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Put to the House and agreed to.

Bill entitled:

“AN ACT to Amend the Constitution of Jamaica to make provisions for the inclusion of a democratic system of local government for Jamaica in the Constitution, and for connected matters”;

read a second time.

The SPEAKER: We have a Constitutional arrangement which requires three months before we go to the next stage. So, the Debate is now suspended.

Mr. PAULWELL: Mr. Speaker, the Debate is now suspended. The Bill will now have to remain on the Table for three months, after which we will do the vote of the Parliament.

Mr. Speaker, I move for the suspension of Standing Orders to enable me to take Notices of Motions Given Orally.

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

Put to the House and agreed to.

The SPEAKER: Minister.

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

Be it Resolved with reference to the undermentioned Committees, which are appointed in the current Session of Parliament, but have not completed their deliberations, that further consideration of the Bills, motions and reports before them, be suspended, and that in the new session of Parliament, the House be empowered to

enable these Committees to proceed with the issues referred to them from the stages reached before prorogation.

1) Sessional Committees:

- 1) Economy and Production Committee
- 2) Human Resource and Social Development Committee
- 3) Infrastructure and Physical Development Committee,
- 4) Internal and External Affairs Committee;
- 5) Public Accounts Committee;
- 6) Public Administration and Appropriation Committee;
- 7) Regulations Committee;
- 8) Standing Orders Committee.

2) Joint Select Committees set up to consider and report on:

- a) the operations of the Independent Commission of Investigations Act, relative to a review of the Legislation;
- b) Private Members' Motion Number 11 of 2012, as amended, brought by the Member of Parliament for St. James North Western, regarding the need for a comprehensive review of climate change projections, and approved by the House of Representatives on the 10th day of September 2013;
- c) the Integrity Commission Act, 2014;
- d) the operations of the Sexual Offences Act relative to the

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- review of the Legislation in accordance with the provisions of the Act, and incorporating the review of existing Legislation being the Offences Against the Person Act, the Domestic Violence Act, and the Child Care and Protection Act in relation to issues raised in Private Members Motion Number 3 of 2013, brought by Senator Kamina Johnson-Smith;
- e) the Road Traffic Act, 2014, and,
 - f) the Public Procurement Act, 2014
- 3) Special Select Committees set up to consider and report on:
- a) Private Bills, namely:
 - i. AN ACT to Amend the Pentecostal Assemblies of the World of Jamaica (Incorporating and Vesting Law); and,
 - ii. AN ACT for the Incorporation of the International Missionary Society Seventh Day Adventist Church Reform Movement Jamaican Field and the vesting of property in the body so incorporated.
 - b) proposed estimates for constituency projects submitted to the Constituency Development Fund by respective Members of Parliament and to commend for approval;

- c) the number of constituencies into which Jamaica is to be divided and the boundaries of such constituencies;
- d) the Reports of the Commissions of Parliament and the following entities:
 - i. the Corruption Prevention Commission,
 - ii. the Integrity Commission and,
 - iii. the Director of Public Prosecutions, within one month of them being referred to the Committee.

And be it Further Resolved that the compositions of the above and under-mentioned committees, appointed in the current Session of Parliament remain unchanged, except when necessary, by further Motions taken and approved by this Honourable House.

1. House Committee,
2. Standing Orders Committee,
3. Ethics Committee,
4. Regulations Committee,
5. Privileges Committee,
6. Committee on tax measures,
7. Constituency Development Fund Committee,
8. Joint Select Committees,
9. Special Select Committees.

Be it Resolved with reference to the under-mentioned Bills, Motions, and Reports which are included in the Order of Business in this Session of Parliament,

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but for which deliberations have not been completed, that in the new Session of Parliament the House be empowered to proceed with them from the stages reached before prorogation.

(1) A Bill entitled:

AN ACT to Make provisions for the implementation of the agreement establishing the Caribbean Court of Justice, and for connected matters;

(2) A Bill entitled:

AN ACT to Amend the Constitution of Jamaica to provide for the replacement of appeals to Her Majesty in Council with new provisions for appeals to the Caribbean Court of Justice, and Jamaica's final appellate Court, and for connected matters.

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

(3) A Bill entitled:

AN ACT to Amend the Judicature (Appellate Jurisdiction) Act,

(4) The Industrial and Provident Societies (Amendment) (Regulations) 2015, Resolution under the Industrial and Provident Society;

(5) The Bauxite (Production Levy) Act, Capital Development Fund (Withdrawal) (No. 1) Order, 2015

(6) A Bill entitled:

AN ACT to Amend the Constitution of Jamaica to make provisions for the inclusion of a democratic system of local government for Jamaica and the

Constitution, and for connected matters.

(7) A Bill entitled:

AN ACT to Repeal the Electric Lighting Act, Electricity (Frequency Conversion Act) and the Electricity Development Act; to consolidate and to modernize the laws relating to generation, transmission, distribution, dispatch and supply of electricity, and for connected matters.

(8) AN ACT to Amend the Insurance Act.

(9) AN ACT to Provide for the establishment of a division of Government to be known as the Revenue Appeals Division for the hearing of appeals involving taxpayers and revenue departments, and for connected matters;

(10) AN ACT to Amend the Dangerous Drugs Act so as to provide for, among other things, the modification of penalties for the possession of ganja in specified small quantities, and the smoking of ganja in specified circumstances, and for a scheme of licences, permits, and other authorizations for medical, therapeutic, or scientific purposes.

(11) Report of the Committee appointed to examine and recommend for approval, proposed estimates for constituency projects submitted to the Constituency Development Fund by respective Members of Parliament for the year 2012/2013.

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- (12) Report of the deliberations of the Public Administration and Appropriations Committee of the House of Representatives for the period July to December 2013.

- (13) Private Members' Motion Nos: 1, 2, 3, 4, 7, 13, 14, 15, 16, 21, 30, 31, 32, 34, 35 and 36.

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

Mr. McKENZIE: Mr. Speaker may I - I have tabled some - may I have permission from - I have tabled some questions, more than twenty-one (21) days ago. No, no, but Mr. Speaker, it is not fair that...

The SPEAKER: Let me make you feel at ease.

After the expiration of twenty-one (21) days then the question is no longer due. It has fallen off the Order Paper so you just bring it back at the first sitting. No problem.

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

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

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, it is customary that we carry forward these items to the next Parliamentary year and I so put and move.

Motion put to the House and agreed to.

Mr. PAULWELL: Mr. Speaker, the time has come for me to bring the parliamentary year to a fitting end by presenting to this Honourable House as is now customary, a summary of our achievements for the period April 2014 to February 2015.

This legislative year, though somewhat abbreviated has been fruitful in many respects. Thanks to the hard work of Parliamentarians on both sides of the aisle.

As of last week sitting, twenty-two (22) ministerial statements were made and 27 questions answered. Twenty-six (26) Bills have been passed in the Lower House along with four (4) that have been debated but await a final vote as they are Constitutional Amendment.

And Mr. Speaker, we have dealt with 31 Orders and Resolutions. This House has also approved 9 Committee Reports and 5 Private Members' Motions. These figures will no doubt be augmented by the record of today's sitting.

Mr. Speaker, the Ministerial Statements made in this Honourable House addressed a variety of issues, many of them having to do with developments in the education sector, health matters such as that which arose when the nation was beset by the Chikungunya virus and topics relating to national security. In fact, Mr. Speaker, indeed, one of the most heartening statements was made by the Minister of National Security in January of this year when he advised of a 16 per cent decrease in serious and violent crimes in 2014. The Minister named as contributing factors, restructuring of the Constabulary Force, a

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renewed emphasis on crime prevention through the Unite for Change Initiative and swift operational responses, and Mr. Speaker, let us not forget also divine intervention solicited by the Minister himself, which may have also served to enhance the success of efforts made on the ground.

Mr. Speaker, in relation to Questions and Answers, these were not without controversy and many of the questions were answered and follow-up questions and responses adequately given.

In relation to fiscal responsibility, the maintenance Mr. Speaker of fiscal discipline is crucial to the growth of our nation's economy at this time. As such, this Honourable House continues to play an important role in this area, not only through the work of key parliamentary committees with responsibility for financial oversight, but also through the passage of numerous Bills, Resolutions and Orders that seek to facilitate revenue intake and encourage enterprise and investment. Among these are the Betting, Gaming and Lotteries Act, 2014, the Banking Services Act, 2014, the Tax Penalties (Harmonization) Act, 2014, the General Consumption Tax (Amendment) Act, 2014 and several Orders under the Financial Investigations Division Act, the Financial Administration and Audit (Amendment) Act 2015 and the Public Bodies Management and Accountability (Amendment) Act, 2015.

We have also sought Mr. Speaker to contribute to energy efficiency by approving resolutions made under the Customs Tariff Act to remove the 5 per cent duty payable on

the LED bulbs and parts for solar water heaters.

Mr. Speaker, among the Reports from Committees that were tabled in the House is one that is important to us, namely: the Report of the Standing Orders Committee on the review of the Standing Orders, the Sectoral Debate and other matters. Everyone here will appreciate the need for innovation and modernization in the manner in which business is conducted in this Chamber. Once implemented the proposed amendments to the Standing Orders will help increase the effectiveness of our work by further streamlining our debates and enabling the wider application of available information and communication technology solutions to enhance efficiency in the conduct of business.

Mr. Speaker, not only have we in this Honourable House sought to improve the systems and processes utilized in attending to national affairs, but we have also passed the legislation that seek to improve the lives of our people. For example, Mr. Speaker, the Criminal Record Rehabilitation of Offenders Bill will help to change the socio-economic circumstances of persons who have committed minor offences as they will no longer be burdened with a criminal record. (Applause)

Other citizens, and in particular, our young professionals will benefit from the implementation of the Mortgage Insurance (Amendment) Act, 2014 which will make mortgages more affordable.

(Applause)

The Employment (Flexible Work Arrangements) Act, 2014, aims to increase

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productivity and improve the work life balance enjoyed by our citizens and within their quality of life.

And finally, Mr. Speaker, we have to note the Disabilities Act of 2014 which will help to protect persons with disabilities from discrimination and ensure that they are not placed at a disadvantage in various areas of human endeavour that was truly historic. (Applause)

Mr. Speaker, as the seat of Parliamentary democracy in the island of Jamaica, this Honourable House will make all reasonable efforts to safeguard the system from misuse and to promote its continuity. To this end we passed the Representation of the People (Amendment) Act of 2014 in order to implement recommendation from the Electoral Advisory Commission in respect of the registration, regulations and funding of political parties.

We also referred to Cabinet, Private Member's Motion from the Member from St. Catherine Southern, which prioritized voter intent over errors in form. One of these seeks to ensure that ballots are not discarded on account of the presiding officer's failure to remove the counterfoil at the appropriate time. While the other aims to prevent the rejection of ballots on which an electors choice is clearly indicated by means of a mark other than a cross. We await the decision of the Cabinet on these matters.

Finally, Mr. Speaker, I am sure that there is no need to remind Members of the momentous move made by us in response to a motion by the Member from Clarendon, when

last month we made the political decision by a vote that the Government of Jamaica is entitled on behalf of former slaves and via the basic tenets of labour laws and human rights to receive payments from Great Britain equivalent to the sum paid to the British slave owners as compensation for slave labour. (Applause)

In passing this Resolution, we have set the stage for writing the wrongs of history in some small way.

As I close, Mr. Speaker, let me say thanks to you, to your Deputy for the skillful and balanced approach to the management of the affairs of this Honourable House.

I will also like, on behalf all of us, to express our gratitude to the Clerk of the Parliament, and indeed, the entire Parliamentary staff those inside here with us, week in week out and, of course, those who perform other functions within the precincts. We want to express our profound thanks to them, and to wish them well as we take a well-deserved one week break.

Mr. Speaker, I wish to thank all of you my colleagues and in particular the Opposition counterpart for the commitment to the work of the Parliament, and for the spirit of cooperation which has persisted despite our occasional disagreements.

Indeed, this has been a very productive year and I look forward to even greater levels of cooperation and achievement in the 2015/2016 Parliamentary year.

Thank you very much, Mr. Speaker.

(Applause)

The SPEAKER: Mr. Smith.

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Mr. Derrick SMITH: Mr. Speaker, I sat and listened to the House Leader presenting what seems to be a wrap-up for the closure of this Parliamentary year. A very brave man, because when you look at the Order Paper, Mr. Speaker, we will notice that under Private Members' Motion there are approximately 20 such motions not touched, and in fact, seven (7) out of those approximately twenty (20) went back to the year 2013, that is the reason why I said this is a brave gentleman coming here to speak to achievements during the current year.

(Applause)

Mr. Speaker, the House Leader mentioned, he selected a particular issue to highlight - he highlighted of course, the presentation from the Minister of National Security in relation to the 16 per cent decline during 2014 in major crimes that was indeed commendable. But what he failed to highlight was the fact that up to yesterday we have had 124 murders against 25 last year, which is a 30 per cent increase on an average of 3 murders per day. So, Minister, perhaps you really should have balanced it for the House, for the knowledge of the House because they might be under the impression that everything is hunky-dory as it was at the end of last year, but the situation has changed. So just to highlight that Minister and to inform those who might be carried away with what they have heard last year.

Nonetheless, Mr. Speaker, we are very happy for the one week break and I am sure the members of staff of the House, at all levels are happy for the one week break in particular the secretaries to the committees because within the last few months we have been really going at a rapid rate.

So the Opposition joins the House Leader in commending and saying thanks to all levels of staff of the House who have been assisting dint of hard labour although, have not had any rewarding salary increase for many, many years.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: You have made the balance that you spoke about.

ADJOURNMENT

Mr. PAULWELL: Mr. Speaker, it is not intended for us to do any further business. So I move for the adjournment of the Parliament *sine die*.

The SPEAKER: The question is that the House do adjourn *sine die*.

Motion put to the House and agreed to.

The SPEAKER: The House stands adjourned.

The Honourable House of Representatives accordingly adjourned its sitting at 4:23 p.m. *sine die*.